

**WSR 10-04-087**  
**PROPOSED RULES**  
**OLYMPIC REGION**  
**CLEAN AIR AGENCY**

[Filed February 2, 2010, 11:53 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Olympic Region Clean Air Agency regulations, amendments to Rule 1.4 Definitions, creation of Rule 1.10 Service of Notice, deletion of Rule 2.2 Service of Notice, amendment to Rule 6.1.2 Application Processing, deletion of Rule 7.7 Emission and Operation of Waste Wood Burners, and amendments to Rule 8.1 Residential Wood Heating.

Hearing Location(s): Olympic Region Clean Air Agency, 2940 B Limited Lane N.W., Olympia, WA 98502, on April 14, 2010, at 10:00 a.m.

Date of Intended Adoption: April 14, 2010.

Submit Written Comments to: Robert Moody, 2940 B Limited Lane N.W., Olympia, WA 98502, e-mail robert.moody@orca.org, fax (360) 539-7610, by April 2, 2010.

Assistance for Persons with Disabilities: Contact Dan Nelson by April 2, 2010, (360) 539-7610.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: There are three areas of changes proposed: Changes to align regulations with changes to the RCW; changes deemed important for enforcement of existing rules; and removal of unused definitions and rules. A discussion of the changes by each rule follows: Rule 1.4 The definition of "owner" is expanded to include all of the potential parties. Definitions that are not used throughout ORCAA regulations will be deleted. Rule 2.2 is being moved to Rule 1.10. The reference to Rule 2.2 in Rule 6.1.2 is being removed. Rule 7.7 is less stringent than current state rule (WAC 173-400-070) and is deemed no longer necessary. Rule 8.1 required several changes to be consistent with current state law (chapter 70.94 RCW).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: Olympic Region Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Moody, 2940 B Limited Lane N.W., (360) 539-7610

No small business economic impact statement has been prepared under chapter 19.85 RCW.. This agency is not subject to the Regulatory Fairness Act (chapter 19.85 RCW) because air pollution control authorities are not deemed state agencies (RCW 70.94.141)

A cost-benefit analysis is not required under RCW 34.05.328.. Air pollution control authorities are not deemed to be state agencies (RCW 70.94.141).

February 2, 2010  
 Francea L. McNair  
 Executive Director

**AMENDED SECTION**

**RULE 1.4 DEFINITIONS**

When used in regulations of the Olympic Region Clean Air Agency, the following definitions shall apply, unless defined otherwise in individual Regulations:

**"Actual Emissions"** means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with a through c of this rule.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emission unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Agency shall allow the use of a different time period upon determination that it is more representative of normal source rates, and types of materials processed, stored, or combusted during the selected time operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production period.

(b) The Agency may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For an emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

**"Agency"** shall mean the same as "Authority."

**"Agricultural Operation"** means the growing of crops, the raising of fowl or animals as gainful occupation.

**"Air Contaminant"** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

**"Air Pollution"** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, property, or which unreasonably interferes with enjoyment of life and property. For the purpose of these Regulations, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

**"Air Pollution Episode"** means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in chapter 173-435 WAC.

**"Allowable Emissions"** means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR part 60, 61, or 63;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or;

(c) The emissions rate specified as a federally enforceable permit condition, including those with future compliance date.

**"Alteration"** means the act of altering, which means to change or make different and includes any addition to or

enlargement or replacement; or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility; or any change in fuels, method of operation or hours of operation not previously approved by the Agency through a Notice of Construction Approval, which would increase or adversely affect the kind or amount of air contaminant emitted by a stationary source.

**"Ambient Air"** means the surrounding outside air.

**"Ambient Air Quality Standard"** means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air, which shall not be exceeded.

**"Ancillary"** for the purpose of defining "stationary source" or "source," means "related."

**"Approval Order"** is defined in "order of approval."

**"Attainment Area"** means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

**"Authority"** means the Olympic Region Clean Air Agency. "Agency" shall mean the same as "Authority."

**"Authorized Permitting Agent"** means either the county, county fire marshal, fire districts, or county conservation district, provided an agreement has been signed with the local air pollution control agency or Department of Ecology.

**"Begin Actual Construction"** means, in general, initiation of physical on-site construction activities on an emission unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities with mark the initiation of the change.

**"Best Available Control Technology (BACT)"** means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source which the permitting agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available control technology result in emissions of any pollutants which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 62. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

**"Board"** means the Board of Directors of the Olympic Region Clean Air Agency.

**"Bubble"** means a set of emission limits which allows an increase in emissions from a given emissions unit in

exchange for a decrease in emissions from another emissions unit, pursuant to RCW 70.94.155 and Rule 6.1.12 of Regulation 6.

~~("Capacity Factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.~~

~~"Class I Area" means any area designated under section 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington State:~~

- ~~(a) Alpine Lakes Wilderness;~~
- ~~(b) Glacier Peak Wilderness;~~
- ~~(c) Goat Rocks Wilderness;~~
- ~~(d) Mount Adams Wilderness;~~
- ~~(e) Mount Rainier National Park;~~
- ~~(f) North Cascades National Park;~~
- ~~(g) Olympic National Park;~~
- ~~(h) Pasayten Wilderness; and;~~
- ~~(i) Spokane Indian Reservation.~~

~~"Combustible Refuse" means any burnable waste material containing carbon in a free or combined state other than liquid or gases.~~

~~"Combustion and Incineration Units" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open burning.)~~

**"Commenced"** as applied to "Construction" means that the owner or operator has all the necessary pre-construction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

For the purpose of this definition, "necessary pre-construction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the SIP.

**"Concealment"** means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

**"Control Apparatus"** means any device that prevents or controls the emission of any air contaminant.

**"Control Officer"** means the Air Pollution Control Officer of the Olympic Region Clean Air Agency. "Executive Director" means the same as "Control Officer."

**"Construction"** means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

**"Criteria Pollutant"** means a pollutant for which there is established a National Ambient Air Quality Standard at 40 CRF Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).

**"Daylight Hours"** means the hours between official sunrise and official sunset.

~~("Director of Ecology" means director of the Washington State Department of Ecology or duly authorized representative.)~~

~~"Dispersion Technique" means a method that attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.)~~

**"Ecology"** means the Washington State Department of Ecology.

**"Emission"** means a release of air contaminants into the ambient air.

**"Emission Point"** means the location (place in horizontal plant and vertical elevation) at which an emission enters the atmosphere.

**"Emission reduction credit (ERC)"** means a credit granted pursuant to chapter 173-400 WAC. This is a voluntary reduction in emissions.

**"Emission Standard"** and "Emission Limitation" means requirements established under the Federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a stationary source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act, chapter 70.94 RCW.

**"Emission Unit"** means any part of a stationary source or source which emits or would have a potential to emit any pollutant subject to regulation under the Federal Clean Air Act, chapter 70.94 or 70.98 RCW.

**"EPA"** means the United States Environmental Protection Agency (USEPA).

**"Equipment"** means any stationary or portable device, or any part thereof, capable of causing the emission of any air contaminant into the atmosphere.

**"Excess Emission"** means emissions of an air pollutant in excess of an applicable emission standard.

**"Establishment"** means the act of establishing, which means creating, setting up, or putting into practice any equipment, material, fuel, or operational change.

~~("Excess Stack Height" means that portion of a stack that exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).)~~

**"Facility"** means all emission units in the same industrial grouping located on contiguous or adjacent properties and under common ownership and control.

~~("Federal Class I Area" means any federal land that is classified or reclassified Class I. The following areas are federal Class I areas in Washington State:~~

- ~~(a) Alpine Lakes Wilderness;~~
- ~~(b) Glacier Peak Wilderness;~~
- ~~(c) Goat Rocks Wilderness;~~
- ~~(d) Mount Adams Wilderness;~~
- ~~(e) Mount Rainier National Park;~~
- ~~(f) North Cascades National Park;~~
- ~~(g) Olympic National Park; and,~~
- ~~(h) Pasayten Wilderness.)~~

**"Federal Clean Air Act (FCAA)"** means the Federal Clean Air Act, as known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

**"Federally Enforceable"** means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61, and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to Rule 6.1.12 or WAC 173-400-091.

**"Fee Eligible Generating Equipment"** means, for the purposes of calculating Rule 3.1 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in a through g below:

(a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Rule 8.12.

(b) Storage tanks and other equipment located at dry cleaning facilities.

(c) Combustion units with less than 10 million BTUs per hour heat input.

(d) Process equipment with less than 5,000 ACFM flow rate.

(e) Paint spray booths and related paint spraying equipment.

(f) Mobile sources.

(g) Any other equipment or process determined appropriate for this exemption by the Agency.

**"Fee Eligible Stack"** means, for the purposes of calculating fees pursuant to Rule 3.1, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

(a) Emission points associated with gasoline or fuel dispensing stations.

(b) Emission points associated with dry cleaning facilities.

(c) Pipes or ducts equal to or less than six (6) inches in diameter.

(d) Any other emission point determined appropriate for this exemption by the Agency.

~~("Fossil Fuel fired Steam Generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.)~~

**"Fuel Burning Equipment"** means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

**"Fugitive Dust"** means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

**"Fugitive Emission"** means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

**"Garbage"** means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

~~("General Process Unit" means an emissions unit using a procedure or combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.)~~

**"Generating Equipment"** means any equipment, device, process or system that creates any air contaminant(s) or toxic air pollutant(s).

**"Good Engineering Practice (GEP)"** refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

**"Hogged-fuel"** means wood slabs, edging, trimmings, etc., which have been put through a "hog" to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

~~("Identical Units" means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantities of discharge are substantially the same.~~

**"Impaired Air Quality"** means a condition declared by the department or a local air agency in accordance with the following criteria:

~~(a) Meteorological conditions are conducive to accumulation of air contamination concurrent with:~~

~~(1) Particulate that is ten-micron and smaller in diameter (PM<sub>10</sub>) at or above an ambient level of sixty (60) micrograms per cubic meter measured on a twenty-four (24) hour average; or~~

~~(2) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average.~~

~~(b) Air Quality that threatens to exceed other limits established by the department or a local air agency.)~~

**"Incinerator"** means a furnace used primarily for the thermal destruction of waste.

**"In Operation"** means engaged in activity related to the primary design function of the source.

**"Installation"** means the act of installing, which means placing, assembling or constructing equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

**"Light Detection and Ranging (LIDAR)"** means the EPA alternate method 1 determination of the opacity of emissions from stationary sources remotely by LIDAR.

**"Lowest Achievable Emission Rate (LAER)"** means for any stationary source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator

of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation that is achieved in practice by such class or category of stationary source.

In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

**"Major Modification"** is defined depending on the attainment status of the area in which the project is located, or planned to be located, as follows:

(a) Nonattainment Areas. "Major Modification" as it applies in nonattainment areas means any physical change or change in method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

(1) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(2) A physical change or change in method of operation shall not include:

(i) Routine maintenance, repair and replacement;

(ii) Use of an alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(iii) Use of an alternative fuel by reason of an order or rule under section 125 of the Federal Clean Air Act;

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which: The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit or approval order condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or the stationary source is approved to use under any major new source review permit or approval order issued under Rule 6.1.4(b) or WAC 173-400-112;

(vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit or approval order condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

(vii) Any change in ownership at a stationary source.

(viii) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165 (a)(1)(xxv), in effect on July 1, 2001) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(A) When the permitting agency has reason to believe that the pollution control project would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that station-

ary source in the most recent air quality impact analysis in the area conducted for the purpose title I of the Federal Clean Air Act, if any; and

**(B)** The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

**(ix)** The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

**(A)** The SIP; and

**(B)** Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

**(b)** Attainment or unclassified areas. "Major Modification" as it applies in attainment or unclassified areas means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.

**(1)** Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

**(2)** A physical change or change in the method of operation shall not include:

**(i)** Routine maintenance, repair and replacement;

**(ii)** Use of alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

**(iii)** Use of an alternative fuel by reason of an order or rule section 125 of the Federal Clean Air Act;

**(iv)** Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

**(v)** Use of an alternative fuel or raw material by a stationary source which:

**(A)** The stationary source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or

**(B)** The stationary source is approved to use under any PSD permit;

**(vi)** An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition or an approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

**(vii)** Any change in ownership at a stationary source.

**(viii)** The addition, replacement, or use of pollution control project at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

**(A)** When the permitting agency has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2001) would result in a significant

net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary source in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Federal Clean Air Act, if any; and

**(B)** The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

**(ix)** The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

**"Major Stationary Source"** is defined depending on the attainment status of the area in which the stationary source is located, or planned to be located as follows:

**(a)** Nonattainment areas. "Major Stationary Source" as it applies in nonattainment areas means:

**(1)** Any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act, except that lower emissions thresholds shall apply as follows:

**(i)** 70 tons per year of PM<sub>10</sub> in any "serious" nonattainment area for PM<sub>10</sub>.

**(ii)** 50 tons per year of carbon monoxide in any "serious" nonattainment area for carbon monoxide where stationary sources contribute significantly to carbon monoxide levels in the area.

**(2)** Any physical change that would occur at a stationary source not qualifying under (b)(1) of this rule as a major stationary source, if the change would constitute a major stationary source by itself.

**(3)** A major stationary source that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.

**(4)** The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the stationary source is a major stationary source due to (b)(1)(i) or (b)(1)(ii) of this rule:

**(i)** Coal cleaning plants (with thermal dryers);

**(ii)** Kraft pulp mills;

**(iii)** Portland cement plants;

**(iv)** Primary zinc smelters;

**(v)** Iron and steel mills;

**(vi)** Primary aluminum ore reduction plants;

**(vii)** Primary copper smelters;

**(viii)** Municipal incinerators capable of charging more than 50 tons of refuse per day;

**(ix)** Hydrofluoric, sulfuric, or nitric acid plants;

**(x)** Petroleum refineries;

**(xi)** Lime plants;

**(xii)** Phosphate rock processing plants;

**(xiii)** Coke oven batteries;

**(xiv)** Sulfur recovery plants;

**(xv)** Carbon black plants (furnace process);

(xvi) Primary lead smelters;  
 (xvii) Fuel conversion plants;  
 (xviii) Sintering plants;  
 (xix) Secondary metal production plants;  
 (xx) Chemical process plants;  
 (xxi) Fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input; and

(xxvii) Any other stationary source category, which, as of August 7, 1980, is being regulated under section 111 of 113 of the Federal Clean Air Act.

(5) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, FACILITY, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or person under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, as amended.

(b) Attainment or unclassified areas. "Major Stationary Source" as it applies in attainment or unclassified areas means:

(1) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act:

(i) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input;

(ii) Coal cleaning plants (with thermal dryers);

(iii) Kraft pulp mills;

(iv) Portland cement plants;

(v) Primary zinc smelters;

(vi) Iron and steel mill plants;

(vii) Primary aluminum ore reduction plants;

(viii) Primary copper smelters;

(ix) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(x) Hydrofluoric, sulfuric, and nitric acid plants;

(xi) Petroleum refineries;

(xii) Lime plants;

(xiii) Phosphate rock processing plants;

(xiv) Coke oven batteries;

(xv) Sulfur recovery plants;

(xvi) Carbon black plants (furnace process);

(xvii) Primary lead smelters;

(xviii) Fuel conversion plants;

(xix) Sintering Plants;

(xx) Secondary metal production plants;

(xxi) Chemical process plants;

(xxii) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;

(xxiii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiv) Taconite ore processing plants;

(xxv) Glass fiber processing plants; and

(xxvi) Charcoal production plants.

(2) Regardless of the stationary source size specified in (b)(1) of this rule, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Federal Clean Air Act; or

(3) Any physical change that would occur at a stationary source not otherwise qualifying under (b)(1) or (b)(2) of this rule, as a major stationary source if the change would constitute a major stationary source by itself.

(4) A major stationary source that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.

(5) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this rule whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills'

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input;

(xxvii) Any other stationary source category, which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(6) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended.

**"Masking"** means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

**"Materials Handling"** means the handling, transporting, loading, unloading, storage, and transfer of material with no significant chemical or physical alteration.

**"Modification"** means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such stationary source or that result in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

**"National Ambient Air Quality Standards (NAAQS)"** means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).

**"National Emission Standards for Hazardous Air Pollutants (NESHAP)"** means the federal rules in 40 CFR Part 61.

**"National Emission Standards for Hazardous Air Pollutants For Source Categories"** means the federal rules in 40 CFR Part 63.

**"Net Emissions Increase"** is defined depending on the attainment status of the area in which the new stationary source or modification is located, or planned to be located, as follows:

(a) Nonattainment areas. "Net Emissions Increase" as it applies in nonattainment areas means:

(1) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emissions at the stationary source that are contemporaneous with the particular change and are otherwise creditable.

(2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(3) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occur-

ring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) The permitting agency has not relied on it in issuing any permit or order of approval for the stationary source under this rule or a previous SIP approved nonattainment area new source review regulation, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(4) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(5) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance to the increase from the particular change; and

(iv) The permitting agency has not relied on it in issuing any permit or order of approval under this rule or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.

(6) An increase that results from a physical change at a stationary source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

(b) Attainment or unclassified areas. "Net Emissions Increase" as it applies in attainment or unclassified areas means:

(1) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emission at the stationary source that are contemporaneous with the particular change and are otherwise creditable.

(2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five years before the date that the increase from the particular change occurs.

(3) An increase or decrease in actual emissions is creditable only if ecology or EPA has not relied on it in issuing a PSD permit for the stationary source, which permit is in effect when the increase in actual emissions from the particular change occurs.

(4) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM<sub>10</sub> emissions can be used to evaluate the net emissions increase for PM<sub>10</sub>.

(5) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(6) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(7) An increase that results from a physical change at a stationary source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operationally only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

"**New Source**" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new stationary source under the Federal Clean Air Act.

"**New Source Performance Standards (NSPS)**" means the federal rules set forth in 40 CFR Part 60.

"**Nonattainment Area**" means a geographic area designated by EPA at 40 CFR Part 81 as exceeding a national ambient air quality standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

"**Nonroad Engine**" means:

(a) Except as discussed in (b) of this rule, a nonroad engine is any internal combustion engine:

(1) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(2) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(3) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(b) An internal combustion engine is not a nonroad engine if:

(1) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or

(2) The engine is regulated by a New Source Performance Standard promulgated under section 111 or 112 of the Federal Clean Air Act; or

(3) The engine otherwise included in (a)(3) of this rule remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is a single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that operates at a single location approximately three months (or more) each year. The paragraph does not apply to an engine after the engine is removed from the location.

"**Notice of Construction Application**" means a written application to permit construction, installation or establishment of a new stationary source, modification of an existing stationary source, or replacement or substantial alteration of control technology at an existing stationary source.

"**Nuisance**" means an emission that unreasonably interferes with the use and enjoyment of property.

"**Olympic Air Pollution Control Authority (OAPCA)**" is the former name of Olympic Region Clean Air Agency (ORCAA). Reference to "OAPCA" shall mean ORCAA.

"**Opacity**" means the degree to which an object seen through a plume is obscured, stated as a percentage.

"~~((Open)) Outdoor Burning~~" means the combustion of material in an open fire or in an open container, without providing for the control of combustion or the control of the emissions from the combustion. ~~((Wood waste disposal in wigwam burners is not considered open burning.))~~

"**Open Fire**" means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or kiln.

"**Order**" means any order issued by ecology or a local air agency pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.211, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

"**Order of Approval**" or "**Approval Order**" means a regulatory order issued by Ecology of the Agency to approve the Notice of Construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

"**Owner**" means ~~((and includes the))~~ person, ~~((who owns, leases, supervises or operates the))~~ agent, lessor, lessee, possessor, manager, supervisor, operator, or other responsible party of real property or other assets which includes equipment or control apparatus.

"**Ozone Depleting Substance**" means any substance listed in Appendices A and B to Subpart A of 40 CFR part 82.

"**Particulate Matter**" or "**Particulates**" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~((**Particulate Matter Emissions** means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method~~

specified in Title 40, chapter I of the Code of Federal Regulations or by the test method specified in the SIP.)

**"Parts Per Million (ppm)"** means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

**"Permit"** means a written warrant or license granted by the Board, Control Officer, or duly authorized Representative or Agent.

**"Permitting Agency"** means ecology or the local air pollution control agency with jurisdiction over the source.

**"Person"** means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

**"PM<sub>10</sub>"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

**"PM<sub>10</sub> Emissions"** means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the SIP.

**"Potential to Emit"** means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

**"Prevention of Significant Deterioration (PSD)"** means the program in WAC 173-400-141. Ecology is responsible for the PSD program for stationary sources in ORCAA's jurisdiction. Contact Ecology at (360) 407-6800 for more information.

**"Process"** means any equipment, device apparatus, chemical, natural element, procedure, effort, or any combination thereof which performs a service, function, use, or method, leading to an end of a particular performance, or manufacturing production.

~~("Projected Width" means the dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.)~~

**"Reasonably Available Control Technology (RACT)"** means the lowest emission limit that a particular stationary source or stationary source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or stationary source category taking into account the impact of the stationary source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the

impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any stationary source or stationary source category shall be adopted only after notice and opportunity for comment are afforded.

**"Recreational Fire"** means barbecues and campfires, using charcoal, natural gas, propane, or natural wood, which occur in designated areas, or on private property. Fires used for debris disposal purposes are not considered recreational fires.

**"Refuse"** means waste as defined in Rule 1.4 of this Regulation.

**"Regulation"** means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic Region Clean Air Agency.

**"Regulatory Order"** means an order issued by Ecology or an Agency to an air contaminant source that applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted there under, or, for sources regulated by a local air agency, the regulations of that agency.

**"Representative" or "Agent"** means any person authorized by the Control Officer of the Agency to represent him in an official and specific manner.

**"Residential"** means a two or single-family unit.

**"Secondary Emissions"** means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification that causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains located at the new modified stationary source; and,

(b) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

**"Significant"** is defined depending on the attainment status of the area:

(a) Nonattainment areas. "Significant" as it applies in nonattainment areas means, in reference to a net emissions increase or the stationary source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate	
Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Volatile organic compounds:	40 tpy
Lead:	0.6 tpy
PM-10:	15 tpy

(b) Attainment or unclassified areas. "Significant" as it applies in attainment or unclassified areas means:

(1) In reference to a net emissions increase or the stationary source's potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate	
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter (PM)	25 tpy of PM emissions 15 tpy of PM-10 emissions
Volatile organic compounds	40 tpy
Fluorides	3 tpy
Lead	0.6 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.2 grams per year (0.112 oz. per year or 49 grains per year)
Municipal waste combustor metals (measured as particulate matter)	14 megagrams per year (15 tpy)
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	36 megagrams per year (40 tpy)
Municipal solid waste landfill emissions (measured as non-methane organic compounds)	45 megagrams per year (50 tpy)
Ozone-depleting substances (in effect on July 1, 2000)	100 tpy

(2) In reference to a new emissions increase or the stationary source's potential to emit a pollutant subject to regulation under the Federal Clean Air Act that the definition in (b)(1) of this rule does not list, any emissions rate. However, for purposes of the applicability of this rule, the hazardous air pollutants listed under section 112(b) of the Federal Clean Air Act, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.

(3) Regardless of the definition in (b)(1) of this rule, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or great than 1 microgram per cubic meter (twenty four hour average).

**"Silvicultural Burning"** means burning on any land the Department of Natural Resources protects per RCW 70.94.-030(13), 70.94.660, 70.94.690, and pursuant to chapter 76.04 RCW.

**"Source"** means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or

more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same Major Group (i.e., which have the same two digit code) as describe in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement.

**"Source Category"** means all sources of the same type of classification.

**"Stack"** means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

**"Stack Height"** means the height of an emission point measured from the ground-level elevation at the base of the stack.

**"Standard Conditions"** means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

**"Standard Cubic Foot of Gas"** means that amount of the gas, which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

**"State Act"** means the Washington Clean Air Act, chapter 70.94 RCW, as amended.

**"State Implementation Plan (SIP)"** or the "Washington SIP" in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

**"Stationary Source"** means any building, structure, facility, or installation, which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216(11) of the Federal Clean Air Act.

~~("Sulfuric Acid Plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.)~~

**"Synthetic Minor"** means any stationary source that's potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

**"Temporary"** means a period of time not to exceed one (1) year.

**"Total Reduced Sulfur (TRS)"** means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

**"Total Suspended Particulate"** means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

**"Toxic Air Pollutant (TAP)"** or **"Toxic Air Contaminant"** means any Class A or Class B toxic air pollutant listed in WAC 173-460-150 and WAC 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or WAC 173-460-160. The term toxic air

pollutant does not include particulate matter and volatile organic compounds as generic classes or compounds.

**"True Vapor Pressure"** means the equilibrium partial pressure exerted by the stored organic compound at:

(a) The annual average temperature of the organic compound as stored; or

(b) At the local annual average temperature as reported by the National Weather Service if stored at ambient temperature.

**"Unclassifiable Area"** means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant that is listed by EPA at 40 CFR part 81.

**"United States Environmental Protection Agency (USEPA)"** shall be referred to as EPA.

**"Urban Growth Area"** means an area defined by RCW 36.70A.030.

**"Vent"** means any opening through which gaseous emissions are exhausted into the ambient air.

**"Volatile Organic Compound (VOC)"** means any carbon compound that participates in atmospheric photochemical reactions.

(a) Exceptions. The following compounds are not a VOC:

- Acetone;
- carbon monoxide;
- carbon dioxide;
- carbonic acid;
- metallic carbides or carbonates;
- ammonium carbonate;
- methane;
- ethane;
- methylene chloride (dichloromethane);
- 1,1,1-trichloroethane (methyl chloroform);
- 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113);
- trichlorofluoromethane (CFC-11);
- dichlorodifluoromethane (CFC-12);
- chlorodifluoromethane (HCFC-22);
- trifluoromethane (HFC-23);
- 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- chloropentafluoroethane (CFC-115);
- 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- 1,1,1,2-tetrafluoroethane (HCFC-134a);
- 1,1-dichloro 1-fluoroethane (HCFC-141b);
- 1-chloro 1,1-difluoroethane (HCFC-142b);
- 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124);
- pentafluoroethane (HFC-125);
- 1,1,2,2-tetrafluoroethane (HFC-134);
- 1,1,1-trifluoroethane (HFC-143a);
- 1,1-difluoroethane (HFC-152a);
- parachlorobenzotrifluoride (PCBTF);
- cyclic, branched, or linear completely methylated siloxanes;
- perchloroethylene (tetrachloroethylene);
- 3,3-dichloro 1,1,1,2,2-pentafluoropropane (HCFC-225 ca);
- 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225 cb);
- 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);

difluoromethane (HFC-32);

ethylfluoride (HFC-161);

1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

1,1,2,2,3-pentafluoropropane (HFC-254ca);

1,1,2,3,3-pentafluoropropane (HFC-245ea);

1,1,1,2,3-pentafluoropropane (HFC-245eb);

1,1,1,3,3-pentafluoropropane (HFC-245fa);

1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

1,1,1,3,3-pentafluorobutane (HFC-365mfc);

chlorofluoromethane (HCFC-31);

1-chloro-1-fluoroethane (HCFC-151a);

1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>);

2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OCH<sub>3</sub>);

1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>);

2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF<sub>3</sub>)<sub>2</sub>(CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); methyl acetate and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by ecology, the Agency, or EPA.

(c) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, ecology or the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly reactive compounds in the source's emissions.

~~("Waste wood Burner" means equipment or facility used solely for the combustion disposal of waste wood without heat recovery. Such burners shall include, but not be limited to, a wigwam burning, a silo type burning, or an air curtain burner.~~

~~"Wigwam or Teepee Burner" see Waste wood Burner.)~~

**Reviser's note:** The spelling errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

**RULE 1.10 SERVICE OF NOTICE**

(a) Service of any written notice required by ORCAA Regulations shall be made on the owner(s) as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner at the address listed on their application, order, registration certificate, or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or if the owner is not an individual, with a member of the partnership or other group concerned, or with an officer, registered agent or managing agent of the corporation.

(b) Service of any written notice required by ORCAA Regulations shall be made on the Agency, as follows:

(1) Either by mailing the notice in a prepaid envelope directly to the Agency at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Agency office with an employee of the Agency.

**Reviser's note:** The unnecessary underscoring 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.

## REPEALED SECTION

**(~~RULE 2.2 SERVICE OF NOTICE~~)**

~~(a) Service of any written notice required by this Regulation shall be made on the owner or operator of equipment, or their agent, as follows:~~

~~(1) Either by mailing the notice in a prepaid envelope directed to the owner or operator of the equipment, or their agent, at the address listed on their application or order, or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or~~

~~(2) By leaving the notice with the owner or operator of the equipment, or their agent, or if the owner or operator is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.~~

~~(b) Service of any written notice required by this Regulation shall be made on the Agency, as follows:~~

~~(1) Either by mailing the notice in a prepaid envelope direct to the Agency at its office by United States Certified Mail, return receipt requested; or))~~

~~(2) By leaving the notice at the Agency office with an employee of the Agency.))~~

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

## AMENDED SECTION

*Rule 6.1.2 Application Processing*

**(a) Application certification.** All NOC applications shall be signed by the applicant or owner, who may be required to submit evidence of their authority.

**(b) Completeness determination.** Within thirty (30) days after receiving a NOC application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Complete applications shall include:

**(1)** Any standard NOC form of the Agency that is applicable to the proposed stationary source or modification;

**(2)** An Environmental Checklist consistent with requirements in WAC 197-11-315 of the State Environmental Policy Act (SEPA), or any one of the following:

**(i)** A Determination of Non-significance (DNS) in accordance with WAC 197-11-340;

**(ii)** A Mitigated Determination of Non-significance (MDNS) in accordance with WAC 197-11-350; or,

**(iii)** Written statement by the applicant claiming that the proposed stationary source or modification is categorically exempt from SEPA.

**(3)** When applicable, all information required for review under WAC 173-400-117 and WAC 173-400-141;

**(4)** NOC processing fees in accordance with Rule 3.3(b) and (c); and,

**(5)** Any additional information requested by the Agency that is necessary to make the determinations required under Rule 6.1.4.

**(c) Timeframe for Public Involvement:**

**(1)** For NOC applications subject to a mandatory public comment period pursuant to Rule 6.1.3(b), the Agency shall issue a Preliminary Determination within 60 days from receipt of a complete application followed by a public comment period in accordance with Rule 6.1.3(c).

**(2)** For all other NOC applications, the Agency will post a public comment period in accordance with Rule 6.1.3(a) within 30 days from receipt of an application.

**(d) Final determination schedule.** Final Determination on an application subject to a mandatory public comment period in accordance with Rule 6.1.3(b) shall be made as promptly as possible after close of the public comment period. Final Determination on all other applications shall be made within sixty (60) days of receipt of a complete NOC application.

**(e) Approval.** A final determination to approve a NOC application and an "Order of Approval," setting forth the conditions of approval, shall be issued, and served ~~((in accordance with Rule 2.2))~~ as provided for in these Regulations, provided the following conditions are met:

**(1)** A complete application in accordance with Rule 6.1.2(b) was received by the Agency;

**(2)** The application verifies to the Agency that the applicable new source review requirements in Rule 6.1.4 have been met;

**(3)** Application processing fees in accordance with Rule 3.3 have been paid;

**(4)** The application includes an environmental checklist and other documents that verify compliance with the State Environmental Policy Act;

**(5)** Applicable public involvement requirements in Rule 6.1.3 have been met; and,

**(6)** The NOC has been signed by the Executive Director of the Agency or an authorized representative.

(f) Denial. If the Agency determines that a proposed project subject to approval of a NOC application does not meet the applicable approval requirements in Rule 6.1.4, then a final determination to deny approval and an Order to Deny Construction shall be issued and served ~~((in accordance with Rule 2.2))~~ as provided for in these Regulations. Any Order to Deny Construction shall:

(1) Be in writing;  
 (2) Set forth the objections in detail with reference to the specific law or rule or rules of these Regulations that will not be met by the proposed project; and,

(3) Shall be signed by the Executive Director of the Agency or an authorized representative.

(g) Scope of review of modifications. New source review of a modification to an existing stationary source shall be limited to the emission unit proposed to be modified, and the air contaminants whose emissions would increase as a result of the action; provided, however, that review of a major modification must also comply with applicable major new source review requirements under Rule 6.1.4(a) and/or Rule 6.1.4(b), as applicable.

(h) Integration with Title V permitting requirements. A person seeking approval to construct or modify a stationary source subject to chapter 173-401 WAC may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the NOC application required by this rule. A NOC application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD application under WAC 173-400-141, a NOC application for a major modification in a nonattainment area or a NOC application for a major stationary source in a nonattainment area must also comply with public involvement requirements of Rule 6.1.3 and WAC 173-400-171.

(i) P.E. review and sign-off. Every final determination on a NOC application shall be reviewed and signed prior to issuance by a professional engineer, or staff under the direct supervision of a professional engineer, in the employ of the Agency.

(j) Appeals.

(1) Any order issued pursuant to this Rule may be appealed to the Pollution Control Hearings Board of the State of Washington, pursuant to Rule 1.8.

(2) Any order issued or the failure to issue such an order, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.

(k) Major NSR obligations of the Agency. If the new stationary source is a major stationary source, or the change is a major modification, the Agency shall:

(1) Submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(2) Send a copy of the final approval order to EPA.

Deviations from approved plans. After approval to construct, install, establish or modify a stationary source or air pollution control device is granted, deviations from the approved plans, drawings, data and specifications that may result in changes to air pollutant emission rates, control effi-

ciencies or impacts are not permissible without prior approval through a NOC application

#### REPEALED SECTION

#### ~~((RULE 7.7 EMISSION AND OPERATING OF WASTE WOOD BURNERS~~

~~All waste wood burners within the jurisdiction of this Authority are required to meet the following:~~

~~(a) Definitions:~~

~~(1) Wigwam Burner—A simple structure consisting of nothing more than a sheet metal shell supported by structural steel members in a conical shape. Usually the base diameter is approximately equal to its height and the outlet diameter is approximately one third of its base diameter. They have limited control of primary air. The metal shell is cooled by peripheral air which flows upward and over the inside surface.~~

~~(2) Silo Burner—Burner consists of cylindrical chamber constructed of high duty refractory material. Air is supplied by mechanically powered underfire and overfire air.~~

~~(b) Visible Emissions:~~

~~(1) Wigwam Burner—No person shall cause or allow the emission to the outdoor atmosphere for more than fifteen (15) minutes in any consecutive eight (8) hours of any contaminant greater than 20% opacity.~~

~~(2) Other Burners (including Silo Burners)—No person shall cause or permit the emission for more than three (3) minutes, in any one hour, of an air contaminant which exceeds 20% opacity.~~

~~(c) Particulate:~~

~~(1) No person shall cause or allow the emission of particulate matter to the outdoor atmosphere from any single source in excess of 0.10 grains per standard cubic foot of gas (calculated to 7% oxygen), as demonstrated by a source test approved by the Authority.~~

~~(2) No person shall cause or permit the emission of particulate matter from a waste wood burner which then becomes deposited beyond the property directly controlled by the owner or operator of the waste wood burner in sufficient quantity to interfere unreasonably with using and enjoying the property where the material was deposited.~~

~~(d) Construction and Operation Standards:~~

~~(1) All new sources or major modifications of existing sources shall use Best Available Control Technology (BACT). After notice from the Authority, one or more of the following items of equipment shall be installed, and corrective measures shall be taken until compliance with ORCAA's Regulations is attained:~~

~~(i) Refractory lining with the top of the chamber a smaller diameter than the base.~~

~~(ii) Mechanically powered overfire and underfire combustion air system.~~

~~(iii) A controlled and metered solids feeding system.~~

~~(iv) Other modification determined necessary by the Authority.~~

#### *Rule 7.7.1 Exceptions*

~~Abnormal Conditions and Equipment Malfunction: Emissions in excess of established regulation limits as a~~

direct result of equipment malfunction or breakdown, or to abnormal conditions beyond the control of the person or firm owning or operating such equipment shall not be deemed in violation of such regulations, if the Authority is advised of the circumstances of such malfunction within 24 hours and a corrective program is outlined which is acceptable to the Authority.

#### *Rule 7.7.2 Prohibited Materials*

Asphaltic materials, plastics, rubber products, dead animals, petroleum products, paints, paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris, metal, sanitary garbage, or materials which cause dense smoke or obnoxious odors shall not be burned or disposed of in waste wood burners.

#### *Rule 7.7.3 Other Rules Not Applicable*

(a) This rule is a specific process emission restriction, and if any portion herein conflicts with any other rule or portion thereof, or other regulation of this Authority, the provisions herein shall apply.

(b) The effective date of these Regulations shall be on the date of the passage of this Resolution.)

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the and appears in the Register pursuant to the requirements of RCW 34.08.040.

## AMENDED SECTION

### RULE 8.1 (~~RESIDENTIAL~~) WOOD HEATING

The provisions of this rule apply to solid fuel burning devices in all areas within the jurisdiction of Olympic Region Clean Air Agency (ORCAA).

#### *Rule 8.1.1 Definitions*

**"Adequate Source of Heat"** means a furnace or heating system, connected or disconnected from its energy source, designed with the ability to maintain seventy degrees Fahrenheit (70°F) at a point three (3) feet above the floor in all normally inhabited areas of a dwelling. Garages are specifically excluded.

**"Certified"** means that a woodstove meets emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by EPA in 40 CFR Part 60 Subpart AAA-Standards of Performance for Residential Wood Heaters as amended through July 1, 1990(~~or Oregon Department of Environmental Quality Phase 2 emission standards contained in Subsections (2) and (3) of Section 340-21-115, and Oregon Administrative Rules, chapter 340, Division 21—Woodstove Certification dated November 1984).~~)

(**"Commercial"** means a location that is licensed by the State of Washington to conduct business within the State of Washington.)

**"Cook Stove"** means an appliance designed with the primary function of cooking food and containing an integrally built-in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate ash pan, and an ash cleanout below the firebox.

Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cook stove.

**"Fireplace"** means a permanently installed masonry fireplace; or a factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

**"First Stage of Impaired Air Quality ((Stage 1))"** means the same as Stage 1 burn ban and ((a condition)) is declared ((by the Control Officer)) when meteorological conditions are predicted to cause fine particulate ((10 microns and smaller in diameter, are at an ambient level of sixty (60))) levels to exceed 35 micrograms per cubic meter measured on a 24 hour average, within 48 hours. ((or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight hour average.))

**"Second Stage of Impaired Air Quality ((Stage 2))"** means the same as Stage 2 burn ban and ((a condition)) is declared ((by the Control Officer)) when ((particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24 hour average.)) a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend (RCW 70.94.473). A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur (RCW 70.94.473 (c)(ii):

(a) Fine particulate levels have reached or exceeded 25 micrograms per cubic meter, measured on a 24 hour average;

(b) Meteorological conditions have caused fine particulate levels to rise rapidly;

(c) Meteorological conditions are predicted to cause fine particulate levels to exceed the 35 micrograms per cubic meter, measured on a 24 hour average, within 24 hours; and

(d) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

**"Nonaffected Pellet Stove"** means that a pellet stove has an air-to-fuel ratio equal to or greater than 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A-Measurement of Air to Fuel Ratio and minimum achievable burn rates for wood fired appliances as amended through July 1, 1990.

**"Salt Laden Wood"** means any species of wood that has been soaked in salt water.

**"Seasoned Wood"** means clean, untreated wood of any species that has been sufficiently dried so as to contain twenty percent (20%) or less moisture by weight.

**"Solid Fuel Burning Device"** means a device that burns seasoned wood, coal, or any other nongaseous or nonliquid fuels(~~and includes any device burning any solid fuel~~) except those prohibited by Rule 8.1.3. This also includes devices used for aesthetic or space heating purposes ((in a private residence or commercial establishment,)) which has a heat input less than one million British thermal units per hour. A cook stove is specifically excluded from this definition.

**"Treated Wood"** means wood of any species that has been chemically impregnated, painted, or similarly modified to improve structural qualities or resistance to weathering or deterioration.

**"Woodstove"** means an enclosed solid fuel burning device capable of and intended for (~~residential~~) space heating and/or domestic water heating. (~~Any combination of parts, typically consisting of, but not limited to: Doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.~~)

*Rule 8.1.2 (~~Opacity~~) General Emission Standards*

**(a)** No person shall cause or allow an emission from a solid fuel burning device that unreasonably interferes with the use and enjoyment of property or workplace.

**(b)** No person shall cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent (20%) opacity (~~for six consecutive minutes in any one hour period~~) as determined by EPA Method 9. The provision of this requirement shall not apply during the starting of a new fire for a period not to exceed 20 minutes in any 4 hour period.

**(c)** (~~Enforcement~~) Smoke visible from a chimney, flue, or exhaust duct, in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. (~~The provision of this requirement shall not apply during the starting of a new fire for a period not to exceed twenty (20) minutes in any four hour period.~~)

*Rule 8.1.3 Prohibited Fuel Types*

~~(a) (A solid fuel burning device shall only burn clean, dry, untreated, and seasoned wood. Paper is allowed only for starting the fire.)~~

~~(b)~~ A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- ~~(a)~~ Garbage;
- ~~(b)~~ Treated wood;
- ~~(c)~~ Plastic products;
- ~~(d)~~ Rubber products;
- ~~(e)~~ Animals;
- ~~(f)~~ Asphalt products;
- ~~(g)~~ Petroleum products;
- ~~(h)~~ Paints and chemicals;
- ~~(i)~~ Salt laden wood; or
- ~~(j)~~ Any substance that normally emits dense smoke or obnoxious odors.

*Rule 8.1.4 Curtailment*

**(a)** Whenever the (~~Authority~~) Agency has declared a (~~non-impaired Air Quality~~) Stage 1 burn ban for a geographic area, a person (~~in a residence or commercial establishment~~) within that geographic area with an adequate source of heat other than a solid fuel burning device shall not operate any solid fuel burning device, unless the solid fuel burning device is one of the following:

- (1)** Certified; or
- (2)** A nonaffected pellet stove.

**(b)** Whenever the (~~Authority~~) Agency has declared a (~~non-impaired Air Quality~~) Stage 2 burn ban for a geographic area, a person (~~in a residence or commercial establishment~~)

within that geographical area with an adequate source of heat other than a solid fuel burning device shall not operate any solid fuel burning device.

**(c)** The affected geographic area of a declared Impaired Air Quality shall be determined by the (~~Control Officer~~) Executive Director or their designee.

**(d)** A person responsible for an applicable solid fuel burning device already in operation at the time Impaired Air Quality is declared shall withhold new solid fuel for the duration of the Impaired Air Quality. Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of the Impaired Air Quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.

**(e)** For the sole purpose of a contingency measure to meet the requirements of Section 172 (c)(9) of the Federal Clean Air Act, the use of solid fuel burning devices, except fireplaces as defined in RCW 70.94.453(3), woodstoves meeting the standards set forth in RCW 70.94.457 or pellet stoves either certified or issued an exemption by the EPA in accordance with Title 40, Part 60 of the Code of Federal Regulations will be prohibited if the EPA, in consultation with Ecology and the (~~Authority~~) Agency, makes written findings that:

**(1)** The area has failed to make reasonable further progress or attain or maintain a national ambient air quality standard; and,

**(2)** Emissions from solid fuel burning devices from a particular geographic area are a contributing factor to such failure to make reasonable further progress or attain or maintain a national ambient air quality standard.

**(3)** A prohibition issued under 8.1.4(e) shall not apply to a person that does not have an adequate source of heat without burning wood.

**(4)** The area is to consist of all areas within the city limits of Lacey, Olympia, and Tumwater and unincorporated areas of Thurston County lying within or between the municipal boundaries.

~~(A prohibition issued under this rule shall not apply to a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood.~~

~~(f) The nonattainment area is to consist of all areas within the city limits of Lacey, Olympia and Tumwater and unincorporated areas of Thurston County lying within or between the municipal boundaries.~~

~~(g) A person responsible for an applicable solid fuel burning device already in operation at the time Impaired Air Quality is declared shall withhold new solid fuel for the duration of the Impaired Air Quality. Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of the Impaired Air Quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.~~)

*Rule 8.1.5 Exemptions*

Written exemptions granted by the ~~((Authority))~~ Agency shall be valid for one (1) year from date of issue. Exemptions may be canceled at any time if the original request is found to be incorrect, inaccurate or fraudulent. Exemptions shall apply only to the use of solid fuel burning device during an Impaired Air Quality and not to the other rules of this regulation or other applicable regulations.

**(a)** Emergency exemption. In an emergency situation the ~~((Authority))~~ Agency may issue a written solid fuel burning device emergency exemption. An emergency situation shall include, but is not limited to, a situation where a person demonstrates that their heating system, other than a solid fuel heating device, is inoperable for reasons other than their own actions or a situation where the heating system has been involuntarily disconnected by a utility company or other fuel supplier. ~~((An emergency exemption shall not exceed one year.))~~

**(b)** Inadequate heat source. Written exemptions may be issued by the ~~((Authority))~~ Agency if a person can demonstrate that:

**(1)** The structure was originally designed with a solid fuel burning device as the source of heat; or

**(2)** The existing heat source, fueled with other than solid fuel, will not provide adequate heat.

*Rule 8.1.6 Penalties*

A person in violation of this Rule 8.1 may be subject to the provisions of Rule 2.5.

*Rule 8.1.7 Sale and Installation of Uncertified Woodstoves*

It shall be unlawful to install, ~~sell, offer for sale, advertise for sale, or otherwise transfer~~ an uncertified solid fuel burning device, except cook stoves, ~~to another person or business to be operated in new or existing buildings or structures, unless the device has been rendered permanently inoperable.~~ ~~((Uncertified solid fuel burning devices installed after January 1, 1992, shall be in violation of this rule and shall be promptly removed from the structure.))~~

*Rule 8.1.8 ~~((Sale and))~~ Disposal of Uncertified Woodstoves*

At such time as an uncertified solid fuel burning device is to be permanently removed from its location it shall be rendered inoperable as a solid fuel burning device. A removed uncertified solid fuel burning device shall not be sold, bartered, traded, or given away for a purpose other than recycling of the materials to form something other than an uncertified solid fuel burning device.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** The spelling error in the above material occurred in the copy filed by the Olympic Region Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 10-05-078****PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed February 15, 2010, 12:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-18-091.

Title of Rule and Other Identifying Information: WAC 388-551-2000 Home health services—General, 388-551-2010 Home health services—Definitions, 388-551-2020 Home health services—Eligible clients, 388-551-2030 Home health skilled services—Requirements, 388-551-2100 Home health services—Covered skill nursing services, 388-551-2110 Home health services—Covered specialized therapy, 388-551-2120 Home health services—Covered aide services, 388-551-2125 Home health services—Delivered through telemedicine (new), 388-551-2130 Home health services—Noncovered services, 388-551-2200 Home health services—Eligible providers, 388-551-2210 Home health services—Provider requirements, and 388-551-2220 Home health services—Provider payments.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on April 6, 2010, at 10:00 a.m.

Date of Intended Adoption: Not sooner than April 7, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on April 6, 2010.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by March 23, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [johnsj14@dshs.wa.gov](mailto:johnsj14@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of social and health services' health and recovery services administration (HRSA) is proposing amendments to WAC 388-551-2000 through 388-551-2220 Home health services to allow for reimbursement for the delivery of home health services via telemedicine. The department is also using this opportunity to incorporate minor housekeeping changes such as changing "medical assistance administration" to "the department" and any changes in terms required to be consistent with the implementation of the new ProviderOne system.

Reasons Supporting Proposal: These amendments are required to implement SHB 1529 which authorizes delivery of home health services through telemedicine.

Statutory Authority for Adoption: RCW 74.08.090, chapter 74.09 RCW, and chapter 326, Laws of 2009 (SHB 1529).

Statute Being Implemented: RCW 74.08.090.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy L. Boedigheimer, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1306; Implementation and Enforcement: Ellen Silverman, P.O. Box 45560, Olympia, WA 98504-5560, (360) 725-1570.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department analyzed the proposed rule amendments and concludes that they will impose no new costs. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Ellen Silverman, P.O. Box 45560, Olympia, WA 98504-5560, phone (360) 725-1570, fax (360) 586-9727, e-mail silvees@dshs.wa.gov.

February 11, 2010  
Don Goldsby, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2000 Home health services—General.** The purpose of the ~~((medical assistance administration (MAA)))~~ department's home health program is to reduce the costs of health care services by providing equally effective, less restrictive quality care to the client in the client's residence, subject to the restrictions and limitations in this subchapter.

Home health skilled services are provided for acute, intermittent, short-term, and intensive courses of treatment. See chapters 388-515 and 388-71 WAC for programs administered to clients who need chronic, long-term maintenance care.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2010 Home health services—Definitions.** The following definitions and abbreviations and those found in WAC 388-500-0005 apply to this subchapter:

**"Acute care"** means care provided by a home health agency for clients who are not medically stable or have not attained a satisfactory level of rehabilitation. These clients require frequent intervention by a registered nurse or licensed therapist.

**"Brief skilled nursing visit"** means a registered nurse, or a licensed practical nurse under the supervision of a registered nurse, performs only one of the following activities during a visit to a client:

- (1) An injection;
- (2) Blood draw; or
- (3) Placement of medications in containers.

**"Chronic care"** means long-term care for medically stable clients.

**"Full skilled nursing visit"** means a registered nurse, or a licensed practical nurse under the supervision of a regis-

tered nurse, performs one or more of the following activities during a visit to a client:

- (1) Observation;
- (2) Assessment;
- (3) Treatment;
- (4) Teaching;
- (5) Training;
- (6) Management; and
- (7) Evaluation.

**"Home health agency"** means an agency or organization certified under medicare to provide comprehensive health care on an intermittent or part-time basis to a patient in the patient's place of residence.

**"Home health aide"** means an individual registered or certified as a nursing assistant under chapter 18.88 RCW who, under the direction and supervision of a registered nurse or licensed therapist, assists in the delivery of nursing or therapy related activities, or both.

**"Home health aide services"** means services provided by a home health aide only when a client has an acute, intermittent, short-term need for the services of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract with a home health agency. Such services are provided under the supervision of the previously identified authorized practitioners and include, but are not limited to, ambulation and exercise, assistance with self-administered medications, reporting changes in a client's condition and needs, and completing appropriate records.

**"Home health skilled services"** means skilled health care (nursing, specialized therapy, and home health aide) services provided in the client's residence on an intermittent or part-time basis by a medicare-certified home health agency with a current ~~((medical assistance administration (MAA)))~~ provider number. See also WAC 388-551-2000.

**"Long-term care"** is a generic term referring to various programs and services, including services provided in home and community settings, administered directly or through contract by the department's aging and ~~((adult))~~ disability services administration ~~((AASA))~~ (ADSA) through home and community services (HCS) or the division of developmental disabilities (DDD).

**"Plan of care (POC)"** (also known as **"plan of treatment (POT)"**) means a written plan of care that is established and periodically reviewed and signed by both ~~((a physician))~~ an ordering licensed practitioner and a home health agency provider. The plan describes the home health care to be provided at the client's residence. See WAC 388-551-2210.

**"Residence"** means a client's home or place of living. (See WAC 388-551-2030 (2)(g)(ii) for clients in residential facilities whose home health services are not covered through ~~((MAA's))~~ department's home health program.)

**"Review period"** means the three-month period the ~~((medical assistance administration (MAA)))~~ department assigns to a home health agency, based on the address of the agency's main office, during which ~~((MAA))~~ the department reviews all claims submitted by that agency.

**"Specialized therapy"** means skilled therapy services provided to clients that include:

- (1) Physical;
- (2) Occupational; or
- (3) Speech/audiology services.

(See WAC 388-551-2110.)

**"Telemedicine"** - For the purposes of WAC 388-551-2000 through 388-551-2220, means the use of telemonitoring to enhance the delivery of certain home health skilled nursing services through:

(1) The collection of clinical data and the transmission of such data between a patient at a distant location and the home health provider through electronic processing technologies. Objective clinical data that may be transmitted includes, but is not limited to, weight, blood pressure, pulse, respirations, blood glucose, and pulse oximetry; or

(2) The provision of certain education related to health care services using audio, video, or data communication instead of a face-to-face visit.

**AMENDATORY SECTION** (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2020 Home health services—Eligible clients.** (1) Clients in the following fee-for-service ((MAA)) programs are eligible to receive home health services subject to the limitations described in this chapter. Clients enrolled in a ((healthy options)) department-contracted managed care ((plan)) organization (MCO) receive all home health services through their designated plan.

(a) Categorically needy program (CNP);

(b) Limited casualty program - medically needy program (LCP-MNP); and

(c) ((General assistance expedited (GA-X) (disability determination pending); and

~~(d))~~ Medical care services (MCS) under the following programs:

(i) General assistance - unemployable (GA-U); and

(ii) Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) (GA-W).

(2) ((MAA)) The department does not cover home health services under the home health program for clients in the CNP-emergency medical only and LCP-MNP-emergency medical only programs. ((MAA)) The department evaluates a request for home health skilled nursing visits on a case-by-case basis under the provisions of WAC 388-501-0165, and may cover up to two skilled nursing visits within the eligibility enrollment period if the following criteria are met:

(a) The client requires hospital care due to an emergent medical condition as described in WAC 388-500-0005; and

(b) ((MAA)) The department authorizes up to two skilled nursing visits for follow-up care related to the emergent medical condition.

**AMENDATORY SECTION** (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2030 Home health skilled services—Requirements.** (1) ((MAA)) The department reimburses for covered home health skilled services provided to eligible clients, subject to the restrictions or limitations in this section and other applicable published WAC.

(2) Home health skilled services provided to eligible clients must:

(a) Meet the definition of "acute care" in WAC 388-551-2010.

(b) Provide for the treatment of an illness, injury, or disability.

(c) Be medically necessary as defined in WAC 388-500-0005.

(d) Be reasonable, based on the community standard of care, in amount, duration, and frequency.

(e) Be provided under a plan of care (POC), as defined in WAC 388-551-2010 and described in WAC 388-551-2210. Any statement in the POC must be supported by documentation in the client's medical records.

(f) Be used to prevent placement in a more restrictive setting. In addition, the client's medical records must justify the medical reason(s) that the services should be provided in the client's residence instead of ((a physician's)) an ordering licensed practitioner's office, clinic, or other outpatient setting. This includes justification for services for a client's medical condition that requires teaching that would be most effectively accomplished in the client's home on a short-term basis.

(g) Be provided in the client's residence.

(i) ((MAA)) The department does not reimburse for services if provided at the workplace, school, child day care, adult day care, skilled nursing facility, or any other place that is not the client's place of residence.

(ii) Clients in residential facilities contracted with the state and paid by other programs such as home and community programs to provide limited skilled nursing services, are not eligible for ((MAA)) department-funded limited skilled nursing services unless the services are prior authorized under the provisions of WAC 388-501-0165.

(h) Be provided by:

(i) A home health agency that is Title XVIII (medicare) certified;

(ii) A registered nurse (RN) prior authorized by ((MAA)) the department when no home health agency exists in the area a client resides; or

(iii) An RN authorized by ((MAA)) the department when the RN is unable to contract with a medicare-certified home health agency.

**AMENDATORY SECTION** (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2100 ((Covered)) Home health services—Covered skilled nursing services.** (1) ((MAA)) The department covers home health acute care skilled nursing services listed in this section when furnished by a qualified provider. ((MAA)) The department evaluates a request for covered services that are subject to limitations or restrictions, and approves such services beyond those limitations or restrictions when medically necessary, under the standard for covered services in WAC 388-501-0165.

(2) ((MAA)) The department covers the following home health acute care skilled nursing services, subject to the limitations in this section:

(a) Full skilled nursing services that require the skills of a registered nurse or a licensed practical nurse under the supervision of a registered nurse, if the services involve one or more of the following:

- (i) Observation;
- (ii) Assessment;
- (iii) Treatment;
- (iv) Teaching;
- (v) Training;
- (vi) Management; and
- (vii) Evaluation.

(b) A brief skilled nursing visit if only one of the following activities is performed during the visit:

- (i) An injection;
  - (ii) Blood draw; or
  - (iii) Placement of medications in containers (e.g., envelopes, cups, medisets).
- (c) Home infusion therapy only if the client:
- (i) Is willing and capable of learning and managing the client's infusion care; or
  - (ii) Has a volunteer caregiver willing and capable of learning and managing the client's infusion care.
- (d) Infant phototherapy for an infant diagnosed with hyperbilirubinemia:
- (i) When provided by ~~((an MAA-approved))~~ a department-approved infant phototherapy agency; and
  - (ii) For up to five skilled nursing visits per infant.
- (e) Limited high-risk obstetrical services:
- (i) For a medical diagnosis that complicates pregnancy and may result in a poor outcome for the mother, unborn, or newborn;
  - (ii) For up to three home health visits per pregnancy if:
    - (A) Enrollment in or referral to the following providers of first steps has been verified:
      - (I) Maternity support services (MSS); or
      - (II) Maternity case management (MCM); and
      - (B) The visits are provided by a registered nurse who has either:
        - (I) National perinatal certification; or
        - (II) A minimum of one year of labor, delivery, and postpartum experience at a hospital within the last five years.
  - (3) ~~((MAA))~~ The department limits skilled nursing visits provided to eligible clients to two per day.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2110 Home health services—Covered specialized therapy.** (1) ~~((MAA))~~ The department limits specialized therapy visits to one per client, per day, per type of specialized therapy. Specialized therapy is defined in WAC 388-551-2010.

(2) ~~((MAA))~~ The department does not allow duplicate services for any specialized therapy for the same client when both providers are performing the same or similar procedure(s).

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2120 Home health services—Covered aide services.** (1) ~~((MAA limits))~~ The department pays for one home health aide ~~((visits to one))~~ visit per client per day.

(2) ~~((MAA))~~ The department reimburses for home health aide services, as defined in WAC 388-551-2010, only when the services are provided under the supervision of, and in conjunction with, practitioners who provide:

- (a) Skilled nursing services; or
- (b) Specialized therapy services.

(3) ~~((MAA))~~ The department covers home health aide services only when a registered nurse or licensed therapist visits the client's residence at least once every fourteen days to monitor or supervise home health aide services, with or without the presence of the home health aide.

#### NEW SECTION

**WAC 388-551-2125 Home health services—Delivered through telemedicine.** (1) The department covers the delivery of home health services through telemedicine for clients who have been diagnosed with an unstable condition who may be at risk for hospitalization or a more costly level of care. The client must have a diagnosis(es) where there is a high risk of sudden change in clinical status which could compromise health outcomes.

(2) The department pays for one telemedicine interaction, per eligible client, per day based on the ordering licensed practitioner's home health plan of care.

(3) To receive payment for the delivery of home health services through telemedicine, the services must involve:

(a) An assessment, problem identification, and evaluation which includes:

(i) Assessment and monitoring of clinical data including, but not limited to, vital signs, pain levels and other biometric measures specified in the plan of care. Also includes assessment of response to previous changes in the plan of care; and

(ii) Detection of condition changes based on the telemedicine encounter that may indicate the need for a change in the plan of care; and

(b) Implementation of a management plan through one or more of the following:

(i) Teaching regarding medication management as appropriate based on the telemedicine findings for that encounter;

(ii) Teaching regarding other interventions as appropriate to both the patient and the caregiver;

(iii) Management and evaluation of the plan of care including changes in visit frequency or addition of other skilled services;

(iv) Coordination of care with the ordering licensed practitioner regarding telemedicine findings;

(v) Coordination and referral to other medical providers as needed; and

(vi) Referral to the emergency room as needed.

(4) The department does not require prior authorization for the delivery of home health services through telemedicine.

(5) The department does not pay for the purchase, rental, or repair of telemedicine equipment.

AMENDATORY SECTION (Amending WSR 06-24-036, filed 11/30/06, effective 1/1/07)

**WAC 388-551-2130 (~~Noncovered~~) Home health services—~~Noncovered services~~.** (1) The (~~Health and Recovery Services Administration (HRSA)~~) department does not cover the following home health services under the home health program, unless otherwise specified:

(a) Chronic long-term care skilled nursing visits or specialized therapy visits for a medically stable client when a long-term care skilled nursing plan or specialized therapy plan is in place through the department of social and health services' aging and disability services administration (ADSA).

(i) (~~HRSA~~) The department considers requests for interim chronic long-term care skilled nursing services or specialized therapy services for a client while the client is waiting for ADSA to implement a long-term care skilled nursing plan or specialized therapy plan; and

(ii) On a case-by-case basis, (~~HRSA~~) the department may authorize long-term care skilled nursing visits or specialized therapy visits for a client for a limited time until a long-term care skilled nursing plan or specialized therapy plan is in place. Any services authorized are subject to the restrictions and limitations in this section and other applicable published WACs.

(b) Social work services.

(c) Psychiatric skilled nursing services.

(d) Pre- and postnatal skilled nursing services, except as listed under WAC 388-551-2100 (2)(e).

(e) Well-baby follow-up care.

(f) Services performed in hospitals, correctional facilities, skilled nursing facilities, or a residential facility with skilled nursing services available.

(g) Home health aide services that are not provided in conjunction with skilled nursing or specialized therapy services.

(h) Health care for a medically stable client (e.g., one who does not have an acute episode, a disease exacerbation, or treatment change).

(i) Home health specialized therapies and home health aide visits for clients in the following programs:

(i) CNP - emergency medical only; and

(ii) LCP-MNP - emergency medical only.

(j) Skilled nursing visits for a client when a home health agency cannot safely meet the medical needs of that client within home health services program limitations (e.g., for a client to receive infusion therapy services, the caregiver must be willing and capable of managing the client's care).

(k) More than one of the same type of specialized therapy and/or home health aide visit per day.

(l) HRSA does not reimburse for duplicate services for any specialized therapy for the same client when both providers are performing the same or similar procedure(s).

(m) Home health visits made without a written (~~physician's~~) licensed practitioner's order, unless the verbal order is:

(i) Documented prior to the visit; and

(ii) The document is signed by the (~~physician~~) ordering licensed practitioner within forty-five days of the order being given.

(2) HRSA does not cover additional administrative costs billed above the visit rate (these costs are included in the visit rate and will not be paid separately).

(3) HRSA evaluates a request for any service that is listed as noncovered under the provisions of WAC 388-501-0160.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2200 Home health services—Eligible providers.** The following may contract with (~~MAA~~) the department to provide home health services through the home health program, subject to the restrictions or limitations in this section and other applicable published WAC:

(1) A home health agency that:

(a) Is Title XVIII (medicare) certified;

(b) Is department of health (DOH) licensed as a home health agency;

(c) Submits a completed, signed core provider agreement to (~~MAA~~) the department; and

(d) Is assigned a provider number.

(2) A registered nurse (RN) who:

(a) Is prior authorized by (~~MAA~~) the department to provide intermittent nursing services when no home health agency exists in the area a client resides;

(b) Is unable to contract with a medicare-certified home health agency;

(c) Submits a completed, signed core provider agreement to (~~MAA~~) the department; and

(d) Is assigned a provider number.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2210 Home health services—Provider requirements.** For any delivered home health service to be payable, (~~MAA~~) the department requires home health providers to develop and implement an individualized plan of care (POC) for the client.

(1) The POC must:

(a) Be documented in writing and be located in the client's home health medical record;

(b) Be developed, supervised, and signed by a licensed registered nurse or licensed therapist;

(c) Reflect the (~~physician's~~) ordering licensed practitioner's orders and client's current health status;

(d) Contain specific goals and treatment plans;

(e) Be reviewed and revised by (~~a physician~~) an ordering licensed practitioner at least every sixty calendar days, signed by (~~a physician~~) the ordering licensed practitioner within forty-five days of the verbal order, and returned to the home health agency's file; and

(f) Be available to department staff or its designated contractor(s) on request.

(2) The provider must include in the POC all of the following:

(a) The client's name, date of birth, and address (to include name of residential care facility, if applicable);

(b) The primary diagnosis (the diagnosis that is most related to the reason the client qualifies for home health services) or the diagnosis that is the reason for the visit frequency;

(c) All secondary medical diagnoses, including date(s) of onset or exacerbation;

(d) The prognosis;

(e) The type(s) of equipment required, including telemedicine as appropriate;

(f) A description of each planned service and goals related to the services provided;

(g) Specific procedures and modalities;

(h) A description of the client's mental status;

(i) A description of the client's rehabilitation potential;

(j) A list of permitted activities;

(k) A list of safety measures taken on behalf of the client; and

(l) A list of medications which indicates:

(i) Any new prescription; and

(ii) Which medications are changed for dosage or route of administration.

(3) The provider must include in or attach to the POC:

(a) A description of the client's functional limits and the effects;

(b) Documentation that justifies why the medical services should be provided in the client's residence instead of ~~((a physician's))~~ an ordering licensed practitioner's office, clinic, or other outpatient setting;

(c) Significant clinical findings;

(d) Dates of recent hospitalization;

(e) Notification to the DSHS case manager of admittance; ~~((and))~~

(f) A discharge plan, including notification to the DSHS case manager of the planned discharge date and client disposition at time of discharge; and

(g) Order for the delivery of home health services through telemedicine, as appropriate.

(4) The individual client medical record must comply with community standards of practice, and must include documentation of:

(a) Visit notes for every billed visit;

(b) Supervisory visits for home health aide services as described in WAC 388-551-2120(3);

(c) All medications administered and treatments provided;

(d) All ~~((physician))~~ licensed practitioner's orders, new orders, and change orders, with notation that the order was received prior to treatment;

(e) Signed ~~((physician))~~ licensed practitioner's new orders and change orders;

(f) Home health aide services as indicated by a registered nurse or licensed therapist in a home health aide care plan;

(g) Interdisciplinary and multidisciplinary team communications;

(h) Inter-agency and intra-agency referrals;

(i) Medical tests and results;

(j) Pertinent medical history; and

(k) Notations and charting with signature and title of writer.

(5) The provider must document at least the following in the client's medical record:

(a) Skilled interventions per the POC;

(b) Client response to the POC;

(c) Any clinical change in client status;

(d) Follow-up interventions specific to a change in status with significant clinical findings; ~~((and))~~

(e) Any communications with the attending ~~((physician))~~ ordering licensed practitioner; and

(f) Telemedicine findings, as appropriate.

(6) The provider must include the following documentation in the client's visit notes when appropriate:

(a) Any teaching, assessment, management, evaluation, client compliance, and client response;

(b) Weekly documentation of wound care, size (dimensions), drainage, color, odor, and identification of potential complications and interventions provided;

(c) If a client's wound is not healing, the client's ~~((physician))~~ ordering licensed practitioner has been notified, the client's wound management program has been appropriately altered and, if possible, the client has been referred to a wound care specialist; and

(d) The client's physical system assessment as identified in the POC.

AMENDATORY SECTION (Amending WSR 02-15-082, filed 7/15/02, effective 8/15/02)

**WAC 388-551-2220 Home health services—Provider payments.** (1) In order to be reimbursed, the home health provider must bill ~~((MAA))~~ the department according to the conditions of payment under WAC 388-502-0150 and other issuances.

(2) Payment to home health providers is:

(a) A set rate per visit for each discipline provided to a client;

(b) Based on the county location of the providing home health agency; and

(c) Updated by general vendor rate changes.

(3) For clients eligible for both medicaid and medicare, ~~((MAA))~~ the department may pay for services described in this chapter only when medicare does not cover those services. The maximum payment for each service is medicaid's maximum payment.

(4) Providers must submit documentation to ~~((MAA))~~ the department during the home health agency's review period. Documentation includes, but is not limited to, the requirements listed in WAC 388-551-2210.

(5) After ~~((MAA))~~ the department receives the documentation, the ~~((MAA))~~ department's medical director or designee reviews the client's medical records for program compliance and quality of care.

(6) ~~((MAA))~~ The department may take back or deny payment for any insufficiently documented home health care service when the ~~((MAA))~~ department's medical director or designee determines that:

(a) The service did not meet the conditions described in WAC 388-550-2030; or

(b) The service was not in compliance with program policy.

(7) Covered home health services for clients enrolled in a Healthy Options managed care plan are paid for by that plan.

**WSR 10-06-005**  
**WITHDRAWAL OF PROPOSED RULES**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**

[Filed February 18, 2010, 10:18 a.m.]

The board of registration for professional engineers and land surveyors requests withdrawal of the proposed rule making filed as WSR 10-05-028 on February 9, 2010, and appearing in issue 10-05 of the state register.

George A. Twiss  
Executive Director

**WSR 10-06-018**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

(Board of Psychology)

[Filed February 22, 2010, 11:26 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 246-924-483, creating a new section to provide for temporary practice permits to be issued to psychology licensure applicants while a fingerprint-based national background check is completed.

Hearing Location(s): Department of Health, Point Plaza East, Room 152/153, 310 Israel Road S.E., Tumwater, WA 98501, on May 14, 2010, at 11:00 a.m.

Date of Intended Adoption: May 14, 2010.

Submit Written Comments to: Betty J. Moe, Department of Health, Health Professions and Facilities, P.O. Box 47852, Olympia, WA 98504-7852, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2406, by May 7, 2010.

Assistance for Persons with Disabilities: Contact Betty J. Moe by May 7, 2010, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules provide for temporary practice permits to be issued to an applicant for psychology licensure if a fingerprint-based national background check must be conducted. The national background check process is lengthy and has caused licensing delays that may affect the public's access to health care. To receive the permit, the applicant must meet all other licensing requirements, be licensed in another state, and have no criminal record in Washington. The proposed rule will provide for qualified applicants to practice the full scope of the profession until the permit expires.

Reasons Supporting Proposal: In 2008 4SHB 1103 (chapter 134, Laws of 2008) passed authorizing fingerprint-based national background checks for those situations when a background check in RCW 18.130.064 was inadequate. The legislation authorized the secretary to issue a temporary permit to an applicant who must have the national background check. The proposed rule will reduce the barriers for out-of-state applicants who otherwise meet all the licensing requirements, and holds a credential as a psychologist in another state. This rule will also improve the public's access to health care.

Statutory Authority for Adoption: RCW 18.83.050, 18.130.064, and 18.130.075.

Statute Being Implemented: RCW 18.130.064 and 18.130.075.

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

Name of Proponent: Department of health, examining board of psychology, governmental.

Name of Agency Personnel Responsible for Drafting: Betty Moe, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4912; Implementation: Shannon Biegert, Department of Health, P.O. Box 47850, Olympia, WA 98504-7850, (360) 236-4904; and Enforcement: Karen A. Jensen, Department of Health, P.O. Box 47850, Olympia, WA 98504-7850, (360) 236-4600.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 and 34.05.310 (4)(g)(ii), a small business economic impact statement is not required for proposed rules that adopt, amend, or repeal a filing or related process requirement for applying to an agency for a license permit.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(v) exempts rules, the content of which is explicitly and specifically dictated by statute.

February 22, 2010

Raymond L. Harry

Public Member, Chair

NEW SECTION

**WAC 246-924-483 How to obtain a temporary practice permit while the national background check is completed.** Fingerprint-based national background checks may cause a delay in licensing. Individuals who satisfy all other licensing requirements and qualifications may receive a temporary practice permit while the national background check is completed.

(1) A temporary practice permit may be issued to an applicant who:

(a) Holds an unrestricted, active license to practice psychology in another state that has substantially equivalent licensing standards to those in Washington state;

(b) Is not subject to denial of a license or issuance of a conditional or restricted license; and

(c) Does not have a criminal record in Washington state.

(2) A temporary practice permit grants the individual the full scope of practice of psychology.

(3) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when any one of the following occurs:

(a) The license is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision on the application specifically extends the duration of the temporary practice permit; or

(c) Two hundred ten days after the temporary practice permit is issued.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit the necessary application, fee(s), and documentation for the license.

(b) Meet all requirements and qualifications for the license, except the results from a fingerprint-based national background check, if required.

(c) Provide verification of having an active unrestricted license to practice psychology from another state that has substantially equivalent licensing standards as Washington state.

(d) Submit the fingerprint card and a written request for a temporary practice permit when the department notifies the applicant the national background check is required.

**WSR 10-06-020**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

(Podiatric Medical Board)

[Filed February 22, 2010, 11:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-16-139.

Title of Rule and Other Identifying Information: WAC 246-922-650, adding a new section for office-based surgery standards.

Hearing Location(s): Highline Hospital and Medical Center, 16251 Sylvester Road S.E., Burien, WA, on April 15, 2010, at 9:00 a.m.

Date of Intended Adoption: April 15, 2010.

Submit Written Comments to: Erin Obenland, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2406, by April 1, 2010.

Assistance for Persons with Disabilities: Contact Erin Obenland by April 1, 2010, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rules are needed to establish consistent standards for podiatric physicians who administer sedation and anesthesia in an office-based setting. The proposed rule will help promote patient safety in an office-based surgery setting by defining types of sedation that may be used, requiring compliance with certification standards, by requiring them to demonstrate qualifications and competency, requiring the presence of an anesthesiologist or anesthetist, requiring one provider is currently certified in advanced resuscitative techniques, return patients who enter

a deeper level of sedation than intended to a lighter level of sedation as quickly as possible, separate surgical and monitoring functions, create written emergency protocols and maintain legible, complete and accurate medical records.

Reasons Supporting Proposal: The podiatric medical board (board) is proposing this rule because currently there is no direct regulation for office-based surgery settings. RCW 18.22.015(5) allows the board to adopt rules governing the administration of sedation and anesthesia. Rules are needed to establish enforceable standards to reduce the risk of substandard care, inappropriate anesthesia, infections, and serious complications by podiatric physicians in an office-based surgery setting.

Statutory Authority for Adoption: RCW 18.22.015, 18.130.050.

Statute Being Implemented: Chapter 18.22 RCW.

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

Name of Proponent: Department of health, podiatric medical board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Erin Obenland, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4945.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Erin Obenland, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4945, fax (360) 236-2406, e-mail [erin.obenland@doh.wa.gov](mailto:erin.obenland@doh.wa.gov).

February 22, 2010

Blake T. Maresh

Executive Director

**NEW SECTION**

**WAC 246-922-650 Office-based surgery standards.**

(1) Purpose. The purpose of this rule is to promote and establish consistent standards, continuing competency, and to promote patient safety. The podiatric medical board establishes the following rule for those physicians licensed under chapter 18.22 RCW who perform surgical procedures and use analgesia or sedation in office-based settings. This rule does not apply to any office-based procedures performed with the use of general anesthesia.

(2) Definitions. The following terms used in this subsection apply throughout this rule unless the context clearly indicates otherwise:

(a) "Board" means the podiatric medical board.

(b) "Deep sedation or analgesia" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

(c) "General anesthesia" means a state of unconsciousness intentionally produced by anesthetic agents, with absence of pain sensation over the entire body, in which the patient is without protective reflexes and is unable to maintain an airway. Sedation that unintentionally progresses to the point at which the patient is without protective reflexes and is unable to maintain an airway is not considered general anesthesia.

(d) "Local infiltration" means the process of infusing a local anesthetic agent into the skin and other tissues to allow painless wound irrigation, exploration and repair, foreign puncture, and other procedures.

(e) "Major conduction anesthesia" means the administration of a drug or combination of drugs to interrupt nerve impulses without loss of consciousness, such as epidural, caudal, or spinal anesthesia, lumbar or brachial plexus blocks, and intravenous regional anesthesia. Major conduction anesthesia does not include isolated blockade of small peripheral nerves, such as digital nerves.

(f) "Minimal sedation or analgesia" means a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are unaffected. Minimal sedation is limited to unsupplemented oral and intramuscular medications.

(g) "Moderate sedation or analgesia" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(h) "Office-based surgery" means any surgery or invasive medical procedure requiring analgesia or sedation, performed in a location other than a hospital, a hospital-associated surgical center, or an ambulatory surgical facility.

(i) "Physician" means a podiatric physician licensed under chapter 18.22 RCW.

(3) Exemptions. This rule does not apply to physicians when:

(a) Performing surgery and medical procedures that require only minimal sedation (anxiolysis) or analgesia, or infiltration of local anesthetic around peripheral nerves;

(b) Performing surgery in a licensed hospital, a hospital-associated surgical center, or an ambulatory surgical facility;

(c) Performing surgery using general anesthesia. General anesthesia cannot be a planned event in an office-based surgery setting. Facilities where physicians do procedures involving general anesthesia are regulated by rules related to licensed hospitals, hospital-associated surgical centers, and ambulatory surgical facilities.

(4) Application of rules. This rule applies to physicians practicing independently or in a group setting who perform office-based surgery employing one or more of the following levels of sedation or anesthesia:

(a) Moderate sedation or analgesia; or

(b) Deep sedation or analgesia; or

(c) Major conduction anesthesia below the ankle.

(5) Accreditation or certification. Within one hundred eighty calendar days of the effective date of this rule, a phy-

sician who performs a procedure under this rule must ensure that the procedure is performed in a facility that is appropriately equipped and maintained to ensure patient safety through accreditation or certification from one of the following:

(a) The Joint Commission (JC);

(b) The Accreditation Association for Ambulatory Health Care (AAAHC);

(c) The American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF); or

(d) The Centers for Medicare and Medicaid Services (CMS).

(6) Competency. An office-based surgery physician must be able to demonstrate qualifications and competency for the procedures being performed.

(7) Presence of an anesthesiologist or anesthetist. For procedures requiring spinal or major conduction anesthesia above the ankle, a physician authorized under chapter 18.71 or 18.57 RCW or a certified registered nurse anesthetist authorized under chapter 18.79 RCW must administer the anesthesia. Under RCW 18.22.035 (4)(b), podiatrists shall not administer spinal anesthetic or any anesthetic that renders the patient unconscious.

(8) Qualifications for administration of sedation and analgesia shall include:

(a) Completion of a continuing medical education course in conscious sedation; or

(b) Relevant training in a residency training program; or

(c) Having privileges for conscious sedation granted by a hospital medical staff.

(9) At least one provider currently certified in advanced resuscitative techniques appropriate for the patient age group (e.g., ACLS, PALS or APLS) must be present or immediately available with age-size-appropriate resuscitative equipment throughout the procedure and until the patient has met the criteria for discharge from the facility.

(10) Sedation assessment and management.

(a) Sedation is a continuum. Depending on the patient's response to drugs, the drugs administered, and the dose and timing of drug administration, it is possible that a deeper level of sedation will be produced than initially intended.

(b) Providers intending to produce a given level of sedation should be able to "rescue" patients who enter a deeper level of sedation than intended.

(c) If a patient enters into a deeper level of sedation than planned, the provider must return the patient to the lighter level of sedation as quickly as possible, while closely monitoring the patient to ensure the airway is patent, the patient is breathing, and that oxygenation, the heart rate and blood pressure are within acceptable values.

(11) Separation of surgical and monitoring functions.

(a) The provider performing the surgical procedure must not provide the anesthesia or monitoring.

(b) The provider designated by the physician performing the anesthesia or monitoring must not perform or assist in the surgical procedure.

(12) Emergency care and transfer protocols. A physician performing office-based surgery must ensure that in the event of a complication or emergency:

(a) All office personnel are familiar with a written documented plan for the timely and safe transfer of patients to a nearby hospital.

(b) The plan must include arrangements for emergency medical services and appropriate transfer of the patient to the hospital.

(13) Medical record. The physician performing office-based surgery must maintain a legible, complete, comprehensive and accurate medical record for each patient.

(a) The medical record must include:

- (i) Identity of the patient;
- (ii) History and physical, diagnosis and plan;
- (iii) Appropriate lab, X-ray, or other diagnostic reports;
- (iv) Appropriate preanesthesia evaluation;
- (v) Narrative description of procedure;
- (vi) Pathology reports;
- (vii) Document which, if any, tissues and other specimens have been submitted for histopathologic diagnosis;
- (viii) Provision for continuity of post-operative care;
- (ix) Documentation of the outcome and the follow-up plan.

(b) When moderate or deep sedation, or major conduction anesthesia is used, the patient medical record must include a separate anesthesia record that documents:

- (i) The type of sedation or anesthesia used;
- (ii) Drugs (name and dose) and time of administration;
- (iii) Documentation at regular intervals of information obtained from the intraoperative and post-operative monitoring;
- (iv) Fluids administered during the procedure;
- (v) Patient weight;
- (vi) Level of consciousness;
- (vii) Estimated blood loss;
- (viii) Duration of procedure; and
- (ix) Any complication or unusual events related to the procedure or sedation/anesthesia.

### WSR 10-06-027

#### PROPOSED RULES

#### FOREST PRACTICES BOARD

[Filed February 22, 2010, 3:30 p.m.]

Supplemental Notice to WSR 09-17-113.

Preproposal statement of inquiry was filed as WSR 09-02-019.

Title of Rule and Other Identifying Information: Amend Title 222 WAC, Forest practices rules, related to northern spotted owl conservation.

Hearing Location(s): Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504, on April 7, 2010, at 6 p.m.

Date of Intended Adoption: May 11, 2010.

Submit Written Comments to: Patricia Anderson, Forest Practices Board (FPB), Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, e-mail forest.practicesboard@dnr.wa.gov, fax (360) 902-1428, by 5 p.m. on April 8, 2010.

Assistance for Persons with Disabilities: Contact forest practices division at (360) 902-1400, by March 24, 2010, TTY (360) 902-1125.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule is to assure that no habitat important to the northern spotted owl is altered through forest practices while the board determines a long-term strategy for spotted owl habitat conservation. It establishes a three-member, multi-stakeholder Spotted Owl Conservation Advisory Group. This group plays a role, along with the state department of fish and wild-life (WDFW), in the evaluation of landowner surveys that indicate the absence of spotted owls.

Reasons Supporting Proposal: On November 10, 2009, the policy working group on northern spotted owl conservation recommended that the process described in "purpose" above be continued under an open ended rule until such time as the board completes its evaluation of the forest practices rules affecting the spotted owl.

Statutory Authority for Adoption: RCW 76.09.040.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Forest practices board, governmental.

Name of Agency Personnel Responsible for Drafting: Marc Engel, 1111 Washington Street S.E., Olympia, (360) 902-1390; Implementation and Enforcement: Julie Sacket, 1111 Washington Street S.E., Olympia, (360) 902-1405.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**OBJECTIVES:** The FPB is considering a rule proposal to amend WAC 222-16-010 that could affect timber harvest in northern spotted owl circles within spotted owl special emphasis areas (SOSEAs) in Washington state. The objectives of this economic analysis are to analyze the costs and benefits of the proposal pursuant to RCW 34.05.328, and to determine whether the costs to comply with the proposal are likely to disproportionately impact the state's small businesses pursuant to RCW 19.85.040.

According to the Administrative Procedure Act (APA) (chapter 34.05 RCW) agencies must complete a cost-benefit analysis (CBA) to:

- Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented; and
- Determine, after considering alternative versions of the rule, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives of the statute that the rule implements.

A small business economic impact statement (SBEIS) is required by the Regulatory Fairness Act (chapter 19.85 RCW) to consider the impacts of administrative rules

adopted by state agencies on small businesses. The statute defines small businesses as those with fifty or fewer employees. To determine whether the proposed rule will have a disproportionate cost impact on small businesses, the impact statement compares the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules.

**CONTEXT:** Since 2005, the board considered whether and how the forest practices rules should be changed to conserve habitat for the northern spotted owl. In November 2005, the FPB adopted rules that placed a temporary moratorium on the practice of decertifying spotted owl site centers to allow time to develop a long-term conservation strategy. This was due to reported declines in suitable habitat in the decade since the 1996 adoption of state rules to conserve spotted owl habitat<sup>1</sup>, and in Washington's spotted owl population since the species was listed as threatened in 1990 under the Endangered Species Act (ESA).<sup>2</sup> The board maintained the moratorium, through a succession of emergency and permanent rules, through December 31, 2008.

Under current rules, with no moratorium on decertification, a landowner may, after having followed survey protocol for three consecutive years, petition the WDFW to decertify the owl circle. If WDFW finds that the landowner has properly followed the survey protocol and that the habitat associated with the owl site center is no longer occupied, the site center is decertified and the restrictions on harvest within the circle are lifted.

To help develop a long-term conservation strategy for the spotted owl, on July 7, 2008, the board established a multi-stakeholder policy working group on northern spotted owl conservation. This group's goal was to recommend measures that result in strategic contribution from nonfederal lands in Washington to the conservation of a viable population of the northern spotted owl.

The board adopted an emergency rule effective January 1, 2009, that deleted language pertaining to the moratorium, and created a multi-stakeholder spotted owl conservation advisory group to review any surveys demonstrating the absence of spotted owls at spotted owl site centers for a period of one year, from January 1, 2009, to December 31, 2009. The board also directed staff to begin the permanent rule-making process with the same rule language. Because emergency rules are effective for only one hundred twenty days unless an agency is actively undertaking the appropriate procedures to adopt the rule as permanent, the board has readopted emergency rules three times while permanent rule making is in progress.

On November 10, 2009, the policy working group on northern spotted owl conservation presented its recommendations to the board. Among the group's recommendations was the following: "The Group recommends that the current decertification process continue under an open ended rule with an annual review, until the revised federal spotted owl survey protocols are released and the Board resolves outstanding questions regarding this issue."<sup>3</sup> "Current decertification process" means that process specified in the emergency rule, except to extend the timeframe for the spotted owl conservation advisory group to exist and function. The

end date would not be specified, but would be reviewed annually by the board.

**PROPOSED RULE:** The proposed rule has three parts:

1. Removes language from WAC 222-16-010 northern spotted owl site center, pertaining to the moratorium on the decertification of northern spotted owl site centers which expired on December 31, 2008.
2. Creates in WAC 222-16-010 the "spotted owl conservation advisory group" and explains that the board will annually review whether the group's function continues to be needed for spotted owl conservation.
3. Adds language to WAC 222-16-080 critical habitats, which specifies the advisory group's function: To evaluate sites on which WDFW has approved surveys demonstrating the absence of spotted owls, and determine whether, "... the site need not be maintained while the board completes its evaluation of rules affecting the northern spotted owl."

The primary purpose of the proposed rule change is to assure that no habitat currently protected in owl circles and deemed important to the northern spotted owl is altered through forest practices while the board determines a long-term strategy for spotted owl habitat conservation.

The concept of the spotted owl conservation advisory group was a result of a stakeholder (state, forest industry, conservation community) agreement to have an interim process in place while the policy working group on northern spotted owl conservation develops recommendations for a long-term conservation strategy. The advisory group consists of three representatives, one from the Washington forest products industry, one from a Washington-based conservation organization actively involved with spotted owl conservation, and one from the forest practices program. Members of the group will have a detailed working knowledge of spotted owl relationships and factors affecting spotted owl conservation.

The advisory group's role is to evaluate whether habitat currently protected in owl circles should be maintained after WDFW determines the site is likely unoccupied. If the advisory group members reach consensus that the site center need not be maintained while the board completes its evaluation of rules affecting the northern spotted owl, then and only then can the site center be decertified. In such case, the advisory group will communicate its findings to the department of natural resources (DNR) in writing within sixty days of WDFW's approval of the survey.

In short, the rule imposes additional analysis by experts on any survey submitted and approved by WDFW for an unspecified temporary period of time. The site may not be decertified unless the advisory group reaches consensus that the site center need not be maintained while the board determines a long-term conservation strategy.

**COST-BENEFIT ANALYSIS:** To estimate the economic impacts of the proposed rule change, cost estimates are analyzed quantitatively and discussed in terms of probability of occurrence. The potential benefits are described only qualitatively. It is important to note that both costs and benefits are uncertain because it is unknown whether WDFW will

receive and approve any surveys while the advisory group and its function exist, and it is unknown how long this process will be in place before the board determines a long-term conservation strategy for the spotted owl.

**Benefits:** This rule is intended to benefit Washington state's northern spotted owl population. This species is designated "state endangered" and "federal threatened." As explained under "CONTEXT," for the past several years the board has been concerned about whether to increase spotted owl habitat protection on nonfederal lands. This is because suitable habitat has declined under the current rules, and also Washington's spotted owl population has declined since the species was listed as threatened in 1990 under the ESA. The board established the policy working group for northern spotted owl conservation to develop recommendations for a long-term conservation strategy, and received the group's recommendations in November and December 2009.

As previously explained, as the interim measure the board desires additional analysis by experts on any survey submitted to and approved by WDFW, in which a landowner demonstrated the absence of spotted owls at a spotted owl site center (circle). It is expected that this will add assurance that no potentially important habitat is lost through timber harvest while the board determines any appropriate changes to its rules related to spotted owl habitat conservation. It is a public benefit to protect Washington's northern spotted owl population.

**Costs:** The rule-complying community affected by the proposal is composed of businesses that own or control the timber rights on nonfederal forest land (all hereafter referred to as "landowners"). However, for landowners owning less than five hundred acres in an SOSEA, the effects of the proposed rules are limited to habitat within the inner 0.7-mile circle of a site center.

The first of the proposed rule changes is the removal of language about a past moratorium on spotted owl site center decertification which is no longer relevant. As such, it has no economic impact.<sup>4</sup>

It is the other proposed rule changes that have potential to result in economic impact on those that must comply with the proposed rule. As explained above, the proposed rule creates the spotted owl conservation advisory group to evaluate habitat associated with any spotted owl site center that WDFW determines is no longer occupied. Under existing permanent rule, the site center would be decertified and any forest practices applications for forest practices within the circle associated with that site center would not be classified Class IV-special for that reason. Under the proposed rule, the site center would not be decertified unless the advisory group reaches consensus that the site need not be maintained while the board completes its evaluation of rules affecting the spotted owl. If the advisory group cannot reach a consensus decision on this question, the site would retain its current status with restrictions on harvest according to the rules protecting spotted owls.

For the proposed rule, additional costs would be incurred by the landowners of "suitable spotted owl habitat"<sup>5</sup> within particular site centers (circles) (see Step 1 below) only if all of the following activities have occurred:

- A landowner within the site center (circle) completed three years of surveys according to current federal protocol, which demonstrated the absence of spotted owls.
- The landowner submitted the appropriate survey documentation to WDFW.
- WDFW reviewed the surveys and determined the site is likely unoccupied (i.e. the surveys followed appropriate protocol for detecting the presence of spotted owls, but no responses that could be attributed to spotted owls occurred).
- The spotted owl conservation advisory group evaluated the surveys and the habitat associated with the site center.
- One or more members of the advisory group determined that the site center must be maintained while the board completes its evaluation of the forest practices rules affecting the spotted owl.

In short, costs (in the form of potentially foregone revenue) will only be borne by landowners within any spotted owl site center (circle) that the advisory group decides, by not being able to reach consensus to the contrary, should not be decertified until the board determines a long-term strategy for spotted owl conservation. However, it is not known exactly what length of time such a circle will not be allowed to be decertified, and therefore be ineligible for harvest. It is also unknown whether any landowners will submit, or would submit, in the absence of this rule, surveys to WDFW. To date, no complete surveys have been submitted to WDFW since the end of the moratorium on December 31, 2008. Therefore, we estimated timber volume and value calculations for certain individual circles to show possible impacts on forest landowners within each circle.

We took the following steps to estimate potentially foregone timber value in each circle:

- Step 1.  
Identified owl circles potentially affected by the rule change.
- Step 2.  
Determined forest land acreage within the owl circles identified in Step 1 that potentially could be affected by the rule change.
- Step 3.  
Estimated the timber volume on acres identified in Step 2 that potentially could be harvested if a circle were decertified.
- Step 4.  
Estimated the stumpage value of the timber volume identified in Step 3.

**Step 1. Identify owl circles potentially affected by the rule change.**

There are twelve site centers (circles) within SOSEA boundaries that are potentially affected by the rule. The circles do not include federal lands, or lands covered by an HCP or a landowner option plan. The forest land potentially affected within those circles is "suitable spotted owl habitat" described in WAC 222-16-085(1). Suitable spotted owl habitat is subcategorized as "old forest," "submature," "mixed forest," and "young forest marginal."

**Step 2. Determine forest land acreage within the owl circles identified in Step 1 that potentially could be affected by the rule change.**

This acreage was determined by analyzing DNR geographic information system data for each owl circle identified in Step 1. Each circle's acreage was calculated as an individual circle by suitable spotted owl habitat type. The results are summarized in column C-1 of Table 1.

**Step 3. Estimate the timber volume on acres identified in Step 2 above that potentially could be harvested.**

Aerial stereo photos were used to estimate tree heights for each habitat type in each circle. Using the Log Scaling and Timber Cruising book (J.R. Dilworth, 1975, p.444), the average heights were used to find normal tree diameters at breast height (DBH) for trees of these heights. The average tree height and the DBH were used in conjunction with tariff table #40 to find the volume in board feet for each tree. The volume per tree was then multiplied by the trees per acre (TPA) requirements specified in WAC 222-16-085 to calculate the volume per acre. The ranges of TPA for each habitat type were averaged. To estimate the total board feet per habitat type for each circle, the board feet per acre total was multiplied by the number of acres of each habitat type for each circle. The results of this analysis are summarized in column C-2 of Table 1.

The estimated volume per acre was then multiplied by the number of acres per habitat type to determine the total volume potentially affected by the rule; these volumes are shown in column C-3. This volume category was then reduced by a factor of thirteen percent (shown in column C-4) to account for a timber volume in riparian zones that cannot be harvested under the forest practices rules.<sup>6</sup>

The resulting estimated forgone [foregone] volume is shown in column C-5. The estimated harvestable volumes presented here are likely overstated and represent a worst case for at least three reasons:

1. Site specific forest practices permits would likely reduce the amount of timber actually permitted for harvest due to other issues such as unstable slopes and size of timber harvest units;
2. Some of the subject timber likely would not be harvested because of physical or economic reasons; and
3. Landowners may otherwise not be motivated to pursue timber harvest during the rule's timeframe (e.g., because of the current relatively low stumpage prices).

**Step 4. Estimate the stumpage value of the timber volume identified in Step 3.**

The price per thousand board feet of \$204/mbf was used to calculate stumpage value. This is based on the estimated stumpage price for Westside Douglas fir in DNR timber sales over the last one and one half years. The price is based on the average composite DNR log price for Douglas fir during the eighteen month period ending in December 2009 of \$354/mbf, less an estimated harvest and delivery cost of \$150 per thousand board feet.<sup>7</sup> Applying the estimated value of \$204/mbf resulted in the estimated stumpage value shown in column C-6.

**Cost Analysis:** In total, the twelve circles cover an estimated 23,452 acres of habitat that currently cannot be harvested that would be released for harvest should the circles be decertified. However, it is extremely unlikely that this rule will impact all of the circles, and in fact may not impact any of the circles. It is more reasonable to consider the possible cost of the rule on a circle by circle basis. As can be observed on Table 1 and Figure 1, the current potential timber value within a given circle ranges from \$0.0 to \$17.6 million. The averages for all twelve circles in volume and timber value are 50.1 million board feet and \$10.2 million. The three circles in the Mineral SOSEA have little or no habitat currently, therefore the cost of maintaining the habitat in these circles would be low. If we calculate the average cost after removing these three circles, the average increases to \$13.6 million per circle.

It is important to stress that the potentially foregone value of timber revenue (cost) estimated as a possible impact of the rule proposal (shown in column C-8 of Table 1) would be incurred only by the landowners of currently designated "suitable spotted owl habitat" within particular site centers (circles). It bears repeating that landowners would be impacted only when all of the following activities have occurred:

- A landowner of forest land within the site center completed three years of surveys according to current federal protocol which demonstrated the absence of spotted owls.
- The landowner submitted the appropriate survey documentation to WDFW.
- WDFW reviewed the surveys and determined the sites unlikely occupied (i.e., the surveys followed appropriate protocol for detecting the presence of spotted owls, but no responses that could be attributed to spotted owls occurred).
- The spotted owl conservation advisory group evaluated the surveys and the habitat associated with the site center.
- One or more members of the advisory group determined that the site center must be maintained while the board completes its evaluation of the forest practices rules affecting the spotted owl.

Between January 1, 2009, and December 31, 2009, only one landowner submitted survey documentation to WDFW. In that case, WDFW found the documentation to be incomplete and returned it to the landowner as disapproved. DNR program staff are unaware of any other landowner who is conducting a survey during the period covered by this rule.

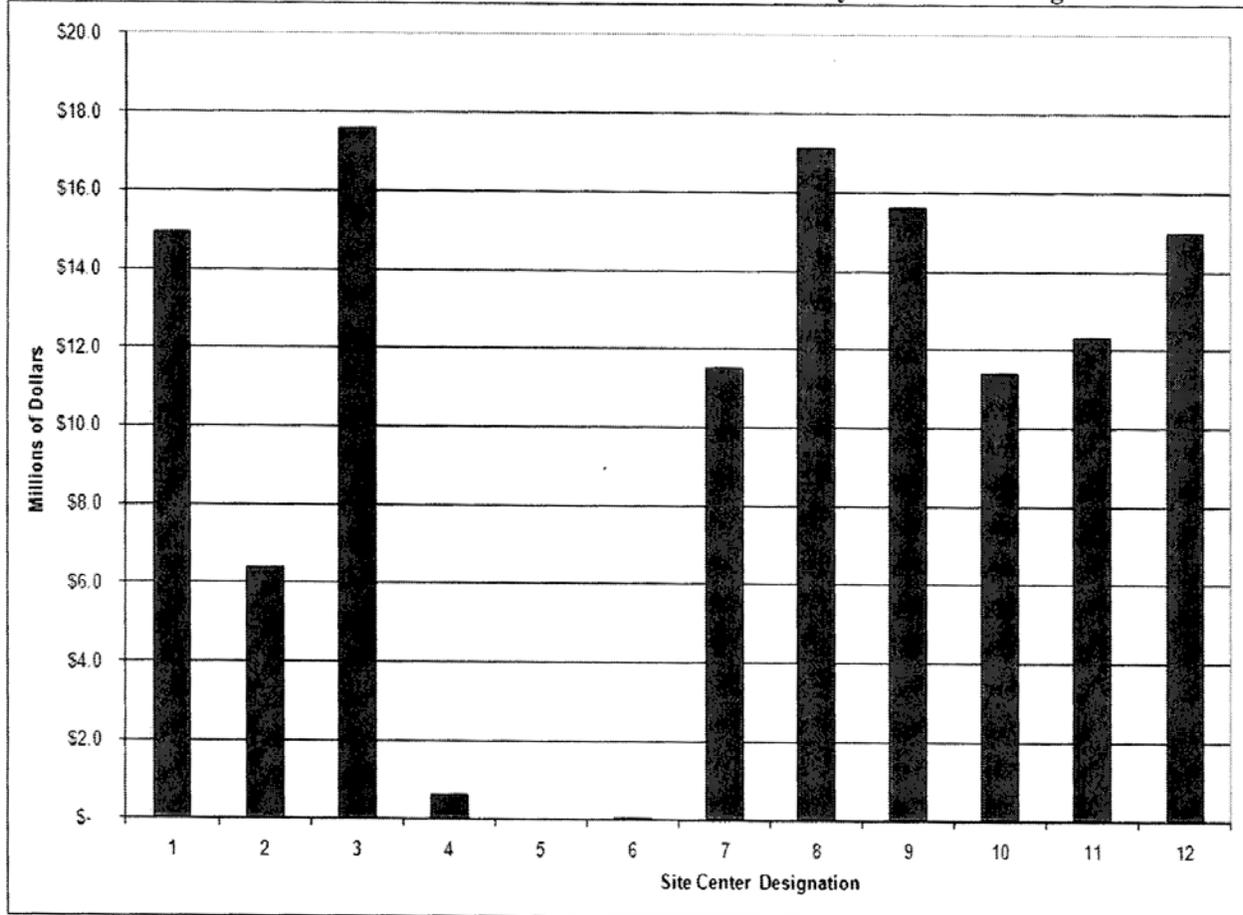
Based on this information, and after staff conversations with WDFW and DNR field staff, our professional opinion is that the probability that all of the above-listed events will occur, even for one owl circle, is very low, and therefore the probable cost of the proposed rule change is considerably less than even the average cost of one owl circle of \$10.2 million, if not zero. The cost could be from \$0 to \$122.6 million, depending on whether no site centers, or any number of site centers (between one and twelve), are affected by the advisory group's analysis during the group's life span of uncertain tenure.

**Benefits Exceed Costs:** It is a public benefit to protect Washington's northern spotted owl population. The benefit of the rule proposal is assurance that no potentially important habitat is lost through timber harvest while the board determines any appropriate changes to its rules related to spotted owl habitat conservation.

As for the costs, the expected probability that even one of the twelve circles will be impacted by this rule is judged to

be very low if not zero, and therefore the expected cost of the rule is proportionately low if not zero. Therefore it is reasonable to conclude that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs of the proposed rule.

**Figure 1: Estimated Potential Value of Harvestable Timber by Site Center Designation**



**Table 1: Potentially Affected Acres and Timber Volume, and Associated Values**

		Column*****>	C-1	C-2	C-3	C-4	C-5	C-6
SOSEA	Site Center Designator	NSO HABITAT CODE	Habitat Acres Including Core Areas	Volume/Acre Including Core Area*	Total Volume Including Core Area*	Estimated RMZ Volume*	Estimated Foregone Volume*	Estimated value of harvestable timber**
I-90W	1	Old Forest Habitat	482	17,050	8,222,874	1,070,002	7,152,872	\$ 1.5
		Sub-Mature Forest Habitat	705	43,340	30,568,569	3,977,738	26,590,831	\$ 5.4
		Mixed Forest Habitat	319	34,500	11,008,605	1,432,496	9,576,109	\$ 2.0
		Young Forest Marginal Habitat	919	37,430	34,411,645	4,477,819	29,933,826	\$ 6.1
		<b>Total</b>	<b>2,426</b>	<b>34,711</b>	<b>84,211,693</b>	<b>10,958,055</b>	<b>73,253,637</b>	<b>\$ 14.9</b>
	2	Old Forest Habitat	852	14,850	12,647,003	1,645,693	11,001,310	\$ 2.2
		Sub-Mature Forest Habitat	709	29,550	20,951,541	2,726,321	18,225,220	\$ 3.7
		Mixed Forest Habitat	184	13,790	2,530,879	329,331	2,201,548	\$ 0.4
		<b>Total</b>	<b>1,744</b>	<b>20,714</b>	<b>36,129,422</b>	<b>4,701,345</b>	<b>31,428,077</b>	<b>\$ 6.4</b>
	Finney Block	3	Old Forest Habitat	1,264	14,850	18,775,746	2,443,196	16,332,550
Sub-Mature Forest Habitat			172	45,310	7,794,226	1,014,225	6,780,002	\$ 1.4
Mixed Forest Habitat			1,461	46,500	67,913,715	8,837,279	59,076,436	\$ 12.1
Young Forest Marginal Habitat			109	43,340	4,743,130	617,200	4,125,929	\$ 0.8
<b>Total</b>			<b>3,006</b>	<b>33,006</b>	<b>99,226,817</b>	<b>12,911,900</b>	<b>86,314,917</b>	<b>\$ 17.6</b>
Mineral	4	Old Forest Habitat	207	14,850	3,078,851	400,636	2,678,215	\$ 0.5
		Mixed Forest Habitat	17	33,000	544,500	70,853	473,647	\$ 0.1
		<b>Total</b>	<b>224</b>	<b>16,188</b>	<b>3,623,351</b>	<b>471,489</b>	<b>3,151,862</b>	<b>\$ 0.6</b>
	5	No Habitat	0		0		0	\$ -
6	Old Forest Habitat	5	14,850	74,993	9,758	65,234	\$ 0.0	
	<b>Total</b>	<b>5</b>	<b>14,850</b>	<b>74,993</b>	<b>9,758</b>	<b>65,234</b>	<b>\$ 0.0</b>	
White Salmon	7	Young Forest Marginal Habitat - Closed Canopy	1,928	24,000	46,266,480	6,020,431	40,246,049	\$ 8.2
		Young Forest Marginal Habitat - Open Canopy	780	24,000	18,727,440	2,436,910	16,290,530	\$ 3.3
		<b>Total</b>	<b>2,708</b>	<b>24,000</b>	<b>64,993,920</b>	<b>8,457,341</b>	<b>56,536,579</b>	<b>\$ 11.5</b>
N. Blewett	8	Sub-Mature Forest Habitat	61	35,200	2,159,520	281,008	1,878,512	\$ 0.4
		Young Forest Marginal Habitat - Closed Canopy	1,856	38,000	70,540,540	9,179,095	61,361,445	\$ 12.5
		Young Forest Marginal Habitat - Open Canopy	798	30,000	23,940,300	3,115,234	20,825,066	\$ 4.2
		<b>Total</b>	<b>2,716</b>	<b>35,586</b>	<b>96,640,360</b>	<b>12,575,337</b>	<b>84,065,023</b>	<b>\$ 17.1</b>
I-90E	9	Sub-Mature Forest Habitat	88	35,200	3,095,136	402,755	2,692,381	\$ 0.5
		Young Forest Marginal Habitat - Closed Canopy	2,819	30,000	84,582,300	11,006,281	73,576,019	\$ 15.0
		Young Forest Marginal Habitat - Open Canopy	10	24,000	251,280	32,698	218,582	\$ 0.0
		<b>Total</b>	<b>2,918</b>	<b>30,135</b>	<b>87,928,716</b>	<b>11,441,733</b>	<b>76,486,983</b>	<b>\$ 15.6</b>
	10	Sub-Mature Forest Habitat	17	30,400	531,392	69,147	462,245	\$ 0.1
		Young Forest Marginal Habitat - Closed Canopy	2,502	24,000	60,038,400	7,812,503	52,225,897	\$ 10.7
		Young Forest Marginal Habitat - Open Canopy	155	24,000	3,719,040	483,940	3,235,100	\$ 0.7
	<b>Total</b>	<b>2,674</b>	<b>24,042</b>	<b>64,288,832</b>	<b>8,365,591</b>	<b>55,923,241</b>	<b>\$ 11.4</b>	
	11	Sub-Mature Forest Habitat	42	24,000	1,000,560	130,198	870,362	\$ 0.2
		Young Forest Marginal Habitat - Closed Canopy	2,185	30,000	65,543,100	8,528,803	57,014,297	\$ 11.6
Young Forest Marginal Habitat - Open Canopy		120	24,000	2,880,720	374,854	2,505,866	\$ 0.5	
<b>Total</b>		<b>2,346</b>	<b>29,586</b>	<b>69,424,380</b>	<b>9,033,855</b>	<b>60,390,525</b>	<b>\$ 12.3</b>	
Enliat Ridge	12	Sub-Mature Forest Habitat	50	30,400	1,524,256	198,344	1,325,912	\$ 0.3
		Young Forest Marginal Habitat - Closed Canopy	2,157	30,000	64,703,400	8,419,537	56,283,863	\$ 11.5
		Young Forest Marginal Habitat - Open Canopy	478	38,000	18,148,040	2,361,516	15,786,524	\$ 3.2
		<b>Total</b>	<b>2,685</b>	<b>31,431</b>	<b>84,375,696</b>	<b>10,979,396</b>	<b>73,396,300</b>	<b>\$ 15.0</b>
<b>Grand Totals</b>			<b>23,452</b>	<b>29,461</b>	<b>690,918,179</b>	<b>89,905,801</b>	<b>601,012,378</b>	<b>\$ 122.6</b>
<b>Average per Circle</b>			<b>1,954</b>	<b>29,461</b>	<b>57,576,515</b>	<b>7,492,150</b>	<b>50,084,365</b>	<b>\$ 10.2</b>

\* Volume in Board Feet

\*\* Millions of Dollars. Assumes \$204/mbf

**SMALL BUSINESS IMPACTS:** The proposal does not require any change in reporting, record-keeping, and other compliance requirements, nor is it anticipated that there will be an increase in the professional services that a small business is likely to need in order to comply with the proposed rules.

The Regulatory Fairness Act definition of small business is one with fifty or fewer employees. RCW 19.85.040 directs that:

To determine whether the proposed rule will have a disproportionate cost impact on small businesses, the impact statement must compare the cost of compliance for small

business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules . . .

To make the comparison required in this statute, we obtained employment information from the Washington state department of employment security. There are forty-six separate businesses which own land within the twelve subject circles that is classified as "resource production and extraction" lands according to county records. Employment security records show that forty-three of those businesses employ fifty or fewer employees, which is the legal definition of "small business." However, in this case, five of the forty-six businesses are the "ten percent of businesses that are the largest businesses required to comply with the proposed rules." So, we must compare the costs for the five largest businesses with the costs for the forty-one smallest businesses that would be required to comply with the proposed rule.

**Small Business Analysis:** The largest businesses own fifty-nine percent of the "resource production and extraction" lands in the twelve circles, while small businesses own forty-one percent. Based on this information, we estimate the average value of potentially harvestable timber for the largest businesses is \$1.2 million per firm ( $\$10.2 \text{ million} \times 59\% / 5 = \$1.2 \text{ million per large business}$ ) while the average value for the small businesses is \$102,000 per firm ( $\$10.2 \text{ million} \times 41\% / 41 = \$102,000 \text{ per small business}$ ).

This shows that the average value of timber on lands classified as "resource production and extraction" owned by small businesses within the circles is 8.5 percent ( $\$102,000 / \$1,200,000$ ) of that for the largest businesses. This comparison indicates that the proposed rule has no adverse disproportionate impact on small businesses when compared to the largest businesses.

**Estimated Number of Jobs Created or Lost:** RCW 19.85.040 (2)(d) requires that the economic analysis include "(a)n estimate of the number of jobs that will be created or lost as the result of compliance with the proposed rule." In 2005, the department of employment security showed 37,178 covered employments in the forest and logging, wood production, and paper manufacturing industries. This employment was supported by a harvest in Washington of 3.73 billion board feet, which results in approximately one primary job for every hundred thousand board feet harvested per year. Assuming a proportional relationship between timber volume and the timber related jobs, and given the total potential impact of six hundred thousand board feet shown in Column C-5 of Table 1, this rule could have an estimated maximum impact of six jobs for one year, if this rule impacted all of the site centers, which is highly unlikely. The average impact of one site center would be just one half of a job for one year.

**Reducing Costs for Small Businesses:** RCW 19.85.030 and [19.85].040 address an agency's responsibility in rule making to consider how costs may be reduced for small businesses, based on the extent of disproportionate impact on the small businesses. We have found that this rule would not have a disproportionate impact on small businesses and therefore no mitigation is required by the law. However, the existing forest practices rules do limit the restrictions for landowners owning less than five hundred acres in an SOSEA to the area within the inner 0.7-mile circle of a site

center, and this could be expected to reduce cost to small businesses.

**LEAST BURDENSOME ALTERNATIVE:** The APA states that agencies shall determine after considering alternative versions of the rule, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives of the statute that the rule implements.

The Forest Practices Act indicates that, coincident with maintenance of a viable forest products industry, it is important to afford protection to a variety of public resources including wildlife.<sup>8</sup> In addition, the board's rules include protection of critical habitats of threatened and endangered species, one of which is the northern spotted owl.

Because of the precarious circumstances of Washington's northern spotted owl habitat and population (as explained in the "CONTEXT" section), the board is considering a long-term conservation strategy for the conservation of spotted owl habitat. The rule currently under analysis is a temporary measure intended to ensure that habitat deemed to be currently unoccupied (as concluded from spotted owl protocol surveys) is not altered if experts determine it potentially important to Washington's spotted owl population.

Not adopting the rule is not a viable alternative because that would not achieve the general goals and specific objectives of the statute that the rule implements (i.e., conserving habitat potentially important for the spotted owl). The rule was the consensus recommendation of the policy working group on northern spotted owl conservation, who viewed it as a necessary interim step while federal entities and the board continue to gather and review new data and develop refined approaches to spotted owl conservation in view of the larger than anticipated population declines discovered in the past decade.

The proposed rule is the only alternative considered by the board. Because of its limited scope and temporary nature, it is less burdensome than other potential alternatives, such as making the spotted owl conservation advisory group a permanent entity rather than a temporary one or permanently prohibiting timber harvest within the circles.

**CONCLUSIONS:** This economic analysis estimates the cost of the proposed rule for those who are required to comply with the rule. The costs are the result of the potential loss of timber harvest opportunity and revenue on lands within twelve owl circles potentially affected by the proposed rule. The analysis estimates that a total of \$122.6 million or an average of \$10.2 million worth of timber per site potentially could be impacted by the rule in a worst case scenario. For several reasons, these amounts are likely overstated. However, the probability of even one of the twelve sites being impacted by this rule are judged to be very low, if not zero, and therefore the expected value of the cost of this rule is only a fraction of the average value of timber per site of \$10.2 million. The cost could be from \$0 to \$122.6 million, depending on whether no site centers, or any number of site centers (between one and twelve), are affected by the advisory group's analysis during the group's life span of uncertain duration.

The expected benefit of this rule is additional protection for Washington state's northern spotted owl population. The

FPB is proposing additional analysis of any survey submitted to and approved by WDFW, in which a landowner demonstrated the absence of spotted owls at a spotted owl site center (circle), while the board determines a long-term conservation strategy. It is expected that the proposed rule will add assurance that no potentially important habitat is lost through harvest while the board determines any appropriate long-term changes to its rules related to spotted owl habitat conservation. It is a public benefit to protect Washington's spotted owl population.

The expected probability that even one of the twelve circles will be impacted by this rule is judged to be very low if not zero, and therefore the expected cost of the rule is proportionately low if not zero. Therefore it is reasonable to conclude that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs of the proposed rule.

A comparison of the estimated potential impact to small businesses and the ten percent of the largest businesses that are required to comply with the rule shows that the impact on small businesses is significantly less per firm than for large businesses, and therefore would not disproportionately [disproportionately] impact small businesses. Furthermore, the existing five hundred acre rule may help to mitigate the impact on small businesses. Therefore, the proposed rule is not expected to impose more than minor costs on Washington's small businesses as a whole, although it is possible that individual landowners will be impacted. The analysis concludes that the rule will have only a minor, if any, impact on overall employment.

Not adopting the rule is not a viable alternative because that would not achieve the general goals and specific objectives of the statute that the rule implements (i.e., conserving habitat potentially important for the spotted owl). The rule was the consensus recommendation of the policy working group on northern spotted owl conservation, who viewed it as a necessary interim step while federal entities and the board continue to gather and review new data and develop refined approaches to spotted owl conservation in view of the larger than anticipated population declines discovered in the past decade.

The proposed rule is the only alternative considered by the board. Because of its limited scope and temporary nature, it is less burdensome than other potential alternatives, such as making the spotted owl conservation advisory group a permanent entity rather than a temporary one or permanently prohibiting timber harvest within the circles.

#### RESOURCES CITED:

J. R. Dilworth, *Scaling and Timber Cruising* (1975).

Owl Group 2009, *Report to Forest Practices Board* (November 10, 2009).

Washington Forest Practices Board, *New Proposed Forest Practices Rules Cost-Benefit Analysis* (February 21, 2001).

<sup>1</sup>See *An Assessment of Spotted Owl Habitat on Non-federal Lands in Washington Between 1996 and 2004*, John D. Pierce et al., August 2005 at [http://wdfw.wa.gov/wlm/research/papers/spotted\\_owl/index.htm](http://wdfw.wa.gov/wlm/research/papers/spotted_owl/index.htm).

<sup>2</sup>See *Final Briefing Report to the Washington State Forest Practices Board Regarding Spotted Owl Status and Forest Practices Rules*, Joseph B. Buchanan and Paula Swedeen, August 2005 at [http://wdfw.wa.gov/wlm/research/papers/spotted\\_owl/forest\\_practices.htm](http://wdfw.wa.gov/wlm/research/papers/spotted_owl/forest_practices.htm).

<sup>3</sup>See page 10, *Report to Forest Practices Board*, Owl Group 2009, November 10, 2009, at [http://www.dnr.wa.gov/Publications/bc\\_fp\\_materials\\_20091110\\_05\\_nsofinalreport.pdf](http://www.dnr.wa.gov/Publications/bc_fp_materials_20091110_05_nsofinalreport.pdf).

<sup>4</sup>The impacts of imposing the moratorium were analyzed as part of the rule making in 2006 and 2008.

<sup>5</sup>WAC 222-16-085(1).

<sup>6</sup>Based on the estimate from the 2001 cost-benefit analysis of the forests and fish rules; available upon request.

<sup>7</sup>Unpublished data on file with the author and available upon request.

<sup>8</sup>RCW 76.09.010.

A copy of the statement may be obtained by contacting Gretchen Robinson, Department of Natural Resources, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1705, fax (360) 902-1428, e-mail [gretchen.robinson@dnr.wa.gov](mailto:gretchen.robinson@dnr.wa.gov).

A cost-benefit analysis is required under RCW 34.05.328. A revised preliminary cost-benefit analysis (CBA) may be obtained by contacting Gretchen Robinson, Department of Natural Resources, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1705, fax (360) 902-1428, e-mail [gretchen.robinson@dnr.wa.gov](mailto:gretchen.robinson@dnr.wa.gov). Please note: The CBA and SBEIS are combined in the following revised preliminary economic analysis.

February 22, 2010

Peter Goldmark

Chair

**AMENDATORY SECTION** (Amending WSR 08-17-092, filed 8/19/08, effective 9/19/08)

**WAC 222-16-010 \*General definitions.** Unless otherwise required by context, as used in these rules:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Alluvial fan**" see "sensitive sites" definition.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Aquatic resources**" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*) and their respective habitats.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Bankfull depth**" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the flood plain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section. (See board manual section 2.)

**"Bankfull width"** means:

(a) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section (see board manual section 2).

(b) For lakes, ponds, and impoundments - line of mean high water.

(c) For tidal water - line of mean high tide.

(d) For periodically inundated areas of associated wetlands - line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

**"Basal area"** means the area in square feet of the cross section of a tree bole measured at 4 1/2 feet above the ground.

**"Bedrock hollows"** (colluvium-filled bedrock hollows, or hollows; also referred to as zero-order basins, swales, or bedrock depressions) means landforms that are commonly spoon-shaped areas of convergent topography within unchannelled valleys on hillslopes. (See board manual section 16 for identification criteria.)

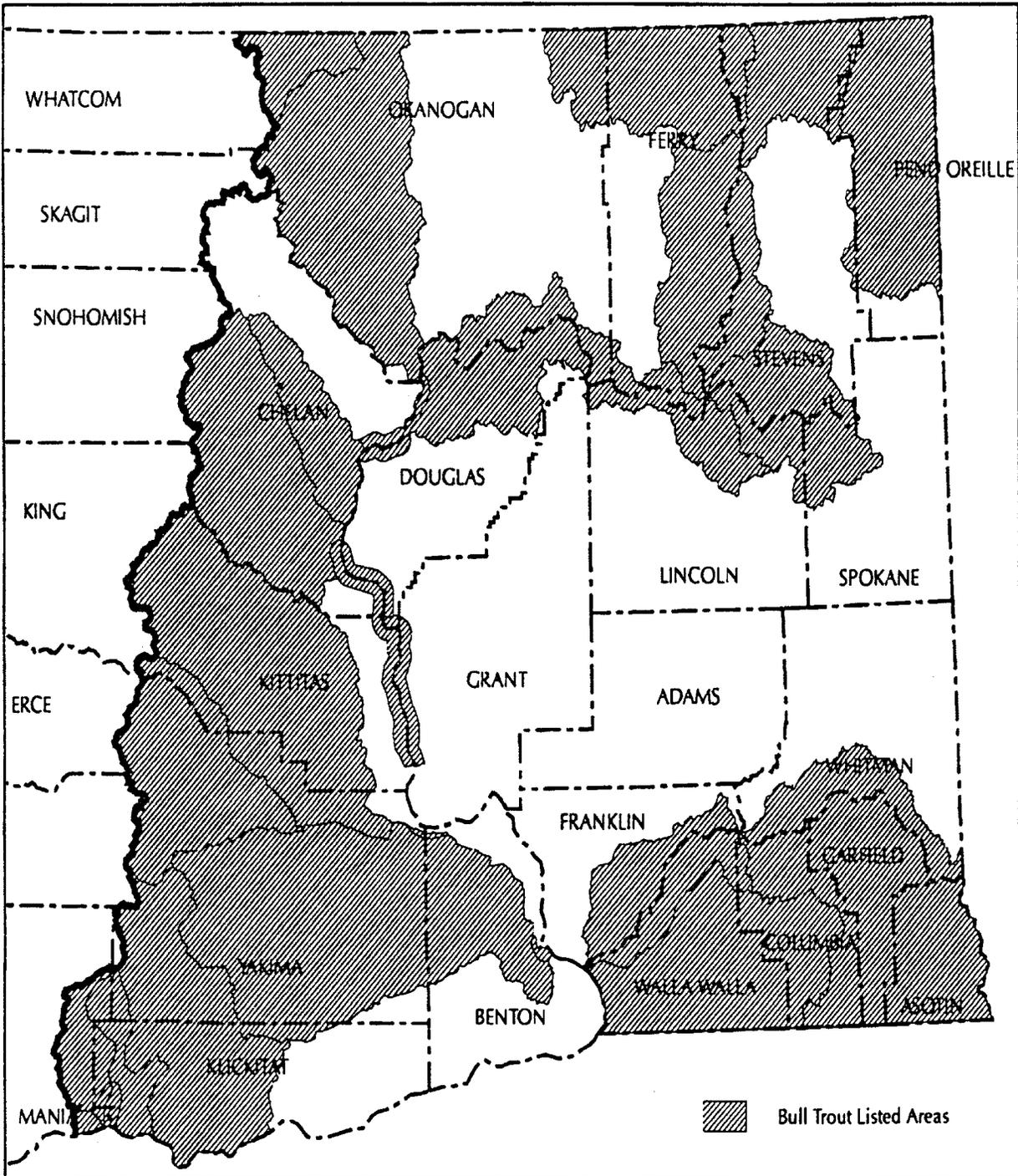
**"Board"** means the forest practices board established by the act.

**"Bog"** means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, Labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western hemlock, lodgepole pine, western red cedar, western white pine, Oregon crabapple, or quaking aspen, and may be associated with open water. This includes nutrient-poor fens. (See board manual section 8.)

**"Borrow pit"** means an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

**"Bull trout habitat overlay"** means those portions of Eastern Washington streams containing bull trout habitat as identified on the department of fish and wildlife's bull trout map. Prior to the development of a bull trout field protocol and the habitat-based predictive model, the "bull trout habitat overlay" map may be modified to allow for ~~((locally-based))~~ locally based corrections using current data, field knowledge, and best professional judgment. A landowner may meet with the departments of natural resources, fish and wildlife and, in consultation with affected tribes and federal biologists, determine whether certain stream reaches have habitat conditions that are unsuitable for supporting bull trout. If such a determination is mutually agreed upon, documentation submitted to the department will result in the applicable stream reaches no longer being included within the definition of bull trout habitat overlay. Conversely, if suitable bull trout habitat is discovered outside the current mapped range, those waters will be included within the definition of "bull trout habitat overlay" by a similar process.

Bull Trout Overlay Map



"Channel migration zone (CMZ)" means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream, except as modified by a permanent levee or dike. For this purpose, near-term means the time scale required to grow a mature forest. (See board manual section 2 for descriptions and illustrations of CMZs and delineation guidelines.)

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Columbia River Gorge National Scenic Area or CRGNSA"** means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

**"CRGNSA special management area"** means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

**"CRGNSA special management area guidelines"** means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 15 U.S.C. §544d.

**"Commercial tree species"** means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

**"Completion of harvest"** means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: Provided, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

**"Constructed wetlands"** means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

**"Contamination"** means introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

**"Convergent headwalls"** (or headwalls) means tear-drop-shaped landforms, broad at the ridgetop and terminating where headwaters converge into a single channel; they are broadly concave both longitudinally and across the slope, but may contain sharp ridges separating the headwater channels. (See board manual section 16 for identification criteria.)

**"Conversion activities"** means activities associated with conversions of forest land to land uses other than commercial timber operation. These activities may be occurring

during or after timber harvest on forest land. They may include but are not limited to the following:

- Preparation for, or installation of, utilities on the forest practices activity site. The development or maintenance of existing rights of way providing utilities exclusively for other ownerships shall not be considered conversions of forest land (see WAC 222-20-010(5)).

- Any of, or any combination of, the following activities in preparation for nonforestry use of the land: Grading, filling, or stump removal.

- Preparation for, or construction of, any structure requiring local government approval.

- Construction of, or improvement of, roads to a standard greater than needed to conduct forest practices activities.

- Clearing for, or expansion of, rock pits for nonforest practices uses or developing surface mines.

**"Conversion option harvest plan"** means a voluntary plan developed by the landowner and approved by the local governmental entity indicating the limits of harvest areas, road locations, and open space.

**"Conversion to a use other than commercial timber operation"** means a bona fide conversion to an active use which is incompatible with timber growing.

**"Cooperative habitat enhancement agreement (CHEA)"** see WAC 222-16-105.

**"Critical habitat (federal)"** means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

**"Critical habitat (state)"** means those habitats designated by the board in accordance with WAC 222-16-080.

**"Critical nesting season"** means for marbled murrelets - April 1 to August 31.

~~(**"Critical habitat (state)"** means those habitats designated by the board in accordance with WAC 222-16-080.)~~

**"Cultural resources"** means archaeological and historic sites and artifacts, and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

**"Cumulative effects"** means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

**"Daily peak activity"** means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

**"Debris"** means woody vegetative residue less than 3 cubic feet in size resulting from forest practices activities which would reasonably be expected to cause significant damage to a public resource.

**"Deep-seated landslides"** means landslides in which most of the area of the slide plane or zone lies below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. (See board manual section 16 for identification criteria.)

**"Demographic support"** means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

**"Department"** means the department of natural resources.

**"Desired future condition (DFC)"** is a reference point on a pathway and not an endpoint for stands. DFC means the stand conditions of a mature riparian forest at 140 years of age, the midpoint between 80 and 200 years. Where basal area is the only stand attribute used to describe 140-year old stands, these are referred to as the "Target Basal Area."

**"Diameter at breast height (dbh)"** means the diameter of a tree at 4 1/2 feet above the ground measured from the uphill side.

**"Dispersal habitat"** see WAC 222-16-085(2).

**"Dispersal support"** means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat

found within RMZs, WMZs or other required and voluntary leave areas.

**"Drainage structure"** means a construction technique or feature that is built to relieve surface runoff and/or intercepted ground water from roadside ditches to prevent excessive buildup in water volume and velocity. A drainage structure is not intended to carry any typed water. Drainage structures include structures such as: Cross drains, relief culverts, ditch diversions, water bars, or other such structures demonstrated to be equally effective.

**"Eastern Washington"** means the geographic area in Washington east of the crest of the Cascade Mountains from the international border to the top of Mt. Adams, then east of the ridge line dividing the White Salmon River drainage from the Lewis River drainage and east of the ridge line dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line.

Eastern Washington Definition Map



**"Eastern Washington timber habitat types"** means elevation ranges associated with tree species assigned for the purpose of riparian management according to the following:

Timber Habitat Types	Elevation Ranges
ponderosa pine	0 - 2500 feet
mixed conifer	2501 - 5000 feet
high elevation	above 5000 feet

**"Edge"** of any water means the outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or

road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Equipment limitation zone"** means a 30-foot wide zone measured horizontally from the outer edge of the bankfull width of a Type Np or Ns Water. It applies to all perennial and seasonal nonfish bearing streams.

**"Erodible soils"** means those soils that, when exposed or displaced by a forest practices operation, would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities.

**"Fish"** means for purposes of these rules, species of the vertebrate taxonomic groups of *Cephalospidomorphi* and *Osteichthyes*.

**"Fish habitat"** means habitat, which is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish, which could be recovered by restoration or management and includes off-channel habitat.

**"Fish passage barrier"** means any artificial in-stream structure that impedes the free passage of fish.

**"Flood level - 100 year"** means a calculated flood event flow based on an engineering computation of flood magnitude that has a 1 percent chance of occurring in any given year. For purposes of field interpretation, landowners may use the following methods:

Flow information from gauging stations;

Field estimate of water level based on guidance for "Determining the 100-Year Flood Level" in the forest practices board manual section 2.

The 100-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. For small forest landowner road maintenance and abandonment planning only, the term "forest land" excludes the following:

(a) Residential home sites. A residential home site may be up to five acres in size, and must have an existing structure in use as a residence;

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

**"Forest landowner"** means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land. The following definitions apply only to road maintenance and abandonment planning:

(1) **"Large forest landowner"** is a forest landowner who is not a small forest landowner.

(2) **"Small forest landowner"** is a forest landowner who at the time of submitting a forest practices application or notification meets all of the following conditions:

- Has an average annual timber harvest level of two million board feet or less from their own forest lands in Washington state;

- Did not exceed this annual average harvest level in the three year period before submitting a forest practices application or notification;

- Certifies to the department that they will not exceed this annual harvest level in the ten years after submitting the forest practices application or notification.

However, the department will agree that an applicant is a small forest landowner if the landowner can demonstrate that the harvest levels were exceeded in order to raise funds to pay estate taxes or to meet equally compelling and unexpected obligations such as court-ordered judgments and extraordinary medical expenses.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"**Forest road**" means ways, lanes, roads, or driveways on forest land used since 1974 for forest practices. "Forest road" does not include skid trails, highways, or local government roads except where the local governmental entity is a forest landowner. For road maintenance and abandonment planning purposes only, "forest road" does not include forest roads used exclusively for residential access located on a small forest landowner's forest land.

"**Forest trees**" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than 15 years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

"**Full bench road**" means a road constructed on a side hill without using any of the material removed from the hillside as a part of the road. This construction technique is usually used on steep or unstable slopes.

"**Green recruitment trees**" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"**Ground water recharge areas for glacial deep-seated slides**" means the area upgradient that can contribute water to the landslide, assuming that there is an impermeable perching layer in or under a deep-seated landslide in glacial deposits. (See board manual section 16 for identification criteria.)

"**Headwater spring**" means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

"**Herbicide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"**Horizontal distance**" means the distance between two points measured at a zero percent slope.

"**Hyporheic**" means an area adjacent to and below channels where interstitial water is exchanged with channel water and water movement is mainly in the downstream direction.

"**Identified watershed processes**" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"**Inner gorges**" means canyons created by a combination of the downcutting action of a stream and mass movement on the slope walls; they commonly show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. (See board manual section 16 for identification criteria.)

"**Insecticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"**Interdisciplinary team**" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practices activity.

"**Islands**" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

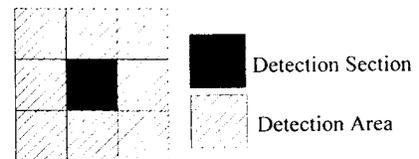
"**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"**Load bearing portion**" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"**Local governmental entity**" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"**Low impact harvest**" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"**Marbled murrelet detection area**" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.



"**Marbled murrelet nesting platform**" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"**Median home range circle**" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwa-

ter/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Multiyear permit"** means a permit to conduct forest practices which is effective for longer than two years but no longer than five years.

**"Northern spotted owl site center"** means((:

~~(1) Until December 31, 2008, the location of northern spotted owls:~~

~~(a) Recorded by the department of fish and wildlife as status 1, 2 or 3 as of November 1, 2005; or~~

~~(b) Newly discovered, and recorded by the department of fish and wildlife as status 1, 2 or 3 after November 1, 2005.~~

~~(2) After December 31, 2008,)) the location of status 1, 2 or 3 northern spotted owls based on the following definitions:~~

Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.

Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.

Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

**"Notice to comply"** means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

**"Occupied marbled murrelet site"** means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

(a) A nest is located; or

(b) Downy chicks or eggs or egg shells are found; or

(c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or

(d) Birds calling from a stationary location within the area; or

(e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) and (2) above, the sites will be presumed to be occupied based upon observation of circling described in (1)(e), unless a two-year survey following the 2003 Pacific Seabird Group (PSG) protocol has been completed and an additional third-year of survey following a method listed below is completed and none of the behaviors or conditions listed in (1)(a) through (d) of this definition are observed. The landowner may choose one of the following methods for the third-year survey:

(a) Conduct a third-year survey with a minimum of nine visits conducted in compliance with 2003 PSG protocol. If one or more marbled murrelets are detected during any of these nine visits, three additional visits conducted in compliance with the protocol of the first nine visits shall be added to the third-year survey. Department of fish and wildlife shall be consulted prior to initiating third-year surveys; or

(b) Conduct a third-year survey designed in consultation with the department of fish and wildlife to meet site specific conditions.

(4) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(5) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(6) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" means any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: Provided, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide, but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights of way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Preferred tree species" means the following species listed in descending order of priority for each timber habitat type:

<b>Ponderosa pine habitat type</b>	<b>Mixed conifer habitat type</b>
all hardwoods	all hardwoods
ponderosa pine	western larch
western larch	ponderosa pine
Douglas-fir	western red cedar
western red cedar	western white pine
	Douglas-fir
	lodgepole pine

"Public resources" means water, fish, and wildlife and in addition means capital improvements of the state or its political subdivisions.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian function" includes bank stability, the recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic system conditions.

"Riparian management zone (RMZ)" means:

(1) For Western Washington

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Western Washington Total RMZ Width
I	200'
II	170'
III	140'
IV	110'
V	90'

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-021(2).)

(2) For Eastern Washington

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Eastern Washington Total RMZ Width
I	130'
II	110'

Site Class	Eastern Washington Total RMZ Width
III	90' or 100'*
IV	75' or 100'*
V	75' or 100'*

\* Dependent upon stream size. (See WAC 222-30-022.)

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-022(2).)

(3) **For exempt 20 acre parcels**, a specified area alongside Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

**"RMZ core zone"** means:

(1) **For Western Washington**, the 50 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the thirty foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-022.)

**"RMZ inner zone"** means:

(1) **For Western Washington**, the area measured horizontally from the outer boundary of the core zone of a Type S or F Water to the outer limit of the inner zone. The outer limit of the inner zone is determined based on the width of the affected water, site class and the management option chosen for timber harvest within the inner zone. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the area measured horizontally from the outer boundary of the core zone 45 feet (for streams less than 15 feet wide) or 70 feet (for streams more than 15 feet wide) from the outer boundary of the core zone. (See WAC 222-30-022.)

**"RMZ outer zone"** means the area measured horizontally between the outer boundary of the inner zone and the RMZ width as specified in the riparian management zone definition above. RMZ width is measured from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021 and 222-30-022.)

**"Road construction"** means either of the following:

- (a) Establishing any new forest road;
- (b) Road work located outside an existing forest road prism, except for road maintenance.

**"Road maintenance"** means either of the following:

- (a) All road work located within an existing forest road prism;
- (b) Road work located outside an existing forest road prism specifically related to maintaining water control, road safety, or visibility, such as:
  - Maintaining, replacing, and installing drainage structures;
  - Controlling road-side vegetation;
  - Abandoning forest roads according to the process outlined in WAC 222-24-052(3).

**"Rodenticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

**"Salvage"** means the removal of snags, down logs, windthrow, or dead and dying material.

**"Scarification"** means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

**"Sensitive sites"** are areas near or adjacent to Type Np Water and have one or more of the following:

(1) **Headwall seep** is a seep located at the toe of a cliff or other steep topographical feature and at the head of a Type Np Water which connects to the stream channel network via overland flow, and is characterized by loose substrate and/or fractured bedrock with perennial water at or near the surface throughout the year.

(2) **Side-slope seep** is a seep within 100 feet of a Type Np Water located on side-slopes which are greater than 20 percent, connected to the stream channel network via overland flow, and characterized by loose substrate and fractured bedrock, excluding muck with perennial water at or near the surface throughout the year. Water delivery to the Type Np channel is visible by someone standing in or near the stream.

(3) **Type Np intersection** is the intersection of two or more Type Np Waters.

(4) **Headwater spring** means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

(5) **Alluvial fan** means a depositional land form consisting of cone-shaped deposit of water-borne, often coarse-sized sediments.

(a) The upstream end of the fan (cone apex) is typically characterized by a distinct increase in channel width where a stream emerges from a narrow valley;

(b) The downstream edge of the fan is defined as the sediment confluence with a higher order channel; and

(c) The lateral margins of a fan are characterized by distinct local changes in sediment elevation and often show disturbed vegetation.

Alluvial fan does not include features that were formed under climatic or geologic conditions which are not currently present or that are no longer dynamic.

**"Shorelines of the state"** shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

**"Side casting"** means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

**"Site class"** means a grouping of site indices that are used to determine the 50-year or 100-year site class. In order to determine site class, the landowner will obtain the site class index from the state soil survey, place it in the correct index range shown in the two tables provided in this definition, and select the corresponding site class. The site class will then drive the RMZ width. (See WAC 222-30-021 and 222-30-022.)

(1) For Western Washington

Site class	50-year site index range (state soil survey)
I	137+
II	119-136
III	97-118
IV	76-96
V	<75

(2) For Eastern Washington

Site class	100-year site index range (state soil survey)	50-year site index range (state soil survey)
I	120+	86+
II	101-120	72-85
III	81-100	58-71
IV	61-80	44-57
V	≤60	<44

(3) For purposes of this definition, the site index at any location will be the site index reported by the *Washington State Department of Natural Resources State Soil Survey*, (soil survey) and detailed in the associated forest soil summary sheets. If the soil survey does not report a site index for the location or indicates noncommercial or marginal forest land, or the major species table indicates red alder, the following apply:

(a) If the site index in the soil survey is for red alder, and the whole RMZ width is within that site index, then use site class V. If the red alder site index is only for a portion of the RMZ width, or there is on-site evidence that the site has historically supported conifer, then use the site class for conifer in the most physiographically similar adjacent soil polygon.

(b) In Western Washington, if no site index is reported in the soil survey, use the site class for conifer in the most physiographically similar adjacent soil polygon.

(c) In Eastern Washington, if no site index is reported in the soil survey, assume site class III, unless site specific information indicates otherwise.

(d) If the site index is noncommercial or marginally commercial, then use site class V.

See also section 7 of the board manual.

**"Site preparation"** means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

**"Skid trail"** means a route used by tracked or wheeled skidders to move logs to a landing or road.

**"Slash"** means pieces of woody material containing more than 3 cubic feet resulting from forest practices activities.

**"Small forest landowner long-term application"** means a proposal from a small forest landowner to conduct forest practices activities for terms of three to fifteen years. Small forest landowners as defined in WAC 222-21-010(13) are eligible to submit long-term applications.

**"SOSEA goals"** means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps

(see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

**"Spoil"** means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

**"Spotted owl conservation advisory group"** means a three-person advisory group designated by the board as follows: One person shall be a representative of Washington's forest products industry, one person shall be a representative of a Washington-based conservation organization actively involved with spotted owl conservation, and one person shall be a representative of the department's forest practices program. Members of the group shall have a detailed working knowledge of spotted owl habitat relationships and factors affecting northern spotted owl conservation. On an annual basis, beginning November 2010, the board will determine whether this group's function continues to be needed for spotted owl conservation.

**"Spotted owl dispersal habitat"** see WAC 222-16-085 (2).

**"Spotted owl special emphasis areas (SOSEA)"** means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

**"Stop work order"** means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

**"Stream-adjacent parallel roads"** means roads (including associated right of way clearing) in a riparian management zone on a property that have an alignment that is parallel to the general alignment of the stream, including roads used by others under easements or cooperative road agreements. Also included are stream crossings where the alignment of the road continues to parallel the stream for more than 250 feet on either side of the stream. Not included are federal, state, county or municipal roads that are not subject to forest practices rules, or roads of another adjacent landowner.

**"Sub-mature habitat"** see WAC 222-16-085 (1)(b).

**"Suitable marbled murrelet habitat"** means a contiguous forested area containing murre trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

- (a) Within 50 miles of marine waters;
- (b) At least forty percent of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;
- (c) Two or more nesting platforms per acre;
- (d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest

structure) to the forested area in which the nesting platforms occur.

**"Suitable spotted owl habitat"** see WAC 222-16-085(1).

**"Temporary road"** means a forest road that is constructed and intended for use during the life of an approved forest practices application/notification. All temporary roads must be abandoned in accordance to WAC 222-24-052(3).

**"Threaten public safety"** means to increase the risk to the public at large from snow avalanches, identified in consultation with the department of transportation or a local government, or landslides or debris torrents caused or triggered by forest practices.

**"Threatened or endangered species"** means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

**"Timber"** means forest trees, standing or down, of a commercial species, including Christmas trees. However, timber does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.-035.

**"Unconfined avulsing stream"** means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

**"Validation,"** as used in WAC 222-20-016, means the department's agreement that a small forest landowner has correctly identified and classified resources, and satisfactorily completed a roads assessment for the geographic area described in Step 1 of a long-term application.

**"Water bar"** means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

**"Watershed administrative unit (WAU)"** means an area shown on the map specified in WAC 222-22-020(1).

**"Watershed analysis"** means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

**"Weed"** is any plant which tends to overgrow or choke out more desirable vegetation.

**"Western Washington"** means the geographic area of Washington west of the Cascade crest and the drainages defined in Eastern Washington.

**"Wetland"** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not

include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

**"Wetland functions"** include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

**"Wetland management zone"** means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

**"Wildlife"** means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

**"Wildlife reserve trees"** means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

**"Windthrow"** means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

**"Yarding corridor"** means a narrow, linear path through a riparian management zone to allow suspended cables necessary to support cable logging methods or suspended or partially suspended logs to be transported through these areas by cable logging methods.

**"Young forest marginal habitat"** see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 05-12-119, filed 5/31/05, effective 7/1/05)

**WAC 222-16-080 Critical habitats (state) of threatened and endangered species.** (1) Critical habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle (*Haliaeetus leucocephalus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf (*Canis lupus*) - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear (*Ursus arctos*) - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain (woodland) caribou (*Rangifera tarandus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of fish and wildlife.

(e) Oregon silverspot butterfly (*Speyeria zerene hippolyta*) - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of fish and wildlife.

(f) Peregrine falcon (*Falco peregrinus*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane (*Grus canadensis*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of fish and wildlife.

(h) Northern spotted owl (*Strix occidentalis caurina*).

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entia SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable

spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical habitat (state) for northern spotted owls.

(i) Western pond turtle (*Clemmys marmorata*) - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet (*Brachyramphus marmoratus*).

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable marbled murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained.

(vi) Except that the following shall not be critical habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior or Commerce, or specific forest practices within those habitats, have been determined to have the potential for a substantial impact on

the environment and therefore are designated as critical habitats (state) of threatened or endangered species.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior or Commerce, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical habitats (state) of threatened or endangered species. This list shall be submitted to the board within 30 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior or Commerce which have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for inclusion in Class IV - Special forest practices. The department shall submit the list to the board within 30 days of the date the United States Secretary of the Interior or Commerce publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats included by the board in Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical habitats (state) of threatened and endangered species and specific forest practices designated in subsections (1) and (2) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission and by the United States Secretary of Interior or Commerce.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical habitat (state) (WAC 222-16-080 ((WAC)) and 222-16-050 (1)(b)) for a species, if the forest practices are consistent with one or more of the following:

(a) Documents addressing the needs of the affected species provided such documents have received environmental review with an opportunity for public comment under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq.:

(i) A habitat conservation plan and incidental take permit; or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. § 1536(b) or 1539(a); or

(ii) An "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or

(iii) Other conservation agreement entered into with a federal agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species; or

(iv) A rule adopted by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service for the conservation of an affected species pursuant to 16 U.S.C. section 1533(d); or

(b) Documents addressing the needs of the affected species so long as they have been reviewed under the State Environmental Policy Act;

(i) A landscape management plan; or

(ii) Another cooperative or conservation agreement entered into with a state resource agency pursuant to its statutory authority for fish and wildlife protection;

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1);

(f) A cooperative habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-105; or

(g) A take avoidance plan issued by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service prior to March 20, 2000;

(h) Surveys demonstrating the absence of northern spotted owls at a northern spotted owl site center have been reviewed and approved by the department of fish and wildlife and all three of the following criteria have been met:

(i) The site has been evaluated by the spotted owl conservation advisory group; and

(ii) As part of the spotted owl conservation advisory group's evaluation, the department's representative has consulted with the department of fish and wildlife; and

(iii) The spotted owl conservation advisory group has reached consensus that the site need not be maintained while the board completes its evaluation of rules affecting the northern spotted owl. The spotted owl conservation advisory group shall communicate its findings to the department in writing within sixty days of the department of fish and wild-

life's approval of surveys demonstrating the absence of northern spotted owls.

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical habitat (state) for the species covered by the existing plan or evaluations.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

**WSR 10-06-057**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

(Veterinary Board of Governors)

[Filed February 24, 2010, 3:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-16-142.

Title of Rule and Other Identifying Information: Chapter 246-935 WAC, Qualifying practical experience, WAC 246-935-145 through 246-935-255, adding new sections for veterinary technician training and experience.

Hearing Location(s): Department of Health, 20435 72nd Avenue South, Conference Room Two, Kent, WA, on April 12, 2010, at 10:00 a.m.

Date of Intended Adoption: April 12, 2010.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by April 5, 2010.

Assistance for Persons with Disabilities: Contact Judy Haenke by April 5, 2010, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Candidates may qualify to sit for the veterinary technician licensing examination through a formal training program or through a period of practical experience. These proposed rules are in response to HB 1331 (chapter 235, Laws of 2007) which directed the veterinary board of governors to adopt rules identifying standard tasks and procedures that must be included during the training of veterinary technician candidates who qualify to sit for the licensing examination through practical experience.

Developing standards for the practical experience will assure the public that the practical experience for a veterinary technician candidate includes a comprehensive training program. The board was also directed to adopt requirements for the supervising veterinarian's attestation to the completion of the practical experience and that the training included the required tasks and procedures.

Reasons Supporting Proposal: HB 1331 followed a sunrise review of the issues related to training of veterinary technicians in Washington state. During the sunrise review process, there was significant support expressed for the practical experience route of training and for the practical experience to include a more comprehensive and structured program. The proposed rules set forth specific tasks and procedures that must be completed as part of practical experience and requirements for the supervising veterinarian's attestation to the completion of the practical experience including the required tasks and procedures.

Statutory Authority for Adoption: RCW 18.92.128.

Statute Being Implemented: RCW 18.92.128.

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

Name of Proponent: Department of health, veterinary board of governors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4947.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Judy Haenke, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4947, fax (360) 236-2901, e-mail [judy.haenke@doh.wa.gov](mailto:judy.haenke@doh.wa.gov).

February 24, 2010

Timothy D. Gintz, DVM, Chair

Veterinary Board of Governors

**QUALIFYING PRACTICAL EXPERIENCE**

NEW SECTION

**WAC 246-935-145 Purpose and performance of practical experience standard tasks and procedures.** (1)

The purpose of these rules is to identify knowledge areas and standard tasks and procedures that must be included in the practical experience of a person who qualifies to take the veterinary technician licensing examination through 9500 hours of experience gained within the last seven years. The rules provide categories of required knowledge areas, tasks and procedures.

(2) The supervising veterinarian will attest to the candidate's knowledge and completion of the required tasks and procedures for the categories of animal on forms provided by the secretary.

(3) The tasks and procedures will be performed under the appropriate supervision by the licensed veterinarian under WAC 246-935-040, 246-935-050, and 246-935-235.

#### NEW SECTION

**WAC 246-935-150 Definitions.** The definitions in this section apply to WAC 246-935-145 through 246-935-255 unless the context clearly requires otherwise.

**"Board"** means the veterinary board of governors.

**"Categories of animals"** means:

- (a) Companion animals - dogs and cats;
- (b) Avian and exotic animals;
- (c) Equine;
- (d) Food animal and camelids - ruminants and nonruminants;
- (e) Large animal includes equine, food animals, and camelids - ruminants and nonruminants.

**"Knowledge based demonstration of experience"** means the candidate can verbally, in writing, or schematically demonstrate an understanding of the essential principles necessary for successful completion of a required task or procedure.

**"Practical demonstration of experience"** means the candidate can demonstrate the successful completion of the required task or procedure.

**"Practical experience"** means a minimum of five years (9500 hours) of full-time experience within a seven year period during which a candidate completes required tasks and procedures consistent with the scope of practice of a licensed veterinary technician.

**"Secretary"** means the secretary of the department of health.

**"Supervising veterinarian"** means the licensed veterinarian who provides written attestation to the demonstration of knowledge and completion of experience in the required tasks and procedures.

**"Trainee"** means a person who:

- (a) Has submitted documentation to the board of 7600 hours of experience as an unregistered assistant, or other substantially equivalent training approved by the board; and
- (b) Has provided a written declaration of his or her intention to sit for the Veterinary Technician National Examination, or other examination approved by the board, within the next calendar year; and
- (c) Possesses a current registration as a veterinary medication clerk as provided in this chapter; and
- (d) Has received written confirmation from the board that he or she is designated as a "trainee."

#### NEW SECTION

**WAC 246-935-160 Basic veterinary science knowledge.** The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to basic veterinary science.

- (1) General animal knowledge (husbandry, nutrition, species and breed identification, behavior and grooming).
- (2) Anatomy, physiology, and organ systems.
- (3) Restraint techniques.
- (4) Euthanasia techniques and protocol.

(5) Medical charting, documentation, and veterinary terminology.

#### NEW SECTION

**WAC 246-935-170 Clinical/pathology and laboratory diagnostics.** The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to clinical/pathology and laboratory diagnostics.

- (1) Parasitology.
- (2) Serology/hematology.
- (3) Ophthalmologic testing.
- (4) Urinalysis.
- (5) Microbiology.
- (6) Necropsy.
- (7) Cytology.

#### NEW SECTION

**WAC 246-935-180 Hospital standard operating procedures, instruments, and equipment.** The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to hospital standard surgical operating procedures, instruments, and equipment.

- (1) Surgery room preparation and protocol.
- (2) Equipment operation and maintenance.
- (3) Routine patient treatment.

#### NEW SECTION

**WAC 246-935-190 Anesthesia and emergency procedures.** The supervising veterinarian will attest to completion of the following tasks, procedures, and knowledge related to anesthesia and emergency procedures.

- (1) Triage. Assessment, recognition, and response to common veterinary emergencies.
- (2) General anesthesia.

#### NEW SECTION

**WAC 246-935-200 Pharmacy.** The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to clinical and legal pharmacy practices.

- (1) Veterinary medication clerk certification as required in RCW 18.92.015.
- (2) Major drug categories, pharmacology, uses, and side effects.
- (3) Pharmacy law as related to controlled substances.

#### NEW SECTION

**WAC 246-935-210 Public health, infectious diseases, and zoonosis.** The supervising veterinarian will attest to knowledge and completion of the following tasks and procedures related to infectious diseases and zoonosis.

- (1) Pathology, epidemiology and prevention and treatment of common diseases and zoonosis.
- (2) Vaccinations and basic immunology.
- (3) Public health and safety issues.

NEW SECTION

**WAC 246-935-220 Dental.** The supervising veterinarian will attest to completion of the following tasks and procedures and equipment knowledge related to dentistry.

- (1) Dental and oral anatomy, charting, and nomenclature.
- (2) Teeth cleaning, polishing, hand instrumentation, and standard dental equipment.
- (3) Dental disease treatment, diagnostics, pathology, and prevention.

NEW SECTION

**WAC 246-935-230 Imaging equipment and techniques.** The supervising veterinarian will attest to completion of the following tasks and procedures and equipment knowledge related to veterinary imaging.

- (1) Radiology.
- (2) Additional imaging technology.

NEW SECTION

**WAC 246-935-235 Supervised practical experience and unlicensed practice.** (1) A trainee performing the last 1900 hours of practical experience required before taking the veterinary technician exam, under appropriate supervision as set forth in this chapter, shall not be found to have engaged in the unlicensed practice of veterinary medicine or the unlicensed practice of a veterinary technician.

(2) During the last 1900 hours of the supervised practical experience period, the trainee may perform the same tasks as a licensed veterinary technician as set forth in WAC 246-935-050, but only under the immediate supervision of a licensed veterinarian.

NEW SECTION

**WAC 246-935-240 Trainee.** (1) A trainee is a person who:

- (a) Has submitted documentation to the board of 7600 hours of experience as an unregistered assistant, or other substantially equivalent training approved by the board; and
  - (b) Has provided a written declaration of his or her intention to sit for the veterinary technician national examination, or other examination approved by the board, within the next calendar year; and
  - (c) Possesses a current registration as a veterinary medication clerk as provided in this chapter.
- (2) The trainee designation is valid until the results of the examination scores referred to in subsection (1)(b) of this section are available or for a period not to exceed one calendar year, whichever occurs first.
- (3) If a trainee fails to complete the supervised experience requirements within the last calendar year of the supervised experience time period, or any time extension granted by the board, the person's trainee status expires and the person may only perform tasks as an unregistered assistant.
- (4) The board may grant an extension of the time in which a trainee may complete the supervised experience requirements due to illness or other extenuating circumstances. Trainees seeking an extension must petition the board, in writing, at least forty-five days prior to the expiration of the trainee period.

NEW SECTION

**WAC 246-935-250 Supervising veterinarian's attestation.** The supervising veterinarian shall complete an attestation, on forms provided by the secretary, verifying successful completion of the required tasks and procedures. These forms are set forth in WAC 246-935-255. The attestation shall include at a minimum:

- (1) Identification or description of the procedure or task.
- (2) Identification of the individual performing the task or procedure.
- (3) Identification of the supervising veterinarian.
- (4) Date the task or procedure was completed.
- (5) Whether the procedure or task was completed using practical demonstration of experience or knowledge based demonstration of experience.

NEW SECTION

**WAC 246-935-255 Forms.** (1) Checklist for WAC 246-935-160(1) general animal knowledge.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 1  
 Checklist for WAC 246-935-160(1) general animal knowledge

GENERAL ANIMAL KNOWLEDGE (HUSBANDRY, NUTRITION, SPECIES AND BREED IDENTIFICATION, BEHAVIOR AND GROOMING)

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name:	
Supervising veterinarian name:	
Supervising veterinarian license #:	
<b><i>Check items as completed. Complete all items in each section.</i></b>	

<b>GENERAL ANIMAL KNOWLEDGE</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<i><b>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</b></i>			
Properly perform nail trim and anal gland expression on canine.	<input type="checkbox"/>		
Properly perform nail trim and anal gland expression on feline.	<input type="checkbox"/>		
Properly perform bathing of canine.	<input type="checkbox"/>		
Properly perform bathing of feline.	<input type="checkbox"/>		
Demonstrate the ability to identify major cat and dog breeds and physical descriptive terminology.	<input type="checkbox"/>		
<i><b>KNOWLEDGE BASE/COMPANION ANIMAL</b></i>			
Describe daily water and calorie intake requirements for canine and feline.	<input type="checkbox"/>		
Describe the dietary importance of: Carbohydrates, protein, fat, minerals, and water.	<input type="checkbox"/>		
Describe difference between pica and coprophagia.	<input type="checkbox"/>		
Describe three common feline behavioral problems and possible solutions.	<input type="checkbox"/>		
Describe three common canine behavioral problems and possible solutions.	<input type="checkbox"/>		
Describe the gestation period for canine and feline species.	<input type="checkbox"/>		
Describe core vaccines provided to canine and feline.	<input type="checkbox"/>		
Describe the differences between live vaccine, modified and killed.	<input type="checkbox"/>		
Describe the signs of the estrous cycle in canines.	<input type="checkbox"/>		
Describe the protocol for worming and vaccinations in puppies and kittens.	<input type="checkbox"/>		
Describe the minimum caging requirement for avian husbandry.	<input type="checkbox"/>		
Describe the feathers included when trimming wings of birds to prevent flying.	<input type="checkbox"/>		
Describe the basic characteristics seen in the different canine breed groups: Herding, hunting, working dog, terrier, etc.	<input type="checkbox"/>		
<i><b>PRACTICAL DEMONSTRATION/LARGE ANIMAL</b></i>			
Successfully prepare a tail tie and tail wrap on a horse.	<input type="checkbox"/>		
Clean hooves of a horse.	<input type="checkbox"/>		
	<input type="checkbox"/>		
<i><b>KNOWLEDGE BASE/LARGE ANIMAL</b></i>			
Describe three common equine behavioral problems and possible solutions.	<input type="checkbox"/>		
Accurately identify animals in the correct species for ovine, porcine, caprine, and bovine.	<input type="checkbox"/>		

Describe different methods for identification of large animals (tattoos and various locations, hot branding, hoof branding, trichoglyphs, and freeze branding).	<input type="checkbox"/>		
Describe gestation period for equine, bovine, caprine, porcine and ovine.	<input type="checkbox"/>		
Describe core vaccines for equine.	<input type="checkbox"/>		
Describe three stages of equine labor, signs and associated timelines.	<input type="checkbox"/>		
Describe "foal heat diarrhea."	<input type="checkbox"/>		
Describe when worming and vaccination should occur for foals.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(2) Checklist for WAC 246-935-160(2) anatomy, physiology and organ systems.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 2  
 Checklist for WAC 246-935-160(2) anatomy, physiology and organ systems  
 ANATOMY, PHYSIOLOGY AND ORGAN SYSTEMS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>ANATOMY, PHYSIOLOGY AND ORGAN SYSTEMS</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>KNOWLEDGE BASE/COMPANION ANIMAL</b>			
Accurately describe the body cavities and their subdivisions for canine and feline species.	<input type="checkbox"/>		
Describe the following fractures: Greenstick, transverse, oblique, spiral, comminuted, and physeal.	<input type="checkbox"/>		
Define the difference between cell, tissue, organ and system.	<input type="checkbox"/>		
Define the following visceral terms: Peritoneum, pleura, pericardium.	<input type="checkbox"/>		
Define terms associated with physiology: Atrophy, hypertrophy, aplasia, hyperplasia, hypoplasia, metabolism, anabolism, catabolism, osmosis, isotonic, hypertonic, and hypotonic.	<input type="checkbox"/>		
List the functions of water in the body and the difference between intracellular and intercellular fluid.	<input type="checkbox"/>		
Define the functions of protein in the body.	<input type="checkbox"/>		
Define the process of phagocytosis.	<input type="checkbox"/>		
Describe the four primary types of tissues in the body.	<input type="checkbox"/>		
Describe four epithelial cells in the body.	<input type="checkbox"/>		
Define osteocyte, osteoblast, and osteoclast.	<input type="checkbox"/>		
Define the structure of the following long bones: Epiphysis, diaphysis, cancellous bone, and compact bone.	<input type="checkbox"/>		

List vertebral formula for dogs.	<input type="checkbox"/>		
List three types of cartilage and where found (hyaline, elastic, and fibro).	<input type="checkbox"/>		
List three primary types of joints and where found (fibrous, cartilaginous, synovial).	<input type="checkbox"/>		
Define the difference between a tendon and a ligament.	<input type="checkbox"/>		
List three types of muscle tissue and where found (smooth, cardiac, and skeletal).	<input type="checkbox"/>		
Define the following movement terms: Abduction, adduction, flexion, extension, pronation, and supination.	<input type="checkbox"/>		
Define EKG wave and what each segment represents in terms of heart electrical conduction.	<input type="checkbox"/>		
Describe portal circulation.	<input type="checkbox"/>		
Describe pulmonary circulation.	<input type="checkbox"/>		
Describe systemic circulation.	<input type="checkbox"/>		
Describe the digestive process from ingestion to defecation.	<input type="checkbox"/>		
Describe the primary functions of the liver.	<input type="checkbox"/>		
Describe the disorder called portal systemic shunt.	<input type="checkbox"/>		
Describe the difference between sympathetic and parasympathetic nervous system and the actions of each.	<input type="checkbox"/>		
List in order the segments of the intestine.	<input type="checkbox"/>		
Describe three protective layers of central nervous system and the term "blood brain barrier."	<input type="checkbox"/>		
Describe the structure of the respiratory system in order.	<input type="checkbox"/>		
Define the terms pneumothorax, hemothorax, pyothorax, and chylothorax.	<input type="checkbox"/>		
Define surfactant and atelectasis.	<input type="checkbox"/>		
Define the terms eupnea, apnea, dyspnea, polypnea, hyperpnea, and hypercapnia.	<input type="checkbox"/>		
List five openings to the pharynx.	<input type="checkbox"/>		
List four parts of the larynx.	<input type="checkbox"/>		
Describe five primary functions of the kidney.	<input type="checkbox"/>		
List common waste products found in urine.	<input type="checkbox"/>		
Describe the organs of the urinary system.	<input type="checkbox"/>		
Describe the process of urine formation in the kidneys.	<input type="checkbox"/>		
Define estrogen and progesterone and when and where produced.	<input type="checkbox"/>		
Describe five stages of estrous cycle in canine and what is occurring in each stage.	<input type="checkbox"/>		
Describe "seasonally polyestrous" and list two species associated with this.	<input type="checkbox"/>		
Define colostrum, its importance and time sensitive nature.	<input type="checkbox"/>		
Define ovariohysterectomy.	<input type="checkbox"/>		
Describe pituitary gland and the hormones secreted in anterior and posterior section.	<input type="checkbox"/>		
Define os penis and in what species it occurs.	<input type="checkbox"/>		
Define the two thyroid gland hormones and importance of each.	<input type="checkbox"/>		
Define the parathyroid gland and its importance.	<input type="checkbox"/>		
Describe adrenal glands, location, and importance.	<input type="checkbox"/>		
Describe the location and importance of the pancreas.	<input type="checkbox"/>		

Describe difference between T and B cells and where formed.	<input type="checkbox"/>		
Define canine "tie" and how it is resolved.	<input type="checkbox"/>		
Describe fetal circulation and problems with patent ductus arteriosus.	<input type="checkbox"/>		
Define origin and insertion in terms of anatomical structures.	<input type="checkbox"/>		
Demonstrate knowledge and terminology of the bones of the limbs, axial, skeleton, and the skull.	<input type="checkbox"/>		
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>KNOWLEDGE BASE/LARGE ANIMAL</b>			
Identify the body cavities in the horse and their subdivisions.	<input type="checkbox"/>		
List vertebral formula for a horse.	<input type="checkbox"/>		
List the four parts of the bovine stomach and what occurs in each part.	<input type="checkbox"/>		
Define "hardware disease" seen in cattle.	<input type="checkbox"/>		
Describe "gastric groove" associated with young bovine and importance.	<input type="checkbox"/>		
Describe "heaves" in a horse and what physical changes you would see.	<input type="checkbox"/>		
Describe parts of hoof in a horse.	<input type="checkbox"/>		
Describe "proud flesh" seen in horses.	<input type="checkbox"/>		
Demonstrate knowledge and terminology of the bones of the limbs, axial, skeleton, and the skull.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named Veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(3) Checklist for WAC 246-935-160(3) restrain techniques.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 3  
 Checklist for WAC 246-935-160(3) restraint techniques  
 RESTRAINT TECHNIQUES

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>RESTRAINT TECHNIQUES</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</b>			
Demonstrate the following restraints:	<input type="checkbox"/>		
• Canine sternal recumbency restraint.	<input type="checkbox"/>		
• Canine lateral recumbency restraint.	<input type="checkbox"/>		
• Canine cephalic venipuncture restraint.	<input type="checkbox"/>		
• Canine saphenous venipuncture restraint.	<input type="checkbox"/>		

• Canine jugular venipuncture restraint.	<input type="checkbox"/>		
• Canine eye/ear medication restraint.	<input type="checkbox"/>		
• Canine intramuscular injection or nail trim restraint.	<input type="checkbox"/>		
• Canine gauze muzzle application.	<input type="checkbox"/>		
• Canine nylon/leather muzzle application.	<input type="checkbox"/>		
• Feline cephalic venipuncture restraint.	<input type="checkbox"/>		
• Feline jugular venipuncture.	<input type="checkbox"/>		
• Feline sternal recumbency "cat press" restraint.	<input type="checkbox"/>		
• Feline lateral recumbency "cat stretch" restraint.	<input type="checkbox"/>		
• Feline towel restraint.	<input type="checkbox"/>		
• Feline muzzle application.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/COMPANION ANIMAL</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Describe the use of a rabies pole.	<input type="checkbox"/>		
<b>PRACTICAL DEMONSTRATION/LARGE ANIMAL</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Demonstrate haltering and leading a large animal.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/LARGE ANIMAL</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Describe a chain lead with halter already in place on horse.	<input type="checkbox"/>		
Describe a chain or rope nose twitch to a haltered horse.	<input type="checkbox"/>		
Describe a tail restraint in bovine patient.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/AVIAN</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Describe a beak trim restraint.	<input type="checkbox"/>		
Describe a pedicure restraint.	<input type="checkbox"/>		
Describe a wing trim restraint.	<input type="checkbox"/>		
Describe a blood draw restraint.	<input type="checkbox"/>		
Describe a medication administration restraint.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/FERRET</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Describe a physical exam restraint.	<input type="checkbox"/>		
Describe a pedicure restraint.	<input type="checkbox"/>		
Describe a blood draw restraint.	<input type="checkbox"/>		
Describe a medication administration restraint.	<input type="checkbox"/>		

	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b>KNOWLEDGE BASE/RABBIT</b>			
Describe a pedicure restraint.	<input type="checkbox"/>		
Describe a tooth trimming restraint.	<input type="checkbox"/>		
Describe a physical exam restraint.	<input type="checkbox"/>		
Describe a blood draw restraint.	<input type="checkbox"/>		
Describe a medication administration restraint.	<input type="checkbox"/>		
Describe the most common injury in rabbit restraints.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/RODENT</b>			
Describe a pedicure restraint.	<input type="checkbox"/>		
Describe a tooth trimming restraint.	<input type="checkbox"/>		
Describe a physical exam restraint.	<input type="checkbox"/>		
Describe a blood draw restraint.	<input type="checkbox"/>		
Describe a medication administration restraint.	<input type="checkbox"/>		
Describe the difference in restraint between a mouse and a rat.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(4) WAC 246-935-160(4) checklist for euthanasia techniques and protocols.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 4  
 Checklist for Euthanasia Techniques and Protocols  
 EUTHANASIA TECHNIQUES AND PROTOCOLS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>EUTHANASIA TECHNIQUES AND PROTOCOLS</b>			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b>PRACTICAL DEMONSTRATION</b>			
Demonstrate the explanation to a companion animal owner about what to expect during and immediately after euthanasia of a cat or dog by venous lethal injection.	<input type="checkbox"/>		

<i>KNOWLEDGE BASE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe how the following are important in determining a method of euthanasia.	<input type="checkbox"/>		
• Safety (personal, of bystanders, of the environment).	<input type="checkbox"/>		
• Intended post-mortem diagnostics.	<input type="checkbox"/>		
• Intended consumption/use of animal products.	<input type="checkbox"/>		
• Disposal of remains.	<input type="checkbox"/>		
Describe the two main things that must happen prior to death in order for euthanasia to be considered humane.	<input type="checkbox"/>		
• Minimal stress, pain and anxiety of the animal.	<input type="checkbox"/>		
• Unconsciousness.	<input type="checkbox"/>		
Describe the pros and cons of the following general forms of euthanasia.	<input type="checkbox"/>		
• Lethal chemical injection.	<input type="checkbox"/>		
• Mechanical (gunshot, captive bolt, cervical disarticulation, pithing).	<input type="checkbox"/>		
• Lethal inhalant.	<input type="checkbox"/>		
• Stunning with exsanguination.	<input type="checkbox"/>		
Explain why freezing alone is not considered a humane form of euthanasia.	<input type="checkbox"/>		
Demonstrate the correct place on a cow skull for gunshot or stunning.	<input type="checkbox"/>		
Describe the content and reason for a euthanasia release form.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN		DATE SIGNED	

(5) WAC 246-935-160(5) checklist medical records.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 5  
 Checklist for WAC 246-935-160(5) medical records  
 MEDICAL RECORDS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
MEDICAL RECORDS			
<i>PRACTICAL DEMONSTRATION</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Write at least five legally accurate and complete entries into a medical record consistent with Washington state law.	<input type="checkbox"/>		

	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b>KNOWLEDGE BASE</b>			
You have just administered a drug to a veterinary patient: Under Washington state law, list the five things that must be legally recorded in the medical record for this action.	<input type="checkbox"/>		
Define what each letter of the acronym "SOAP" means in relation to medical record entries.	<input type="checkbox"/>		
Discuss the term "informed consent."	<input type="checkbox"/>		
Define signalment.	<input type="checkbox"/>		
Describe presenting complaints and patient history (signs vs presumed diagnosis).	<input type="checkbox"/>		
Discuss what information to include in the record and the use of non-leading questions.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN		DATE SIGNED	

(6) WAC 246-935-170(1) checklist for parasitology.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 6  
 Checklist for WAC 246-935-170(1) parasitology  
 PARASITOLOGY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>PARASITOLOGY</b>			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b>PRACTICAL DEMONSTRATION/COMPANION AND LARGE ANIMAL</b>			
Perform proper set up of fecal direct smear.	<input type="checkbox"/>		
Perform proper set up of fecal flotation.	<input type="checkbox"/>		
Perform proper set up of Baehrman flotation.	<input type="checkbox"/>		
Accurately identify protozoa in fecal sample including <i>Coccidia</i> and <i>Giardia</i> .	<input type="checkbox"/>		
Accurately identify roundworm, hookworm, and whipworm eggs in fecal sample.	<input type="checkbox"/>		
Accurately identify spirochetes and bacteria in fecal sample.	<input type="checkbox"/>		
Accurately perform ear cytology and identify ear mites.	<input type="checkbox"/>		
Accurately perform skin scraping and identify <i>Demodex</i> mites.	<input type="checkbox"/>		
Accurately identify tapeworm and tapeworm segments and adult roundworm in gross examination.	<input type="checkbox"/>		

<i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe the difference between <i>Taenia</i> and <i>Dipylidium</i> species of tapeworm, physical differences, transmission, identification, and prevention.	<input type="checkbox"/>		
Describe the difference between <i>Demodex</i> and <i>Sarcoptes</i> mites and the collection methods.	<input type="checkbox"/>		
Describe proper handling techniques in the collection and testing of fecal samples for various diagnostic tests.	<input type="checkbox"/>		
Define terms: Steatorrhea, amylopoorrhea, creatorrhea, and what you would see in a fecal exam.	<input type="checkbox"/>		
Describe what you would expect to see using direct smear, fecal flotation medium, and Baehrman technique.	<input type="checkbox"/>		
Describe cellophane tape method to detect pinworms in horses.	<input type="checkbox"/>		
Describe cellophane tape method to detect <i>Cheyletiella</i> .	<input type="checkbox"/>		
Describe physical differences between biting lice and sucking lice, diseases transmitted, and treatment of infestation.	<input type="checkbox"/>		
Describe protozoa ( <i>Giardia</i> and <i>Coccidia</i> ) and how detected.	<input type="checkbox"/>		
Describe common bacteria seen in fecal samples and how to identify.	<input type="checkbox"/>		
Describe <i>Nanophyetus</i> organism, disease, and treatment.	<input type="checkbox"/>		
Describe common intracellular rickettsial diseases, how identified, and transmission.	<input type="checkbox"/>		
Describe flea lifecycle, identification, and diseases transmitted ( <i>Ctenocephalides felis</i> ).	<input type="checkbox"/>		
Describe soft and hard ticks, their lifecycle, identification, common diseases transmitted, and treatment of tick infestation.	<input type="checkbox"/>		
Describe common mites seen in veterinary practice, lifecycle of each, identification, symptoms seen with infestation, and treatment ( <i>Demodex</i> , <i>Sarcoptes</i> , <i>Otodectes</i> , and <i>Cheyletiella</i> ).	<input type="checkbox"/>		
Explain how <i>Giardia</i> snap tests work and sample collection process.	<input type="checkbox"/>		
Describe <i>Cuterebra</i> larvae identification and treatment.	<input type="checkbox"/>		
Define <i>Trichomonas</i> transmission, infection, and treatment.	<input type="checkbox"/>		
Define pinworms, transmission identification, and treatment.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN		DATE SIGNED	

(7) Checklist for WAC 246-935-170(2) serology and hematology.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 7  
 Checklist for WAC 246-935-170(2) serology and hematology  
 SEROLOGY AND HEMATOLOGY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name:	_____
Supervising veterinarian name:	_____

Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>SEROLOGY AND HEMATOLOGY</b>			
<b><i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i></b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Accurately collect and read a PCV sample.	<input type="checkbox"/>		
Perform blood sample collection using the jugular vein in a dog or cat.	<input type="checkbox"/>		
Perform blood sample collection using a cephalic vein in a dog or cat.	<input type="checkbox"/>		
Perform blood sample collection using the femoral vein in a cat.	<input type="checkbox"/>		
Perform blood sample collection using the saphenous vein in a dog.	<input type="checkbox"/>		
Prepare and stain blood smears.	<input type="checkbox"/>		
Accurately read and document manual differential on a cat.	<input type="checkbox"/>		
Accurately read and document manual differential on a dog.	<input type="checkbox"/>		
Accurately perform sample collection and recording of total protein.	<input type="checkbox"/>		
Accurately identify red blood cell inclusions and abnormalities.	<input type="checkbox"/>		
Accurately identify white blood cell abnormalities.	<input type="checkbox"/>		
Complete one SNAP test (heartworm, FELV, or FIV).	<input type="checkbox"/>		
<b><i>PRACTICAL DEMONSTRATION/LARGE ANIMAL</i></b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Perform blood sample collection using jugular vein in large animal species.	<input type="checkbox"/>		
<b><i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i></b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Describe the difference between whole blood, plasma, and serum.	<input type="checkbox"/>		
Describe the different blood tubes and their additives and purpose (RTT, SST, GTT, BTT, LTT).	<input type="checkbox"/>		
Describe layers and content in a spun RTT or SST or PCV tube.	<input type="checkbox"/>		
Describe the primary function and production of red and white blood cells.	<input type="checkbox"/>		
List the five types of white blood cells, description, and functions.	<input type="checkbox"/>		
Describe thrombocytes: Including a description, the purpose, and production process.	<input type="checkbox"/>		
Define the difference between HCT and PCV.	<input type="checkbox"/>		
Define common terms used in hematology analysis including: Rouleaux, agglutination, polychromasia, hypochromasia, poikilocytes, spherocytes, stomatocytes, acanthocytes, polycythemia, schistocytes, reticulocytes and echinocytes.	<input type="checkbox"/>		
Define and describe common findings associated with red blood cells including: Basophilic stippling, howell-jolly bodies, Heinz bodies, <i>Hemobartonella felis</i> , <i>Hemobartonella canis</i> , <i>babesia</i> , <i>Ehrlichia canis</i> , <i>Dirofilaria immitis</i> vs <i>Dipetalonema reconditum</i> , and Polycythemia.	<input type="checkbox"/>		
Describe what you would expect to see with stress leukogram.	<input type="checkbox"/>		

Define and describe common findings associated with white blood cells including dohle bodies, toxic neutrophils, neutropenia, neutrophilia, left shift, band cells, lymphocytosis, lymphopenia, monocytosis, and eosinophilia.	<input type="checkbox"/>		
Define and describe thrombocythemia and thrombocytopenia.	<input type="checkbox"/>		
Define three indices used in evaluating anemia (MCV, MCHC, and MCH) and how each is calculated.	<input type="checkbox"/>		
Define the difference between regenerative and nonregenerative anemia and what you would expect to see on differential with each.	<input type="checkbox"/>		
Describe proper storage of blood samples.	<input type="checkbox"/>		
Describe proper sample collection and preservation for serum and plasma.	<input type="checkbox"/>		
Define what the three abnormal colors seen in plasma serum signify (yellow, white, and red).	<input type="checkbox"/>		
Describe cross matching and blood typing required prior to blood transfusion in cats and dogs.	<input type="checkbox"/>		
Describe hemocytometers and the process used in a manual count for red and white blood cells.	<input type="checkbox"/>		
Describe when it would not be appropriate to collect samples from a dog or cat using the jugular vein.	<input type="checkbox"/>		
For blood chemistries, define each of the following enzyme tests and what they measure: Bun, Crea, Ck, Alt, Bili, GGT, Alkp, Amyl, Lip, BG, TP, Alb, Glob, A:G Ratio.	<input type="checkbox"/>		
For electrolytes, define each and their primary functions: CA <sup>++</sup> , Phos, Na <sup>+</sup> , K <sup>+</sup> , Mg, Cl <sup>-</sup> , BiCarb.	<input type="checkbox"/>		
Define different coagulation tests and process used for each: ACT, PT, PTT, buccal mucosal bleeding time, and fibrinogen assay.	<input type="checkbox"/>		
Define antigen/antibody testing associated with common SNAP tests (heartworm, FELV, and FIV).	<input type="checkbox"/>		
Define titers and titer testing and how it can be used in determining vaccination intervals.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(8) Checklist for WAC 246-935-170(3) ophthalmologic testing.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 8  
 Checklist for WAC 246-935-170(3) ophthalmologic testing  
 OPHTHALMOLOGIC TESTING

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name:	_____
Supervising veterinarian name:	_____
Supervising veterinarian license #:	_____
<b>Check items as completed. Complete all items in each section.</b>	

OPHTHALMOLOGIC TESTING			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b><i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i></b>			
Perform tear production testing and accurately note results.	<input type="checkbox"/>		
Safely and accurately administer topical eye anesthetic.	<input type="checkbox"/>		
Safely and accurately use fluorescein stain on the cornea.	<input type="checkbox"/>		
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b><i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i></b>			
Describe the process used to test for cornea damage.	<input type="checkbox"/>		
Describe the process for tear testing and normal and abnormal values.	<input type="checkbox"/>		
Describe common topical ophthalmological anesthetics use; process, storage, and risks.	<input type="checkbox"/>		
Define the purpose of tonometry and use in animal practice.	<input type="checkbox"/>		
Describe the anatomy of the eye.	<input type="checkbox"/>		
Describe the characteristics of common eye conditions including: Glaucoma, cataract, entropion, prolapsed gland of the nictitans, lenticular sclerosis, and keratoconjunctiva sicca.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
_____ SIGNATURE OF SUPERVISING VETERINARIAN			_____ DATE SIGNED

(9) Checklist for WAC 246-935-170(4) urinalysis.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 9  
 Checklist for WAC 246-935-170(4) urinalysis  
 URINALYSIS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b><i>Check items as completed. Complete all items in each section.</i></b>			
URINALYSIS			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b><i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i></b>			
Accurately collect a urine sample using the free catch method in canine.	<input type="checkbox"/>		
Accurately collect urine sample using manual expression method in feline.	<input type="checkbox"/>		
Perform a gross examination of a urine sample.	<input type="checkbox"/>		
Perform urine sample collection via catheterization of a male canine.	<input type="checkbox"/>		
Accurately complete urinalysis including centrifuging a sample, completing a urine chemistry strip, and specific gravity.	<input type="checkbox"/>		

Prepare, read, and record enough urine sediments to accurately identify bacteria, mucous, fat, yeast, sperm, crystals, casts, cellular content, and artifacts.	<input type="checkbox"/>		
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i>			
Describe proper urine sample collection and storage.	<input type="checkbox"/>		
Describe changes that occur in urine samples left at room temperature.	<input type="checkbox"/>		
Define common urinary terms including: Polyuria, oliguria, polakiuria, stranguria, and anuria.	<input type="checkbox"/>		
Explain what can cause urine to be the following colors: Yellow, brown, green, red-to-reddish brown, cloudy, and flocculent.	<input type="checkbox"/>		
Define terms hematuria, hemoglobinuria, and myoglobinuria.	<input type="checkbox"/>		
Define specific gravity and why it is tested.	<input type="checkbox"/>		
Define pH and what it measures.	<input type="checkbox"/>		
Regarding urinary chemistry strips, define each: Protein, glucose, ketones, bilirubin, and blood.	<input type="checkbox"/>		
Define the difference between diabetes mellitus and diabetes insipidus.	<input type="checkbox"/>		
Define and describe three common types of casts seen in urine and where in the urinary system they are produced.	<input type="checkbox"/>		
Describe toxicities/conditions seen in urine that produce leucine, ammonium biurate, tyrosine, triple phosphate, and Ca <sup>++</sup> oxalate crystals.	<input type="checkbox"/>		
Describe two parasites seen in small animal urine ( <i>Capillaria plica</i> and <i>Dioctophyma renale</i> ).	<input type="checkbox"/>		
Define radio-opaque vs. radiolucent and what bladder stones are in each category.	<input type="checkbox"/>		
Define and describe four urolith's compositions of the urinary tract system (triple phosphate, urate, cystine, and oxalate).	<input type="checkbox"/>		
Define the process for cystocentesis from a small animal.	<input type="checkbox"/>		
Describe the impact of collection methods on urinalysis interpretation.	<input type="checkbox"/>		
Describe SSA testing.	<input type="checkbox"/>		
Describe micro albuminuria.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(10) Checklist for WAC 246-935-170(5) microbiology.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 10  
 Checklist for WAC 246-935-170(5) microbiology  
 MICROBIOLOGY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____
Supervising veterinarian name: _____

Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>MICROBIOLOGY</b>			
<b><i>PRACTICAL DEMONSTRATION/COMPANION AND LARGE ANIMAL</i></b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Properly collect a sample and inoculate fungal media.	<input type="checkbox"/>		
Accurately read colony growth present on fungal media.	<input type="checkbox"/>		
Properly collect a sample of suspected bacteria for gram staining.	<input type="checkbox"/>		
Accurately identify ear swabs and skin impression cytology, identifying bacteria and yeast.	<input type="checkbox"/>		
<b><i>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</i></b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Describe fungal culture media and the difference in appearance between a true positive and a contaminate result.	<input type="checkbox"/>		
Define process and stains used in gram staining.	<input type="checkbox"/>		
Define the process and importance of gram staining.	<input type="checkbox"/>		
Describe the culture media used to identify bacteria including MacConkey, Blood agar, and Mannitol salt agar.	<input type="checkbox"/>		
Describe antibiotic susceptibility testing such as Mueller-Hinton.	<input type="checkbox"/>		
Describe aerobic and anaerobic bacteria.	<input type="checkbox"/>		
Describe the general differences between viral and bacterial organisms.	<input type="checkbox"/>		
Explain the meaning of MIC.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN		DATE SIGNED	

(11) Checklist for WAC 246-935-170(6) necropsy procedure.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 11  
 Checklist for WAC 246-935-170(6) necropsy procedure  
 NECROPSY PROCEDURE

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____
Supervising veterinarian name: _____
Supervising veterinarian license #: _____
<b>Check items as completed. Complete all items in each section.</b>

<b>NECROPSY PROCEDURE</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</b>			
Describe physical requirements needed to perform necropsy in animal hospital.	<input type="checkbox"/>		
Describe personnel safety procedures to be followed when performing necropsy.	<input type="checkbox"/>		
Describe complete method used to preserve and submit a sample to the state health department when testing for rabies.	<input type="checkbox"/>		
Describe the proper handling and disposal of animal remains that are suspect for zoonotic disease.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN _____		DATE SIGNED _____	

(12) Checklist for WAC 246-935-170(7) cytology.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 12  
 Checklist for WAC 246-935-170(7) cytology  
 CYTOLOGY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>CYTOLOGY</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>PRACTICAL DEMONSTRATION/COMPANION AND LARGE ANIMAL</b>			
Perform an accurate vaginal cytology, and correctly assess the stage of estrous cycle in canine.	<input type="checkbox"/>		
Demonstrate and perform proper sample collection procedure for fine needle aspiration of skin mass or cyst, and an impression smear.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</b>			
Describe what you would expect to see on a vaginal cytology from each of the four cycles of canine estrous.	<input type="checkbox"/>		
Describe what you would expect to see in cytology exam in septic wound impression smear.	<input type="checkbox"/>		
Describe what you would expect to see in fluid cytology of nonseptic cyst.	<input type="checkbox"/>		
Supervising veterinarian signature			

I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.

\_\_\_\_\_  
SIGNATURE OF SUPERVISING VETERINARIAN

\_\_\_\_\_  
DATE SIGNED

(13) Checklist for WAC 246-935-180(1) surgery room preparation and protocol.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 13  
 Checklist for WAC 246-935-180(1) surgery room preparation and protocol  
 SURGERY ROOM PREPARATION AND PROTOCOL

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: \_\_\_\_\_  
 Supervising veterinarian name: \_\_\_\_\_  
 Supervising veterinarian license #: \_\_\_\_\_  
**Check items as completed. Complete all items in each section.**

SURGERY ROOM PREPARATION AND PROTOCOL			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b>PRACTICAL DEMONSTRATION</b>			
Successful assembly and sterilization of standard surgical packs.	<input type="checkbox"/>		
Identify common surgical instrument names, basic use, cleaning, and maintenance.	<input type="checkbox"/>		
Successfully complete sterile gowning and gloving.	<input type="checkbox"/>		
Demonstrate aseptic surgical field draping and maintenance.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE</b>			
Describe principles of steam, ethylene oxide gas, and cold sterilization.	<input type="checkbox"/>		
Describe various techniques of aseptic hanging surgical preparation of a limb.	<input type="checkbox"/>		
Identify suture and needle type, size, qualities, nomenclature, and basic usage.	<input type="checkbox"/>		
Describe proper collection and disposal of biohazard materials.	<input type="checkbox"/>		
Identify categories of anesthetic monitoring equipment and what they monitor.	<input type="checkbox"/>		
Describe patient warming devices, their safe operation, and risks.	<input type="checkbox"/>		
Describe aseptic vs. antiseptic.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
_____ SIGNATURE OF SUPERVISING VETERINARIAN		_____ DATE SIGNED	

(14) Checklist for WAC 246-935-180(2) equipment operation and maintenance.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 14  
 Checklist for WAC 246-935-180(2) equipment operation and maintenance  
 EQUIPMENT OPERATION AND MAINTENANCE

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
EQUIPMENT OPERATION AND MAINTENANCE			
<i>PRACTICAL DEMONSTRATION</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Demonstrate successful operation of three types of surgical patient monitors.	<input type="checkbox"/>		
Set up, pressure test and trouble shoot an anesthetic machine.	<input type="checkbox"/>		
Demonstrate ability to read gas levels and change cylinders for medical gases.	<input type="checkbox"/>		
Successful setup and operation of an IV fluid pump.	<input type="checkbox"/>		
<i>KNOWLEDGE BASE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Describe the types, uses, and safety issues of compressed gases.	<input type="checkbox"/>		
Describe the basic principles of suction equipment, electrocautery set up, safety, and usage.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
_____ SIGNATURE OF SUPERVISING VETERINARIAN			_____ DATE SIGNED

(15) Checklist for WAC 246-935-180(3) routine patient treatment.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 15  
 Checklist for WAC 246-935-180(3) routine patient treatment  
 ROUTINE PATIENT TREATMENT

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____	
Supervising veterinarian name: _____	
Supervising veterinarian license #: _____	
<b>Check items as completed. Complete all items in each section.</b>	

<b>ROUTINE PATIENT TREATMENT</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b><i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i></b>			
Administer oral, subQ, IM, and IV medication.	<input type="checkbox"/>		
Perform proper clipping, positioning, and scrubbing technique of three surgical areas.	<input type="checkbox"/>		
Place and secure peripheral IV catheter in a cat and a dog.	<input type="checkbox"/>		
Demonstrate microchip insertion into a cat or a dog.	<input type="checkbox"/>		
Demonstrate force feeding a cat.	<input type="checkbox"/>		
Perform simple interrupted and simple continuous suturing of prepared skin.	<input type="checkbox"/>		
Perform pain assessment of a cat and dog.	<input type="checkbox"/>		
Display accurate assessment of temperature, pulse and respiratory rate in a cat and dog.	<input type="checkbox"/>		
Ability to determine fluid requirements and IV rate based on patient hydration and needs.	<input type="checkbox"/>		
Identify components and apply a three-layer bandage on cat or dog.	<input type="checkbox"/>		
Identify components and apply a Robert Jones bandage.	<input type="checkbox"/>		
Perform bladder expression on anesthetized or debilitated dog or cat.	<input type="checkbox"/>		
Complete effective oral delivery of post-op instructions to owner/agent.	<input type="checkbox"/>		
Calculation of maintenance IV fluid rate.	<input type="checkbox"/>		
Ability to trouble-shoot a nonflowing IV fluid system.	<input type="checkbox"/>		
Demonstrate the management and removal of drains.	<input type="checkbox"/>		
Demonstrate principles of effective in-person and telephone communication.	<input type="checkbox"/>		
<b><i>PRACTICAL DEMONSTRATION/LARGE ANIMALS</i></b>			
Perform temperature, pulse, and respiration in large animals.	<input type="checkbox"/>		
Perform general hoof examination in large animals including coloration, texture, temperature, and pulse.	<input type="checkbox"/>		
Place and secure a jugular IV catheter in a large animal.	<input type="checkbox"/>		
Assess GI motility.	<input type="checkbox"/>		
Give an IM injection in three different locations on a horse.	<input type="checkbox"/>		
<b><i>KNOWLEDGE BASE/COMPANION ANIMAL AND EXOTICS</i></b>			
Define standard ranges for vital signs for a dog, cat, and one exotic species.	<input type="checkbox"/>		
Identify the optimal venipuncture sites for dog, cat, and at least two exotic species.	<input type="checkbox"/>		
Describe both clean and contaminated wounds.	<input type="checkbox"/>		
Describe the four stages of wound healing.	<input type="checkbox"/>		
Identify common bandaging, splinting, casting materials, and their uses.	<input type="checkbox"/>		

Describe standard bandage, splint, and cast management or care (in hospital and at home).	<input type="checkbox"/>		
Identify the types of IV fluids and their uses.	<input type="checkbox"/>		
Describe nomenclature of catheters, needles, injection ports, and syringes.	<input type="checkbox"/>		
Know process for urinary catheterization of cats and female dogs.	<input type="checkbox"/>		
Identification of all common suture patterns.	<input type="checkbox"/>		
Identify common techniques to prevent patient wound disruption/mutilation.	<input type="checkbox"/>		
Identify routine chemicals for disinfection and their appropriate usage.	<input type="checkbox"/>		
Identify common abnormal behaviors in hospitalized cats, dogs, and horses.	<input type="checkbox"/>		
Define different bandage application including wet to dry, wet to wet, and dry.	<input type="checkbox"/>		
Describe these common medical problems seen in birds, symptoms, causes, and treatment: Feather picking, pododermatitis, knemidocoptic mange, overgrown beak, and metabolic bone disease, hypovitaminosis A, and egg binding.	<input type="checkbox"/>		
Describe common medical problems seen in mice and rats (mammary gland tumors, pulmonis bacteria, and ringtail in rats) cause, symptom, and treatment.	<input type="checkbox"/>		
Describe common medical problems seen in ferrets (hyperestrogenism, hyperadrenocorticism, hyperinsulinism, influenza, and urolithiasis) cause, symptoms, and treatment.	<input type="checkbox"/>		
Describe terms "night" and "day" feces associated with rabbits.	<input type="checkbox"/>		
Describe the process of neonatal tube feeding.	<input type="checkbox"/>		
Accurately define "wind up" pain in animals and how it can be prevented.	<input type="checkbox"/>		
Describe common medical problems seen with rabbits (malocclusion, trichobezoars, diarrhea, mite infestation, and heat stroke) causes, symptoms, and treatment.	<input type="checkbox"/>		
Accurately define the three types of pain: Physiological, clinical, and neurogenic.	<input type="checkbox"/>		
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>KNOWLEDGE BASE/LARGE ANIMAL</b>			
Describe neonatal care to be performed within the first day of life in a pig.	<input type="checkbox"/>		
Describe common internal parasites seen in large animals, how identified, and treated (roundworms, lungworms, threadworms, whipworms, stomach worms, kidney worms, etc.).	<input type="checkbox"/>		
Describe common dehorning methods used with goats and sheep.	<input type="checkbox"/>		
Describe when brucellosis vaccination must occur for cattle and how to identify that the vaccination occurred.	<input type="checkbox"/>		
Describe mastitis, causes, symptoms and treatments.	<input type="checkbox"/>		
Describe caseous lymphadenitis found in goats, the cause, symptom and treatment.	<input type="checkbox"/>		

Describe common lameness problems seen in horses, their location, cause, and treatment (joint mouse, OCD, bucked shins, bowed tendons, splints, laminitis, navicular disease, wind puffs, thrush, and hoof cracks).	<input type="checkbox"/>		
Describe the importance of "meconium."	<input type="checkbox"/>		
List the allowed locations for injections on an animal being raised for food production.	<input type="checkbox"/>		
Describe how you can age a horse by assessing teeth structure.	<input type="checkbox"/>		
Describe "drenching" used in medication administration in cattle, sheep, and goats.	<input type="checkbox"/>		
State maximum ml dose per IM injection site.	<input type="checkbox"/>		
Define normal range of vital signs.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN			DATE SIGNED

(16) Checklist for WAC 246-935-190 Anesthesia and emergency procedures.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 16  
 Checklist for WAC 246-935-190 Anesthesia and emergency procedures  
 ANESTHESIA AND EMERGENCY PROCEDURES

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____		
Supervising veterinarian name: _____		
Supervising veterinarian license #: _____		
<b>Check items as completed. Complete all items in each section.</b>		
<b>ANESTHESIA AND EMERGENCY PROCEDURES</b>		
<b>KNOWLEDGE BASE/GENERAL ANESTHESIA</b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>
Accurately define four stages of anesthesia and the four planes of anesthesia depth, including physical attributes associated for each.	<input type="checkbox"/>	
Accurately describe guidelines for feline and canine and acceptable levels while under general anesthesia (minimum of RR, HR, temperature, ocular signs, palprebral, reflexes, CO <sub>2</sub> , SPO <sub>2</sub> , BP).	<input type="checkbox"/>	
Accurately list common anti-cholinergics and their effects and risks for feline, canine, and equine.	<input type="checkbox"/>	
Accurately describe common tranquilizer/sedatives and their effects, risks, and reversing agents if available, for feline, canine, and equine, including: Phenothiazines, benzodiazepines, alpha-2 agonists, opioids, ultra-short acting barbiturates, cyclohexamines, and Propofol.	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>Using list of drugs above, describe routes and method of administration for each.</li> </ul>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>Using list of drugs above, describe length of duration for each and any associated contraindications.</li> </ul>	<input type="checkbox"/>	
Accurately describe common inhalants and their effects and risks, including: Isoflurane, Sevoflurane, and nitrous oxide.	<input type="checkbox"/>	

Describe health hazards of waste anesthetic gases for hospital personnel.	<input type="checkbox"/>	
Describe the basic principles of waste gas scavenging.	<input type="checkbox"/>	
Describe how to select correct size for intubation tube.	<input type="checkbox"/>	
Describe how to respond to emergency situations caused by adverse anesthetic events, cardiopulmonary arrest, and cardiovascular shock.	<input type="checkbox"/>	
Define purpose for endotracheal tube placement, associated risks, and their prevention.	<input type="checkbox"/>	
Define arterial gas monitoring process and what it measures.	<input type="checkbox"/>	
Define purpose for esophageal stethoscopes, use, and placement.	<input type="checkbox"/>	
Describe both in-circuit and out-of-circuit anesthesia machines.	<input type="checkbox"/>	
Define two most common classification of local anesthetics (analgesics), esters and amides, uses, risks, and length of duration.	<input type="checkbox"/>	
Demonstrate successful operation of three types of surgical patient monitors.	<input type="checkbox"/>	
Describe epidural blocks used in canine (purpose, location, and common drugs used in block and their duration).	<input type="checkbox"/>	
Describe how to monitor and assist in patient thermoregulation.	<input type="checkbox"/>	
Describe difference between crystalloid fluids and colloid fluids, types, methods of administration and when applicable.	<input type="checkbox"/>	
Describe the difference between rebreathing and nonrebreathing systems.	<input type="checkbox"/>	
<b>ANESTHESIA/EMERGENCY SUPPORT</b>		
<b><i>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</i></b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>
Perform preanesthetic evaluation on feline and canine species including signalment, medical history, risk assessment, and laboratory evaluation.	<input type="checkbox"/>	
Set-up anesthesia machine(s) for both rebreathing and nonrebreathing and select circuit and equipment for patient.	<input type="checkbox"/>	
Identify all parts of an anesthesia machine and what each part does.	<input type="checkbox"/>	
Ability to interpret normal values for EKG on feline and canine species.	<input type="checkbox"/>	
Ability to assess abnormal rates and rhythms in respiration and heart in both feline and canine species.	<input type="checkbox"/>	
Accurately take blood pressure readings on feline and canine species using a Doppler device.	<input type="checkbox"/>	
Accurately monitor the patient's condition during general anesthetic procedures for both feline and canine species, including manual monitoring of all vital signs.	<input type="checkbox"/>	
Prepare and administer preanesthetics in feline and canine species.	<input type="checkbox"/>	
Prepare and administer intravenous injectable anesthetics.	<input type="checkbox"/>	
Intubate both feline and canine species.	<input type="checkbox"/>	
Demonstrate correct lead placement and preparation of a diagnostic quality EKG strip.	<input type="checkbox"/>	
Ability to obtain femoral pulse in a small animal.	<input type="checkbox"/>	
Ability to determine accurate anesthetic IV fluid rates based on hydration and needs of patient under anesthesia.	<input type="checkbox"/>	

Accurately complete anesthesia monitoring record.	<input type="checkbox"/>	
Extubate feline and canine and monitor recovery.	<input type="checkbox"/>	
Anesthetic recovery of cat and dog.	<input type="checkbox"/>	
Demonstrate proper use of ambu bag on feline or canine species.	<input type="checkbox"/>	
Demonstrate proper oxygen sighing and bagging techniques.	<input type="checkbox"/>	
<b>PRACTICAL DEMONSTRATION/LARGE ANIMAL</b>		
Perform preanesthetic evaluation on equine species including signalment, medical history, risk assessment, and laboratory evaluation.	<input type="checkbox"/>	DATE SUCCESSFULLY COMPLETED
<b>KNOWLEDGE BASE/LARGE ANIMAL</b>		
Describe step-by-step placement of jugular catheter placement in equine or large animal.	<input type="checkbox"/>	DATE SUCCESSFULLY COMPLETED
Accurately describe common tranquilizer/sedatives and their effects, risks and reversing agents if available, for equine and ruminants.	<input type="checkbox"/>	
Accurately define normal values for equine, ruminants, and nonruminants and minimal acceptable levels while under general anesthesia (minimum of RR, HR, temperature, ocular signs, pupil, reflexes, CO <sub>2</sub> , SPO <sub>2</sub> ).	<input type="checkbox"/>	
Describe epidural blocks used in equine and ruminants (caudal epidural and paravertebral). Purpose, location, and common drugs used in block and their duration.	<input type="checkbox"/>	
Describe symptoms of colic in equine and common emergency treatments.	<input type="checkbox"/>	
Describe symptoms of founder in equine and common emergency treatments.	<input type="checkbox"/>	
Describe bloat in cattle and common emergency treatments.	<input type="checkbox"/>	
<b>KNOWLEDGE BASE/COMPANION ANIMAL</b>		
Describe five types of shock seen in animals, the symptoms and treatment (hypovolemic, cardiogenic, septic, anaphylactic, and neurogenic).	<input type="checkbox"/>	DATE SUCCESSFULLY COMPLETED
Ability to assess pulse to heart rate to determine if there is a deficit.	<input type="checkbox"/>	
Describe components required in triage assessment (ABCs).	<input type="checkbox"/>	
Describe manual cardio pulmonary resuscitation in both feline and canine.	<input type="checkbox"/>	
Describe hemorrhage control techniques in feline and canine.	<input type="checkbox"/>	
Describe initial fracture stabilization in feline and canine.	<input type="checkbox"/>	
Describe common emergency drugs used in small companion animal hospitals.	<input type="checkbox"/>	
Describe common reproductive and neonatal emergency care.	<input type="checkbox"/>	
Describe process involved in performing emergency tracheostomy, chest tube placement, and pharyngostomy in companion animals.	<input type="checkbox"/>	
Supervising veterinarian signature		
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.		

SIGNATURE OF SUPERVISING VETERINARIAN	DATE SIGNED

(17) Worksheet for WAC 246-935-200 Pharmacy.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 17  
 Worksheet for WAC 246-935-200 Pharmacy  
 PHARMACY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>PHARMACY</b>			
<b>PREREQUISITE</b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Completion of veterinary medication clerk registration.	<input type="checkbox"/>		
<b>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Demonstrate appropriate reconstitution of vaccines.	<input type="checkbox"/>		
Demonstrate appropriate administration of vaccines.	<input type="checkbox"/>		
Demonstrate appropriate reconstitution of commonly used injectable and oral medications.	<input type="checkbox"/>		
Demonstrate appropriate administration of commonly used injectable and oral medications.	<input type="checkbox"/>		
Demonstrate accurate charting of medications including medication name, dosage, route of administration, and dosage frequency.	<input type="checkbox"/>		
Calculate dosages and administer common IV medications.	<input type="checkbox"/>		
Calculate dosages and administer common IM medications.	<input type="checkbox"/>		
Calculate dosages and administer common SQ medications.	<input type="checkbox"/>		
Calculate dosages and administer common oral medications.	<input type="checkbox"/>		
Correctly prepare and label common prescription medications.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/COMPANION AND LARGE ANIMAL</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Demonstrate knowledge for correct storage, inventory, and tracking of controlled drugs.	<input type="checkbox"/>		
Demonstrate correct destruction of expired controlled drugs.	<input type="checkbox"/>		
Describe storage, safe handling, and disposal of common biologicals.	<input type="checkbox"/>		
Describe storage, safe handling, and disposal of common therapeutic agents.	<input type="checkbox"/>		
Describe storage, safe handling, and disposal of common pesticides.	<input type="checkbox"/>		
Describe storage, safe handling, and disposal of common hazardous wastes.	<input type="checkbox"/>		

Describe DEA requirements for the handling, administering, dispensing, and logging of controlled substances.	<input type="checkbox"/>		
Demonstrate knowledge of common large animal biologicals including administration routes, types of vaccines, frequency and potential side effects.	<input type="checkbox"/>		
Describe common drugs under the classification of antibiotics, including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of cardiovascular including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of diuretics including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of hormones including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of sedatives and tranquilizers including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of antiparasitics and antifungals, including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of anti-inflammatories including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of glucocorticoids including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of anticonvulsives including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of gastrointestinal bronchial dilators including the primary purposes, side effects, and contraindication.	<input type="checkbox"/>		
Describe common drugs under the classification of ophthalmic preparation including the primary purposes, side effects, and contraindications.	<input type="checkbox"/>		
Describe common drugs under the classification of antiparasiticides.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
_____ SIGNATURE OF SUPERVISING VETERINARIAN			_____ DATE SIGNED

(18) Checklist for WAC 246-935-210 Public health, infectious diseases, and zoonosis.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 18  
 Checklist for WAC 246-935-210 Public health, infectious diseases, and zoonosis.

- (1) Epidemiology and control of major zoonotic diseases.
- (2) Vaccinations and basic immunology.
- (3) Public health and safety issues.

PUBLIC HEALTH, INFECTIOUS DISEASES, AND ZOOONOSIS

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>PUBLIC HEALTH, INFECTIOUS DISEASES, AND ZOOONOSIS</b>			
<b><i>PRACTICAL DEMONSTRATION/INFECTIOUS AND ZOOONOTIC DISEASES</i></b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Common isolation/quarantine ward protocols.	<input type="checkbox"/>		
<b><i>KNOWLEDGE BASE/INFECTIOUS AND ZOOONOTIC DISEASES</i></b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Identify general disease - species and organ systems affected, causative organisms, how transmitted, situations/individuals at highest risk, and if condition is reportable for the following:			
• Baylisascaris Larva Migrans.	<input type="checkbox"/>		
• Plague.	<input type="checkbox"/>		
• Talaremia.	<input type="checkbox"/>		
• Listeriosis.	<input type="checkbox"/>		
• Anthrax.	<input type="checkbox"/>		
• Cryptosporidiosis.	<input type="checkbox"/>		
• Cysticercosis.	<input type="checkbox"/>		
• Echinococcoses.	<input type="checkbox"/>		
• Leptospirosis.	<input type="checkbox"/>		
• Trichinellosis.	<input type="checkbox"/>		
• West Nile Virus.	<input type="checkbox"/>		
• Bartonellosis/Cat Scratch Disease.	<input type="checkbox"/>		
• Coxiella Burnetti/Q Fever.	<input type="checkbox"/>		
• <i>E. Coli</i> .	<input type="checkbox"/>		
• Lyme Disease.	<input type="checkbox"/>		
• Avian Chlamydiosis.	<input type="checkbox"/>		
• Sporotrichosis.	<input type="checkbox"/>		
• Ehrlichiosis.	<input type="checkbox"/>		
• Prion Disease (Mad Cow, Scrapie).	<input type="checkbox"/>		
• Systemic Fungal Disease (Histo, Blasto, Coccidioidiomycosis, Cryptococcus).	<input type="checkbox"/>		
• ORF (Contagious Ecthyma).	<input type="checkbox"/>		
• Monkeypox.	<input type="checkbox"/>		
• Erysipelosis.	<input type="checkbox"/>		
• Pastereurellosis.	<input type="checkbox"/>		
• Rat Bite Fever.	<input type="checkbox"/>		
• Hanta Virus.	<input type="checkbox"/>		
Identify general disease - species and organ systems affected, causative organisms, how transmitted, situations/individuals at highest risk and if condition is reportable, and diagnostic procedures/protocols for source species for the following:			
• Rabies.	<input type="checkbox"/>		
• Toxocaral Larva Migrans.	<input type="checkbox"/>		

• Toxoplasmosis.	<input type="checkbox"/>		
• Salmonellosis.	<input type="checkbox"/>		
• Tuberculosis.	<input type="checkbox"/>		
• Campylobacteriosis.	<input type="checkbox"/>		
• Ringworm/Dermatophytoses.	<input type="checkbox"/>		
• Brucellosis.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/INFECTIOUS AND ZOOONOTIC DISEASES</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of whom to report the following confirmed or suspected conditions:			
• Animal biting a human.	<input type="checkbox"/>		
• Foreign animal disease (such as foot and mouth disease).	<input type="checkbox"/>		
• Disease eradicated from Washington (such as tuberculosis).	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/FOREIGN ANIMAL DISEASES</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Describe the clinical signs, mode of transmission, and species affected by the following foreign animal diseases:			
• Avian Influenza.	<input type="checkbox"/>		
• Blue Tongue.	<input type="checkbox"/>		
• Hoof and Mouth Disease.	<input type="checkbox"/>		
• Hog Cholera.	<input type="checkbox"/>		
• Rinderpest.	<input type="checkbox"/>		
• Trypanosomiasis.	<input type="checkbox"/>		
• Velogenic New Castle Disease.	<input type="checkbox"/>		
• Vesicular Stomatitis.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/INFECTIOUS DISEASES DOGS</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Distemper.	<input type="checkbox"/>		
• Parvo.	<input type="checkbox"/>		
• Infectious Canine Hepatitis/CAV-1.	<input type="checkbox"/>		
• Kennel Cough Complex/Bordetella, Parainfluenza.	<input type="checkbox"/>		
• Corona.	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Canine Influenza.	<input type="checkbox"/>		
• Papillomatosis.	<input type="checkbox"/>		

<i><b>KNOWLEDGE BASE/INFECTIOUS DISEASES CATS</b></i>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Panleukopenia.	<input type="checkbox"/>		
• Rhinotracheitis.	<input type="checkbox"/>		
• Calici Virus.	<input type="checkbox"/>		
• Chlamydiosis.	<input type="checkbox"/>		
• FELV.	<input type="checkbox"/>		
• FIV.	<input type="checkbox"/>		
• FIP and FECV.	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Herpes.	<input type="checkbox"/>		
• Kennel Cough Complex.	<input type="checkbox"/>		
• Mycoplasma Felis.	<input type="checkbox"/>		
<i><b>KNOWLEDGE BASE/INFECTIOUS DISEASES HORSES</b></i>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Equine Infectious Anemia.	<input type="checkbox"/>		
• Tetanus ( <i>C. tetani</i> ).	<input type="checkbox"/>		
• Eastern, Western, and West Nile Encephalitis.	<input type="checkbox"/>		
• Influenza.	<input type="checkbox"/>		
• Rhinopneumonitis/Equine Herpes virus.	<input type="checkbox"/>		
• Botulism ( <i>C. botulinum</i> ).	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Equine Viral Arteritis.	<input type="checkbox"/>		
• Equine Protozoal Myelitis.	<input type="checkbox"/>		
• Sarcoids.	<input type="checkbox"/>		
• Potomac Horse Fever.	<input type="checkbox"/>		
• Equi Streptococcus (strangles).	<input type="checkbox"/>		
<i><b>KNOWLEDGE BASE/INFECTIOUS DISEASES CATTLE AND SMALL RUMINANTS</b></i>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Bovine viral diarrhea and Mucosal disease.	<input type="checkbox"/>		
• Johne's Disease/Mycobacterium paratuberculosis.	<input type="checkbox"/>		
• Bovine Respiratory Disease Syndrome/Shipping Fever (IBR, BVD, P13, BRSV, Haemophilum somnus).	<input type="checkbox"/>		
• Scours or Neonatal Diarrhea/rotavirus, <i>E.Coli</i> , Corona Virus.	<input type="checkbox"/>		

• Interdigital necrobacillosis/Foot rot.	<input type="checkbox"/>		
• Mastitis.	<input type="checkbox"/>		
• Pink eye/Infectious keratoconjunctivitis.	<input type="checkbox"/>		
• Botulism (Clost. Botulinum).	<input type="checkbox"/>		
• Actinomycoses (Lumpy Jaw).	<input type="checkbox"/>		
• Actinobacillosis (Wooden Tongue).	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Papillomatous digital dermatitis.	<input type="checkbox"/>		
• Blackleg/Clostridium chauvoei.	<input type="checkbox"/>		
• Malignant edema/braxy/Clostridium septicum.	<input type="checkbox"/>		
• Bovine leukemia virus/Lymphosarcoma.	<input type="checkbox"/>		
• Malignant catarrhal fever/Herpes.	<input type="checkbox"/>		
• Tyzzer's disease/Clostridium piliforme.	<input type="checkbox"/>		
• Black disease/Clostridium navyi.	<input type="checkbox"/>		
• Bacillary hemoglobinuria/Clostridium haemolyticum (Red Water Disease).	<input type="checkbox"/>		
• Caprine arthritis-encephalitis (virus).	<input type="checkbox"/>		
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>KNOWLEDGE BASE/INFECTIOUS DISEASES SWINE</b>			
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following diseases:			
• Erysipelothrix.	<input type="checkbox"/>		
• Pseudorabies.	<input type="checkbox"/>		
• PRRS virus.	<input type="checkbox"/>		
• Atrophic Rhinitis/Bordetella and Pasteurella.	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Swine influenza.	<input type="checkbox"/>		
• Lawsonia intracellularis.	<input type="checkbox"/>		
• Rotaviral diarrhea.	<input type="checkbox"/>		
• Bloody Scours/Serpulina hyodysenteriae.	<input type="checkbox"/>		
• Streptococcus suis.	<input type="checkbox"/>		
• TGE.	<input type="checkbox"/>		
• Greasy pig disease/Staph. hyicus.	<input type="checkbox"/>		
• Describe trichinella, how transmitted and prevention.	<input type="checkbox"/>		
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>KNOWLEDGE BASE/INFECTIOUS DISEASES POULTRY</b>			
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission and general treatment goals for the following disease:			
• Thrush/Candidiasis	<input type="checkbox"/>		
Knowledge of the target organ system(s) and clinical signs of the following diseases:			

• Fowl cholera.	<input type="checkbox"/>		
• Mycoplasmosis.	<input type="checkbox"/>		
• Black head/Histomoniasis.	<input type="checkbox"/>		
• Marek's disease.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/INFECTIOUS DISEASES RABBITS</b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the target organ system(s) and clinical signs of the following disease:			
• Pasteurellosis.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/INFECTIOUS DISEASES FERRETS</b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the causative organism, target organ system(s), clinical signs, common diagnostic procedures, modes of transmission, and general treatment goals for the following disease:			
• Distemper.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/INFECTIOUS DISEASES COMPANION BIRDS</b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Psittacine beak and feather disease.	<input type="checkbox"/>		
• Pacheco's parrot disease.	<input type="checkbox"/>		
• Pox virus.	<input type="checkbox"/>		
• Avian polyoma virus.	<input type="checkbox"/>		
• Pododermatitis.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/INFECTIOUS DISEASES RODENTS</b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Mycoplasmosis.	<input type="checkbox"/>		
• Pasteurella.	<input type="checkbox"/>		
• Bacillus piliformis/Tyzzler's disease.	<input type="checkbox"/>		
• Mousepox.	<input type="checkbox"/>		
• Mouse hepatitis Virus.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/INFECTIOUS DISEASES REPTILES</b>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Knowledge of the target organ system(s) and clinical signs of the following diseases:			
• Mycobacteriosis.	<input type="checkbox"/>		

<i>PRACTICAL DEMONSTRATION/VACCINATION PROTOCOL AND ADMINISTRATION CANINE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Development of a typical puppy vaccination protocol.	<input type="checkbox"/>		
Demonstrate canine vaccine administration.	<input type="checkbox"/>		
<hr/>			
<i>KNOWLEDGE BASE/VACCINATION PROTOCOL AND ADMINISTRATION CANINE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of typical core vaccines, common optional vaccines, and signs of adverse vaccination reactions.	<input type="checkbox"/>		
<hr/>			
<i>PRACTICAL DEMONSTRATION/VACCINATION PROTOCOL AND ADMINISTRATION FELINE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Development of a typical kitten vaccination protocol.	<input type="checkbox"/>		
Feline vaccine administration.	<input type="checkbox"/>		
<hr/>			
<i>KNOWLEDGE BASE/VACCINATION PROTOCOL AND ADMINISTRATION FELINE</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of typical core vaccines, common optional vaccines, and signs of adverse vaccination reactions.	<input type="checkbox"/>		
<hr/>			
<i>PRACTICAL DEMONSTRATION/VACCINATION PROTOCOL AND ADMINISTRATION HORSES</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Demonstrate equine vaccination administration.	<input type="checkbox"/>		
<hr/>			
<i>KNOWLEDGE BASE/VACCINATION PROTOCOL AND ADMINISTRATION HORSES</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of typical core vaccines, common optional vaccines, and signs of adverse vaccination reactions.	<input type="checkbox"/>		
<hr/>			
<i>KNOWLEDGE BASE/VACCINATION PROTOCOL AND ADMINISTRATION CATTLE AND SMALL RUMINANTS</i>	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
Knowledge of typical core vaccines, common optional vaccines for at least one species, and sites for animals raised for food production in this category.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
_____ SIGNATURE OF SUPERVISING VETERINARIAN			_____ DATE SIGNED

(19) Checklist for WAC 246-935-220 Dentistry.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 19  
 Checklist for WAC 246-935-220 dentistry  
 DENTISTRY

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>DENTISTRY</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
<b>PRACTICAL DEMONSTRATION/COMPANION ANIMAL</b>			
Identification of hand instruments.	<input type="checkbox"/>		
Demonstrate accurate use of hand instruments.	<input type="checkbox"/>		
Demonstrate accurate use of ultrasonic scaler and polisher.	<input type="checkbox"/>		
Perform complete dental prophylaxis on canine.	<input type="checkbox"/>		
Perform complete dental prophylaxis on feline.	<input type="checkbox"/>		
Describe proper technique for taking dental radiographs (digital or manual) including premolars, incisors, and canines.	<input type="checkbox"/>		
Accurately chart dental cleaning using appropriate nomenclature for canine.	<input type="checkbox"/>		
Accurately chart dental cleaning using appropriate nomenclature for feline.	<input type="checkbox"/>		
<b>KNOWLEDGE BASE/COMPANION ANIMAL/EXOTIC</b>			
	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Accurately describe tooth structure and components of a tooth.	<input type="checkbox"/>		
Demonstrate knowledge and use of common descriptive terms of teeth (i.e., rostral, buccal, lingual, occlusal, apical, etc.).	<input type="checkbox"/>		
Diagram tooth formula in canine and accurately identify each tooth.	<input type="checkbox"/>		
Diagram tooth formula in feline and accurately identify each tooth.	<input type="checkbox"/>		
Accurately describe normal dentition from puppy to dog.	<input type="checkbox"/>		
Accurately describe normal dentition from kitten to cat.	<input type="checkbox"/>		
List common abnormalities in teeth development.	<input type="checkbox"/>		
Describe periodontal disease and accurately list stages and associated signs.	<input type="checkbox"/>		
Describe two common periodontal diseases in felines and treatment (gingival stomatitis and FORLs).	<input type="checkbox"/>		
Define accurate normal sulcus depths for canine and feline.	<input type="checkbox"/>		
Describe dental problems seen in rabbits and rodents, causes, and treatment.	<input type="checkbox"/>		
Describe the proper techniques and risks extracting canine, premolar, and incisors in companion animals.	<input type="checkbox"/>		
Describe treatment and prevention of dental disease in companion animals.	<input type="checkbox"/>		

	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b>KNOWLEDGE BASE/LARGE ANIMAL</b>			
Accurately describe dental structure of herbivores, specifically equine, bovine, ovine, and caprine.	<input type="checkbox"/>		
Describe common equine dental problems.	<input type="checkbox"/>		
Describe process of "floating" teeth in horses and why it is important.	<input type="checkbox"/>		
Define "wolf" teeth in equine and problems associated with them.	<input type="checkbox"/>		
Supervising veterinarian signature I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN		DATE SIGNED	

(20) Checklist for WAC 246-935-230 imaging.

ATTESTATION OF SUPERVISING VETERINARIAN  
 Veterinary Technician Practical Experience Task: Form 20  
 Checklist for WAC 246-935-230 imaging  
 IMAGING

Per WAC 246-935-145(2), the supervising veterinarian will attest to the candidate's knowledge of, or completion of, the required task areas and procedures on forms provided by the secretary.

Candidate name: _____			
Supervising veterinarian name: _____			
Supervising veterinarian license #: _____			
<b>Check items as completed. Complete all items in each section.</b>			
<b>IMAGING</b>			
	Check as completed	DATE SUCCESSFULLY COMPLETED	DVM INITIALS
<b>PRACTICAL DEMONSTRATION/COMPANION</b>			
Demonstrate and perform recommended safety procedures.	<input type="checkbox"/>		
Use technique chart to set exposure of X-ray machine.	<input type="checkbox"/>		
Demonstrate anatomical positioning options (i.e. V/D, D/V, lateral, obliques, and OFA views).	<input type="checkbox"/>		
Produce radiographs appropriately including proper labeling of radiographs.	<input type="checkbox"/>		
Critique radiographs regarding positioning, exposure, and collimation.	<input type="checkbox"/>		
Perform at least one contrast study.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of thoracic cavity.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of abdominal cavity.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of pelvis.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of pelvic limb.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of thoracic limb.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of vertebral column.	<input type="checkbox"/>		
Take diagnostic, properly positioned radiographs of skull.	<input type="checkbox"/>		

<i>KNOWLEDGE BASE</i>	<b>Check as completed</b>	<b>DATE SUCCESSFULLY COMPLETED</b>	<b>DVM INITIALS</b>
Describe basic principles and use of MRI.	<input type="checkbox"/>		
Describe basic principles and use of CT.	<input type="checkbox"/>		
Accurately describe labeling requirement for radiographs.	<input type="checkbox"/>		
Describe proper care and maintenance of radiographic cassettes.	<input type="checkbox"/>		
Describe proper care and storage of x-ray film.	<input type="checkbox"/>		
Demonstrate proper film handling.	<input type="checkbox"/>		
Accurately describe different contrast materials and their uses.	<input type="checkbox"/>		
Describe common equine and ruminant radiographic anatomy and positioning.	<input type="checkbox"/>		
Demonstrate knowledge of positioning avian and exotic pets for radiographs.	<input type="checkbox"/>		
Describe components of x-ray machine and how x rays are developed.	<input type="checkbox"/>		
Know difference between various screen types and films associated with each.	<input type="checkbox"/>		
Define radiology terms associated with exposure to radiation: REM, RAD, SIEVERT, MPD, dosimeter, and TLD.	<input type="checkbox"/>		
Define miliamperage, kilovoltage, miliamperage seconds, and focal spot to film distance (FFD).	<input type="checkbox"/>		
Define difference between low and high contrast objects.	<input type="checkbox"/>		
Describe proper environmental disposal of used processor fluids.	<input type="checkbox"/>		
Describe proper environmental disposal of films to be destroyed.	<input type="checkbox"/>		
Describe scatter radiation and grid usage.	<input type="checkbox"/>		
Define anatomical position terminology for small and large animal.	<input type="checkbox"/>		
Supervising veterinarian signature			
I, the undersigned, attest that I am the person described and identified as the supervising veterinarian of the above named veterinary technician candidate. I understand that the department may require additional information from me, and that if I provide false or incomplete information, the application of the candidate may be denied, or the license ultimately suspended or revoked.			
SIGNATURE OF SUPERVISING VETERINARIAN		DATE SIGNED	

**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.

**WSR 10-06-073  
PROPOSED RULES  
HORSE RACING COMMISSION**

[Filed February 26, 2010, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-01-067.

Title of Rule and Other Identifying Information: WAC 260-12-010 Definitions, further clarifies the descriptions for revoked and suspended.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on April 9, 2010, at 9:30 a.m.

Date of Intended Adoption: April 9, 2010.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail [dmoore@whrc.state.wa.us](mailto:dmoore@whrc.state.wa.us), fax (360) 459-6461, by April 6, 2010.

Assistance for Persons with Disabilities: Contact Patty Sorby by April 6, 2010, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarifies the differences between revoked and suspended. The effect is anticipated to include individuals who are currently revoked and how an application received from them is processed.

Reasons Supporting Proposal: To eliminate confusion as to how the stewards deal with applications from individual[s] under revocations.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: [Horse racing commission], governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

February 26, 2010

Douglas L. Moore

Deputy Secretary

**AMENDATORY SECTION** (Amending WSR 08-03-044, filed 1/10/08, effective 2/10/08)

**WAC 260-12-010 Definitions.** The definitions in this section apply throughout these rules unless the context requires otherwise.

(1) "Added money." Money added to the purse of a race by the association, or other fund, in the amount paid by owners for nominations, entry, and starting fees.

(2) "Allowance race." An overnight race for which there is no claiming price established.

(3) "Also eligible."

(a) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(b) In a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

(4) "Apprentice jockey." A jockey who has not won a certain number of races within a specific period of time who is granted an extra weight allowance as provided in WAC 260-32-370(9).

(5) "Apprentice allowance." A weight allowance given to an apprentice jockey ranging from five to ten pounds.

(6) "Authorized agent." A person appointed by a written document signed by the owner with authority to act for the owner.

(7) "Association." Any person or persons, associations, or corporations licensed by the commission to conduct parimutuel wagering on a race meet.

(8) "Association grounds." All real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, and parking lots and any other areas under the jurisdiction of the commission.

(9) "Bar shoe." A special shoe with a solid bar that runs across the rear of the shoe for extra protection.

(10) "Bit." The metal mouthpiece on a bridle used to guide and control a horse.

(11) "Bleeder." A horse that demonstrates exercise induced pulmonary hemorrhaging.

(12) "Blinkers." A hood with different size cups to limit the peripheral vision of a horse.

(13) "Breakage." The remaining cents after parimutuel payoffs are rounded down to a dime or nickel.

(14) "Breeder." For thoroughbreds, the breeder is the owner of the horse's dam at the time of foaling. For quarter horses, appaloosas, arabians and paint horses, the breeder is the owner of the dam at the time of service.

(15) "Claiming." The act of buying a horse out of a race for a specific price.

(16) "Claim box." A box in a specified location where a claim must be deposited to be valid.

(17) "Claiming race." Races in which horses are entered subject to being claimed for a specified price.

(18) "Clerk of scales." An official who weighs the jockeys prior to and after each race.

(19) "Clocker." An official that times horses when horses are performing an official workout.

(20) "Colors." Racing silks with owners' distinct designs and color worn by jockeys while racing.

(21) "Colt." Male horse under the age of five.

(22) "Commission."

(a) The five-member commission established by RCW 67.16.012; or

(b) The state agency known as the Washington horse racing commission.

(23) "Condition book." A book issued by the racing secretary with specific eligibility conditions for scheduled races.

(24) "Coupled entry." Two or more horses running as a single betting interest for parimutuel wagering purposes.

(25) "Daily double." Type of wager calling for the selection of the winner of two consecutive races.

(26) "Dead heat." Two or more horses in an exact tie at the finish line.

(27) "Denial." The refusal to grant an applicant a license after the applicant has made application for a license, but prior to the individual performing the duties associated with the license.

(28) "Eligible." A horse that is qualified to start in a race as established by the racing secretary's conditions.

(29) "Engagement." A commitment given by a jockey or his/her agent to accept a mount in a specified race.

(30) "Entry."

(a) A horse eligible for and entered in a race.

(b) Two or more horses which are entered or run in a race with common ownership.

(31) "Equipment." Tack carried or used on a racehorse including whips, blinkers, tongue ties, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

(32) "Exacta." A wager involving selecting the first two finishers in a race in exact order.

(33) "Exercise rider." A person licensed by the commission to ride horses for the purpose of exercising.

(34) "Field." The total horses scheduled to run in a race.

(35) "Filly." A female horse four years and younger.

(36) "Front leg wraps." Bandages that extend at least four inches up the horse's front legs for support.

(37) "Furlong." One-eighth of a mile, two hundred twenty yards, or six hundred sixty feet.

(38) "Furosemide." Generic term for a medication used for the treatment of bleeders.

(39) "Furosemide list." A list of horses maintained by the official veterinarian eligible to race in this jurisdiction on furosemide.

(40) "Gelding." A male horse that has been castrated.

(41) "Groom." A person licensed by the commission who is employed by a licensed trainer to care for the trainer's horses.

(42) "Handicap."

(a) A race in which the racing secretary designates the weight to be carried for each horse.

(b) Making wagering selections on the basis of a horse's past performances.

(43) "Handle." Total amount of money wagered in the parimutuel pool for a race, race card, or a race meet.

(44) "Horse."

(a) A registered filly, mare, colt, horse, gelding or ridgling of a breed that is eligible to race in the state of Washington.

(b) Any male horse five years old or older.

(45) "Intact male." Any male horse, colt, or ridgling.

(46) "Inquiry." A review of a race conducted by the board of stewards to determine if a racing violation was committed.

(47) "Jockey." A person licensed by the commission to ride a horse in a race meet, whether a jockey or an apprentice jockey.

(48) "Jockey fee." The money paid to a jockey for riding in a race.

(49) "Maiden." A horse, which at the time of starting in a race, has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden who has been disqualified after finishing first is still considered a maiden.

(50) "Mare." A female horse five years old or older.

(51) "Minus pool." A mutuel pool caused when one horse is heavily bet and after all mandatory deductions there is not enough money in the pool to pay the legally prescribed minimum on each winning wager.

(52) "Morning line." A handicapper's approximate odds quoted in the program.

(53) "Mutuel field." A group of horses, with no common ties, coupled by the association for wagering purposes in a single race.

(54) "Net pool price calculations." The method of calculating the parimutuel pools when international pools are conducted (WAC 260-48-800).

(55) "Nerved" or "heel nerved." A horse upon which a digital neurectomy has been performed.

(56) "Nomination." The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

(57) "Objection." When a claim of foul is lodged by a jockey, owner, or trainer following the running of the race.

(58) "Official."

(a) When the board of stewards has determined that the order of finish of a race is correct for the mutuel payouts.

(b) An individual designated to perform functions to regulate a race meet.

(59) "Off-track betting." Parimutuel wagering on horse races conducted at a location other than the racing association's grounds, often referred to as a satellite location.

(60) "Optional claiming race." A race offered in which horses may be entered either for a claiming price or under specific allowance conditions.

(61) "Overnight race." A contest for which entries close at a time set by the racing secretary.

(62) "Overweight." Extra weight carried by the jockey that is greater than the listed weight in the official program.

(63) "Owner." Any person licensed by the commission with an ownership interest in a horse, including a lessee. An interest only in the winnings of a horse does not constitute part ownership.

(64) "Owners' bonus." A percentage of the gross mutuel pool the association is required by RCW 67.16.102 to withhold to be paid to owners of Washington bred horses at the conclusion of the meet based on the owner's horse finishing first, second, third or fourth.

(65) "Paddock." Enclosure or area where horses are saddled prior to the post parade.

(66) "Paddock judge." An official who monitors the saddling of the horses before a race to ensure consistent equipment on each horse and supervises the paddock.

(67) "Penalty weight." Additional weight to be carried by the horse as stated in the condition book.

(68) "Pick n." A type of wager requiring the patron to select the winners of a specified number of consecutive races.

(69) "Pick three." A type of wager requiring the patron to select the winners of three consecutive races.

(70) "Place." To finish second in a race.

(71) "Poles." Markers positioned around the track indicating the distance to the finish line.

(72) "Post." The starting position on the track.

(73) "Post parade." Horses passing in front of the stewards stand and public prior to warming up for the race.

(74) "Post position." Position assigned to the horse to break from the starting gate determined by lot at the time of the draw of the race.

(75) "Post time." The scheduled time for the horses to arrive at the starting gate for a race.

(76) "Purse." The amount of prize money offered by the racing association for each race.

(77) "Protest." A complaint filed regarding a horse running in a race that is filed in writing with the board of stewards.

(78) "Quinella." A wager in which the patron selects the first two finishers regardless of order.

(79) "Race meet." The dates of live horse racing that have been approved by the commission. (Also refer to RCW 67.16.010.)

(80) "Racing plates." Shoes designed for racehorses, usually made of aluminum.

(81) "Racing secretary." An official who drafts conditions of each race and accepts entries and conducts the post position draw of the races.

(82) "Receiving barn." Structure where horses may be identified prior to proceeding to the paddock.

(83) "Recognized race meet." Any race meet involving parimutuel wagering held under the sanction of a racing authority.

(84) "Revocation." The cancellation of an existing license for a minimum of ~~((twelve months))~~ three hundred sixty-five days and up to an indefinite period of time (e.g., life-time). Individuals revoked are ineligible ~~((to reapply))~~ for a license during the period of revocation. Individuals revoked are banned from all facilities under the jurisdiction of the commission during the period of their revocation.

(85) "Ridgling." A male horse with one or both testicles undescended.

(86) "Scale of weights." Fixed weight assignments to be carried by horses according to age, sex, distance, and time of year.

(87) "Scratch." Withdrawing an entered horse from the race after the closing of entries.

(88) "Scratch time." The established deadline for the withdrawal of entries from a scheduled performance.

(89) "Sex allowance." Weight allowance given to fillies and mares when competing against males.

(90) "Show." To finish third in a race.

(91) "Simulcast." Broadcasting a live race from another racing association for purposes of parimutuel wagering on that race, or sending a broadcast of a live race to another racing association for purposes of parimutuel wagering on that race.

(92) "Stake race." A race for which nominations close more than seventy-two hours in advance of its running and for which owners or nominators contribute money toward its purse, or a race for which horses are invited by an association to run for a guaranteed purse of thirty thousand dollars or more without payment of nomination, entry, or starting fees.

(93) "Stallion." A male horse or colt which can be used for breeding purposes.

(94) "Standard price calculations." A method of calculating the parimutuel payoffs used mostly when calculating pools nationally.

(95) "Starter."

(a) A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses; or

(b) An official responsible for dispatching the horses from the starting gate.

(96) "Starter's list." A list, maintained by the official starter, of horses that have been unruly when loading in the starting gate. Horses on the starter's list are ineligible to enter.

(97) "Starter race." An allowance or handicap race restricted to horses who have started for a specific claiming price or less.

(98) "Stewards." The officials designated by the commission responsible for enforcing the rules of racing.

(99) "Stewards' list." A list, maintained by the stewards, of horses which are ineligible to enter for various reasons, e.g., poor performance, ownership disputes, etc.

(100) "Suspension." The ~~((cancellation))~~ temporary loss of license privileges for a ~~((set amount))~~ specific period of time (not to exceed three hundred sixty-five days), or until specific conditions are met. All suspensions for a specific period of time will be in calendar days; with the exception of

riding suspensions, which will be race days. ~~((Individuals suspended may reapply for a license at the end of their suspensions. Individuals applying for a license in the same race year are not required to pay license fees.))~~ Individuals suspended may be banned from all facilities under the jurisdiction of the commission during the period of their suspension.

(101) "Test barn." The enclosure to which selected horses are taken for post race testing.

(102) "Tongue tie." Bandage or other apparatus used to tie down a horse's tongue to prevent the tongue from getting over the bit, which can affect the horse's breathing and the jockey's ability to control the horse.

(103) "Trifecta." A wager picking the first three finishers in exact order in a specific race.

(104) "Turf course." A racing surface comprised of grass.

(105) "Veterinarian's list." A list of horses ineligible to enter due to sickness, lameness, or other conditions as determined by an official veterinarian.

(106) "Walk over." A race that has only one participant.

(107) "Washington bred." A horse that was foaled in the state of Washington.

(108) "Weigh-in." The clerk of scales weighing of a jockey immediately follows the race.

(109) "Weigh-out." The clerk of scales weighing of a jockey prior to a race.

(110) "Weight allowance." A reduction in weight to be carried by a horse as established by the conditions for each race.

(111) "Workout" or "official workout." An exercise at moderate to extreme speed for a predetermined distance of a horse as required in WAC 260-40-105 to make a horse eligible to be entered or run in a race.

## WSR 10-06-074

### PROPOSED RULES

### HORSE RACING COMMISSION

[Filed February 26, 2010, 11:35 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 10-02-073.

Title of Rule and Other Identifying Information: WAC 260-08-675 Hearing before the commission, amends the appeal time for riding infractions to seventy-two hours.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on April 9, 2010, at 9:30 a.m.

Date of Intended Adoption: April 9, 2010.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail [dmoore@whrc.state.wa.us](mailto:dmoore@whrc.state.wa.us), fax (360) 459-6461, by April 6, 2010.

Assistance for Persons with Disabilities: Contact Patty Sorby by April 6, 2010, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes the appeal time for riding infractions from seven days to seventy-

two hours to match other language being amended in WAC 260-24-510.

Reasons Supporting Proposal: This streamlines the appeal process for riding infractions to allow the stewards to have suspension days start in a reasonable time.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: [Horse racing commission], governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

February 26, 2010  
Douglas L. Moore  
Deputy Secretary

AMENDATORY SECTION (Amending WSR 08-07-039, filed 3/13/08, effective 4/13/08)

**WAC 260-08-675 Hearing before the commission.**

Any person against whom a ruling is made by the stewards or the executive secretary may request a hearing before the commission to challenge the ruling. However, a decision by the stewards concerning the disqualification or nondisqualification of a horse due to a foul or riding infraction during the running of a race is final and will not be reviewed by the commission.

(1) Requests for a hearing before the commission must be filed with an office of the commission within seven days of service of the stewards' or executive secretary's ruling, with the exception of riding violations.

(2) The request must include: The name, address, telephone number and the signature of the person making the request and a statement of the basis for the challenge to the ruling.

(3) The commission will conduct an adjudicative proceeding according to the provisions of chapter 34.05 RCW, Administrative Procedure Act, and chapter 260-08 WAC, Practice and procedure.

(4) Any person requesting a hearing before the commission will be heard in person or by counsel. A person appearing before the commission may submit his or her case entirely in writing, provided this is specified at the time of the filing of the request for hearing with the commission and this procedure is given written approval by the commission.

(5) All communications to the commission with respect to a stewards' or executive secretary's ruling must be in writing, and all papers filed with the commission shall be the property of the commission.

**WSR 10-06-084**

**PROPOSED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed March 1, 2010, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-15-013.

Title of Rule and Other Identifying Information: Title 192 WAC, this filing reflects a general update of rules related to eligibility for unemployment insurance benefits. Topics include definition of terms, processing benefit claims, notices to employers, reporting requirements, job separations, availability for work, job search requirements, deductions from benefits, training, and educational employment.

Hearing Location(s): Employment Security Department, Commissioner's Conference Room, 2nd Floor, 212 Maple Park Drive, Olympia, WA, on April 22, 2010, at 1:30 p.m.

Date of Intended Adoption: April 29, 2010.

Submit Written Comments to: Pamela Ames, P.O. Box 9046, Olympia, WA 98507-9046, e-mail pames@esd.wa.gov, fax (360) 902-9799, by April 21, 2010.

Assistance for Persons with Disabilities: Contact Tammy Crawford by April 20, 2010 [2010], TTY (360) 902-9569 or (360) 902-9577.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules primarily convert existing policy to rule, update and readopt rules in chapters with appropriate subject matter headings, and delete obsolete references. Amended rules are WAC 192-110-050 updates the process for reopening a claim; WAC 192-130-060 clarifies language and removes obsolete dates; WAC 192-130-065 provides that employer notices will be mailed to the address provided by the employer rather than the claimant; WAC 192-130-070 deletes obsolete dates; WAC 192-140-005 updates procedures for filing weekly benefit claims; WAC 192-140-010 updates provisions related to the security of a claimant's personal identification number; WAC 192-140-100 updates procedures for claimant's failure to respond to a request for information regarding a discharge from work; WAC 192-150-150 is revised for clarity; WAC 192-180-010 provides that posting an on-line resume does not qualify as an employer contact for purposes of meeting the job search requirements; WAC 192-180-013 is revised to state that employees who have their hours reduced by more than sixty percent must make an active search for work; WAC 192-180-015 instructs claimants on tracking job search activities where there is no direct employer contact (such as on-line); WAC 192-180-025 is revised for clarity; WAC 192-200-005 is revised to eliminate duplicative language; WAC 192-200-030 is revised to provide that the definition of full-time training is subject to the department's discretion; and WAC 192-230-020 and 192-250-045 contain technical changes only. Chapters 192-16, 192-17, and 192-23 WAC are repealed. WAC 192-12-142, 192-12-151, 192-12-153, 192-12-154, 192-12-155, 192-12-160, 192-12-170, 192-12-173, and 192-12-365 are also repealed. Significant new rules are WAC 192-110-150 providing that an individual with power of attorney may not apply, certify or testify in lieu of the claimant on matters related to eligibility for unemploy-

ment benefits; WAC 192-170-080 updates the policy related to leaves of absence for UI claimants; WAC 192-170-090 specifies how eligibility for benefits will be determined for incarcerated claimants; and WAC 192-210-001 and 192-210-045 relate to eligibility for benefits of educational employees.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.20.010.

Statute Being Implemented: Title 50 RCW.

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

Name of Proponent: Employment security department, governmental.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Nan Thomas, 212 Maple Park, Olympia, (360) 902-9303.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Analysis indicates the proposed rules will not impose more than minor costs on businesses, nor will there be a disproportionate impact on small business.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Juanita Myers, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov).

February 23, 2010

Karen T. Lee

Commissioner

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

**WAC 192-110-050 How do I reopen my claim?** (1) If you do not file a claim for one or more weeks, you must reopen your claim.

(a) If it has been fewer than four weeks since you last claimed, you must reopen your claim by calling the unemployment claims telecenter and asking an agent to reopen your claim.

(b) If you have not claimed benefits for four or more weeks, you may reopen your claim on the internet or by calling the unemployment claims telecenter. However, you must do so **before** the last working day of the week (which is usually Friday). Otherwise you must call the unemployment claims telecenter and speak to an agent to reopen your claim.

(2) Your claim will be reopened effective on Sunday of the week in which you contact the department except that the effective date for any prior week claimed under WAC 192-140-005(4) will be Sunday of that week. ~~((You cannot receive benefits for any prior weeks unless you can show good cause for not reopening your claim earlier.))~~

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

**WAC 192-130-060 Notice to employer.** (1) Whenever an individual files an initial application for unemployment benefits, a notice will be mailed to:

(a) The claimant's last employer, and

(b) Any prior employer ~~((from whom the claimant has a potentially disqualifying separation where there is insufficient subsequent employment to purge a separation disqualification. An individual will be presumed to have a potentially disqualifying separation when:~~

~~(i) For claims with an effective date prior to January 4, 2004, it has been less than seven weeks or the individual has not earned at least seven times his or her weekly benefit amount since the job separation; or~~

~~(ii) For claims with an effective date January 4, 2004, and later,)) where it has been less than ten weeks since the job separation or the individual has not earned at least ten times his or her weekly benefit amount since the job separation.~~

(2) Whenever an individual files an initial application for unemployment benefits and a benefit year is established, the department will mail a notice ~~((will be mailed))~~ to all base year employers. This notice to base year employers will include information on wages reported and benefit charging related information and will request an employer response if the wage information is incorrect or if the employer wishes to request relief of benefit charging.

(3) Whenever an individual files an initial application for unemployment benefits, the department will mail a notice ~~((will be mailed))~~ to any separating employer as provided in WAC 192-320-075. This notice will include information that the employer may be liable for all benefits paid on the claim as provided in RCW 50.29.021 (2)(c).

(4) Whenever an individual files an additional claim for benefits (reopens an existing claim after subsequent employment), the department will mail a notice ~~((will be mailed))~~ to the last employer reported by the claimant and to any prior employer from who the claimant has a potentially disqualifying separation who has not previously been notified.

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

**WAC 192-130-065 Mailing addresses for notice to employer.** The department will mail notices to employers required by RCW 50.20.150 and WAC 192-130-060 ~~((will be mailed))~~ as follows:

(1) The department will mail the notice to the last employer of the claimant ~~((will be mailed to the address provided by the claimant. However, an alternative mailing address may be used in the following circumstances))~~ as follows:

(a) If the employer has notified the department ~~((has been notified))~~ that the employer is represented for unemployment insurance purposes by an employer representative or cost control firm, the department will mail the notice to the last employer ~~((may be mailed))~~ directly to that firm; or

(b) If an employer has ~~((notified))~~ provided the department ~~((that unemployment claim notices should be mailed to a specified))~~ with a mailing address, the department will mail the notice to the last employer ~~((may be mailed))~~ directly to that address; or

(c) If the employer has not provided the department with a mailing address, the department will mail the notice to the last employer to the address provided by the claimant.

(2) ~~The department will mail the~~ notice to any base year employer who has reported wages to the department (~~will be mailed~~) to the employer's mailing address of record provided by the employer for tax purposes.

(3) The notice to any other employer from whom the claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification) will be mailed to the address provided by the claimant.

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

**WAC 192-130-070 Mailing of eligibility determinations—RCW 50.20.180.** (1) ~~The department will mail an~~ eligibility (~~determination~~) decision based on a job separation issue (~~will be mailed~~) to the following:

(a) The last employer, if the claimant was separated from employment for reasons other than lack of work;

(b) A previous employer from whom the claimant has a potentially disqualifying separation as provided in WAC 192-130-060 if the claimant was separated from employment for reasons other than lack of work;

(c) ~~((For claims with an effective date prior to January 4, 2004, to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for a felony or gross misdemeanor connected with the work;~~

~~(d) For claims with an effective date of January 4, 2004 or later,))~~ To any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for gross misconduct connected with the work, or whose wage credits are deleted from the claimant's record as a result of the claimant's gross misconduct.

(2) ~~The department will mail an~~ eligibility (~~determination~~) decision based on an issue other than a separation from employment (~~will be mailed~~) to an employer if the employer provides relevant information (~~relating to~~) about the claimant's eligibility for a specific week.

AMENDATORY SECTION (Amending WSR 99-08-073, filed 4/5/99, effective 5/6/99)

**WAC 192-140-005 Filing weekly claims for benefits.**

(1) **How do I file my weekly claim for benefits?** You may file your claim by (~~placing a telephone call to~~) calling the department's unemployment information and weekly claims line, using the department's internet web site, or filing a paper claim. (~~The department can approve other methods of filing a weekly claim in individual circumstances.~~)

(2) **When do I file my claim?** You must file a claim for every week for which you want to be paid or have counted as your waiting week. Every week begins at 12:01 a.m. on Sunday and ends at midnight on Saturday. You must file your claim (~~must be filed~~) after the end of the week(s) you are claiming.

(a) File your telephone or internet claim after 12:01 a.m. Sunday, but before 5:00 p.m. on Friday, following the week you are claiming. (In case of a legal holiday, file your claim before 5:00 p.m. on the last working day of the week.)

(b) If you file by (~~mail~~) paper, file your claim anytime Sunday through Saturday following the week you are claiming. If you file by mail, your claim is considered filed on the postmarked date. If you file by fax, your claim is considered filed on the date of receipt.

(3) **How often do I file my claim?** File your claim weekly. The department may approve other filing schedules in cases of emergency or in unusual circumstances.

(4) **What happens if I miss a week?** If you do not claim a week, you (~~will have to contact the unemployment claims telecenter to~~) must reopen your claim. See WAC 192-110-050.

(a) If you have not yet received your first payment, you may claim benefits for one week prior to the week in which you contact the telecenter to reopen your claim.

(b) If you have received your first payment and not more than four consecutive weeks have elapsed since you last filed a claim, you may claim benefits for any of the four weeks prior to the week in which you contacted the telecenter to reopen your claim.

(c) Except as described in (a) and (b) of this subsection, we will consider unclaimed weeks late. The department will not pay you for these weeks unless you show good cause for not contacting the telecenter earlier to reopen your claim.

(5) **What information do I have to report?** Your claim must include:

(a) The Saturday date of the week you are claiming;

(b) Answers to the questions:

(i) The telecenter cannot process a claim filed by telephone (~~cannot be processed~~) or internet unless all questions are answered;

(ii) The department will process a claim filed in writing (~~will be processed~~) if at least one question is answered and other information required by this subsection (5) is provided, but your eligibility for benefits will be in question and you will be asked to provide complete information, which could result in a denial of benefits;

(c) Your personal identification number if filing by telephone or internet, or your signature if you filed your claim in writing;

(d) The amount and source of any pension you are receiving for the week claimed;

(e) Any holiday earnings received during the week claimed;

(f) Any vacation pay received during the week claimed, including the dates for which payment was received, if applicable; and

(g) Any earnings and the number of hours you worked during the week claimed.

(6) **What happens if I don't provide this information?** The department cannot process a telephone or internet claim that does not meet the requirements of subsection (5) (~~cannot be processed~~) of this section and you will receive (~~verbal~~) instructions to contact (~~your~~) the unemployment claims telecenter. A written claim that does not meet these requirements is incomplete and the department will (~~be returned~~) return it to you with a request for additional information.

~~((7)) **What happens if I file my claim late?**~~

~~(a) Until you receive your first payment, your claim is late if it is filed more than seven days (one week) after the Saturday of the week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.~~

~~(b) After you have received your first payment, your claim is late if it is filed more than 28 days (four weeks) after the Saturday of the week being claimed. Any week that is filed late may be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a notice directing you to repay benefits for the week(s) you filed late.))~~

AMENDATORY SECTION (Amending WSR 99-08-073, filed 4/5/99, effective 5/6/99)

**WAC 192-140-010 Personal identification number.**

(1) The first time you call the unemployment information and weekly claims line to obtain information about your claim or to file a weekly claim for benefits, you must ((establish)) set up a personal identification number (PIN). This number is your electronic signature on all claims filed by telephone and its use is equivalent to your signature on written forms.

(2) Security of the PIN is your responsibility. You are responsible for any payments made as a result of the use of this PIN unless you provide evidence showing that the individual using your PIN was not authorized to do so. Your PIN must be reset if you forget ((your PIN)) it or if someone else, including an employee of the department, learns your PIN((; it must be reset)). You are responsible for either contacting the unemployment claims telecenter to ((establish)) set up a new PIN or setting up a new PIN using the department's internet site.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

**WAC 192-140-100 What happens if I do not respond to a request for information about a discharge from work?** (1) If you do not respond to a request for information about a discharge from work and if you:

(a) Have not given the department enough information to identify or contact the employer, the department will presume the employer discharged you for misconduct connected with ((the)) your work. The department will deny benefits ((will be denied)) under RCW 50.20.066.

((If you)) (b) Have given the department enough information to contact the employer, the department will not deny benefits ((will not be denied)) unless ((the employer shows by)) a preponderance of evidence shows that you were discharged for misconduct connected with your work or the separation was for another disqualifying reason.

(2) ((This)) If benefits are denied due to misconduct, the denial is for an indefinite period of time and will continue ((until you meet the requalification provisions of RCW 50.20.066)) for ten weeks and until you earn ten times your weekly benefit amount in employment that is covered by Title 50 RCW.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

**WAC 192-150-150 When is a separation considered a refusal of new work?** (1) Section 3304 (a)(5) of the Federal Unemployment Tax Act and RCW 50.20.110 state that you cannot be denied benefits if you refuse to accept new work when the wages, hours, or other working conditions are substantially less favorable than those prevailing for similar work in your local labor market.

(2) For purposes of this chapter, "new work" includes an offer by your present employer of:

(a) Different duties than those you agreed to perform in your current employment contract or agreement; or

(b) Different terms or conditions of employment from those in the existing contract or agreement.

(3) When ~~((your employer changes your pay, hours, or conditions of work in a manner that does not constitute good cause under RCW 50.20.050(2), the department will decide if the change is an offer of new work. If it is, the department will also decide if the new work is substantially less favorable than similar work in your local labor market))~~ you resign rather than accept conditions of employment that are different from those under which you had been working, the department will decide whether you left work voluntarily or refused an offer of new work.

(a) If the changes in working conditions are not substantial, the department will consider you to have voluntarily quit work.

(b) If ((the department decides the)) there is a substantial change in working conditions so as to constitute((s)) an offer of new work and the change is not authorized or implied by the original employment agreement, ((and the new work is substantially less favorable,)) the department will treat the separation as a layoff due to lack of work and adjudicate ((the issue of)) the refusal of new work under RCW 50.20.080.

(i) ((The department will adjudicate the refusal of new work even if you have not claimed benefits for the week in which you refused the new work; and

(ii) The employer offering the new work is an interested party to the work refusal decision.

(b) If the department decides the change is not an offer of new work, or the new work is not substantially less favorable, it will adjudicate the separation from work as a voluntary quit under RCW 50.20.050(2) or a discharge under RCW 50.04.294, as appropriate.

(4)) If the ((employer reduces)) change in working conditions is a reduction in your pay or hours ((by)) of ten percent or less, the department will presume ((that it is not substantially less favorable and adjudicate the separation under RCW 50.20.050(2) or a discharge under RCW 50.04.294, as appropriate)) the change is not substantial. You can overcome this presumption by providing additional information to the department ((that shows)) showing the job was not suitable ((as provided in)) under RCW 50.20.110.

((5)) (ii) If you continue working ((for your employer)) after ((being notified of the change(s) in)) your working conditions have changed, ((the department will consider that you have agreed to the new terms and conditions of employment and have accepted the offer of new work. If you)) but later quit work because of these changes, the department will

~~((consider that))~~ presume you ~~((have))~~ voluntarily left work for personal reasons. This ~~((provision))~~ does not apply when:

(A) ~~You give notice of your intent to quit ((work upon being notified of the change(s) in working conditions and simply))~~ but continue to work during an agreed upon notice period~~((-In addition,))~~; or

(B) You ~~((may))~~ continue working during an employer-provided grievance or arbitration period in response to the change in working conditions ~~((without the department considering that you have accepted the new work))~~.

~~((6))~~ (iii) This subsection does not apply when the change in working conditions was caused by your own misconduct. The department will treat your refusal of the new working conditions as a separation from work under RCW 50.20.050 or 50.20.066.

(c) If the department decides you were separated due to a layoff but you refused an offer of new work, the department will issue a written decision even if you do not claim benefits for the week in which the refusal occurred. The employer offering the new work is an interested party to the work refusal decision.

(4) For purposes of this section, the following definitions apply:

(a) "Conditions of work" includes fringe benefits such as life and health insurance; paid sick, vacation, and annual leave; provisions for leaves of absence and holiday leave; pensions, annuities and retirement provisions; and severance pay. It also includes job security and reemployment rights; training and promotion policies; wage guarantees; unionization; grievance procedures; work rules, including health and safety rules; medical and welfare programs; physical conditions such as heat, light and ventilation; shifts of employment; and permanency of work.

(b) "Prevailing" means the most typical or customary in a particular occupation for a given area. The department will decide if a wage rate is prevailing for your labor market area based on information provided by its labor market and economic analysis branch.

(c) "Similar work" means similarity of the operations performed, the skill, ability and knowledge required, and the responsibilities involved.

(d) "Substantial change in working conditions" means a material change that is significant in terms of amount, degree, or impact as opposed to a change that is relatively minor or trivial. A change in working conditions is not substantial if the conditions prevailing after the change are those generally prevailing for other workers performing the same or similar work.

(e) "Substantially less favorable" means the work is materially reduced below the standard under which the majority of individuals in your occupation and labor market area customarily work~~((-or the work would have a significantly unfavorable impact on you))~~.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

**WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010 (1)(c) and 50.20.240. (1) Do I have**

**to look for work?** You must be actively seeking work unless you are:

(a) Attached to an employer as defined in WAC 192-180-005(1); or

(b) Participating in a training program approved by the commissioner.

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1) of this section.

(3) **What are my weekly job search requirements?**

(a) At a minimum, you must:

(i) Make job search contacts with at least three employers each week; or

(ii) Participate in three approved in-person job search activities at the WorkSource office or local employment center, or any combination of employer contacts or in-person job search activities for a total of three.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department may issue you a directive requiring more than three employer contacts or job search activities each week.

(c) If you are a member of a referral union you must be registered with your union, eligible for and actively seeking dispatch, and comply with your union's dispatch or referral requirements (see WAC 192-210-120). Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** A job search contact is a contact with an employer to inquire about or apply for a job. You may use job search methods that are customary for your occupation and labor market area, including in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department decides the contact is designed in whole or in part to avoid meeting the job search requirements. Simply posting your resume on-line (for example, Monster.com or Craigslist) does not constitute a job search contact for purposes of this section; an application or contact with an employer for a specific job must be submitted to count as one of the required weekly job search contacts.

(5) **What is an "in-person job search activity"?** This is an activity provided through the WorkSource office or local employment center that will assist you in your reemployment efforts. It includes, but is not limited to, job search workshops, training classes, or other facilitated services provided by WorkSource staff and approved by the local WorkSource administrator. For claimants residing in Washington state, an in-person job search activity must be documented in the department's services, knowledge and information exchange system (SKIES) to qualify. For interstate claimants, the activity must be documented in the one-stop system in the state in which you reside.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements. A written directive need not have been issued to deny

benefits for failure to meet the job search requirements in subsection (3) of this section.

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

- (a) Increase the number of employer contacts each week;
- (b) Change your method of looking for work (such as from resumes to in-person contacts);
- (c) Expand the geographic area in which you look for work; or
- (d) Look for work in a secondary occupation.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given, or it is rescinded in writing.

AMENDATORY SECTION (Amending WSR 05-19-018, filed 9/9/05, effective 10/10/05)

**WAC 192-180-013 What are the job search requirements for individuals who work less than full time?** (1) **"Partially unemployed"** workers are those individuals:

- (a) Who were hired to work full time(=);
- (b) Whose weekly hours of work have been temporarily reduced (~~(to less than full time)~~) by their employer(=) by no more than sixty percent;
- (c) Who earn less than one and one-third times their weekly benefit amount plus five dollars during a week(=); and
- (d) Who are expected to return to full time work for their employer within four months.

The department considers these workers (~~(are considered)~~) to be employer attached and they are not required to register for or seek work. They must be available for all work offered by their regular employer.

(2) **"Part time"** workers are individuals who normally work less than full time, or who take a job that is less than full time. To be eligible for benefits, these individuals must be available for and actively seeking full time work and the department may review their job search at any time. If they get a part time job, they must continue to look for full time work or we will deny their benefits under RCW 50.20.010 (1)(c). This definition of "part time" workers means individuals who work part time but do not meet the requirements of RCW 50.20.119.

(3) **"Part time eligible"** workers are individuals who have worked no more than (~~(+7)~~) seventeen hours in any week of their base year. They are eligible for benefits under RCW 50.20.119. These individuals may look for work of (~~(+7)~~) seventeen or fewer hours per week and the department may review their job search at any time. Once an individual gets a job for (~~(+7)~~) seventeen or fewer hours per week, he or she is employer attached and no longer required to look for work.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

**WAC 192-180-015 Tracking job search activities—RCW 50.20.240.** (1) **Do I need to keep track of my job**

**search activities?** You must keep a record or log of your job search contacts and the in-person job search activities you receive through the WorkSource office or local employment center unless you are:

- (a) A member of a full referral union;
- (b) Allowed benefits because you left work to protect yourself or a member of your immediate family from domestic violence or stalking as provided in RCW 50.20.050 (2)(b)(iv); or
- (c) Exempt from job search requirements under WAC 192-180-010(1).

(2) **What information do I need to keep in the log?** Your job search log must contain at least the following information:

(a) For in-person or telephone job search contacts, record the date contact was made; the employer's name, address and telephone number; (~~(the type of)~~) how contact was made (in-person, telephone, etc.); the name or position of the person you contacted; and the type of work you applied for. If application was made on-line, by newspaper or other means in which there is no direct employer contact, include date, web address, or newspaper name or address, the job applied for, such as a job reference number, or attach a copy of the job announcement or a confirmation notice received after your application was submitted;

(b) For in-person job search activities at the WorkSource office or local reemployment center, record the date contact was made; and a description of the services you received or the activities in which you participated.

(3) **Is there a specific form I must use?** The department will supply you with a form (EMS 10313) to use in tracking your job search activities. You may use your own form or tracking method as long as you record all information required by this section.

(4) **How long should I keep my log?** Keep your log for at least sixty days after the end of your benefit year or thirty days after receiving your final payment on any extension of benefits, whichever is later.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

**WAC 192-180-025 Job search review interviews.** (1) **What is a job search review (JSR) interview?** The JSR is an interview between you and a representative of the WorkSource office or local employment center. Its purpose is to review your job search documentation, identify any barriers to your reemployment, develop a plan for resolving barriers that may be identified, and provide advice on how to improve your job search efforts. For interstate claimants, this interview may be conducted by telephone or by the local employment center in a contracted state.

(2) **Will my job search activities be reviewed?** Yes, you must bring your job search log to the interview. The interviewer will review your log with you and discuss areas in which your job search can be improved. The employer contacts and job search activities included in your log will be verified at random. The interviewer may further verify any reported contacts at his or her discretion.

(3) **How many weeks will be reviewed?** ~~((a))~~ The interviewer will review at least one week of your job search documentation at the initial interview. If the job search documentation is unsatisfactory, ~~((a))~~ the department will reschedule you for a second interview in which we will review your documentation for all weeks claimed.

(4) **What happens if I don't attend the initial JSR interview?** If you fail to ~~((appear for))~~ attend the initial JSR interview ~~((without being excused, you will be scheduled for a second interview in which all weeks claimed will be reviewed.~~

~~(b) If you are excused from attending the initial JSR interview,)) and you have an:~~

(a) **Excused absence.** WorkSource staff will reschedule you ~~((will be rescheduled))~~ for a review of one week of your job search documentation.

~~((4) When may I be excused from attending the initial JSR?))~~ You may be excused from attending the initial JSR interview only for the following reasons:

~~((a))~~ (i) Jury duty;

~~((b))~~ (ii) National Guard duty;

~~((c))~~ (iii) Natural disaster or acts of nature; or

~~((d))~~ (iv) Verifiable employment or a job interview.

(b) **Unexcused absence.** the following will apply:

(i) The department will schedule you for an interview in which we will review your job search activities for all weeks claimed; and

(ii) The department will deny your benefits for the week of the initial interview unless you can show good cause for not attending. (See WAC 192-180-030.)

(5) **What does "all weeks" mean?** For purposes of this section, "all weeks" means the latest of the following:

(a) Weeks claimed since you filed your application for benefits; or

(b) Weeks claimed since your last JSR interview, if applicable.

(6) **Do I need to bring anything else to the JSR interview?** You must be prepared to present proof of your identity during the JSR interview. ~~((This includes))~~ Acceptable documents are:

(a) State or government issued ~~((photo))~~ driver's license or identification card with photo; ~~((a))~~

(b) ~~((Two of the following government issued documents:))~~ U.S. passport (expired or unexpired);

(c) Permanent resident card or alien registration receipt card (Form I-551);

(d) Unexpired employment authorization document with photo;

(e) School identification card with photo;

~~((i))~~ (f) Voter's registration card;

~~((ii))~~ (g) U.S. military identification card or draft record;

~~((iii))~~ (h) Military dependent's identification card;

~~((iv))~~ (i) U.S. Coast Guard merchant mariner card; or

~~((v))~~ (j) Native American tribal document(;

(vi) U.S. Social Security card;

(vii) ~~Certification of birth abroad issued by the U.S. Department of State;~~

(viii) ~~Original or certified copy of a birth certificate;~~

(ix) ~~U.S. citizen ID card;~~

~~(x) ID card for use of resident citizen in the United States; or~~

~~(xi) Unexpired employment authorization document issued by the United States citizenship and immigration services (USCIS)).~~

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

**WAC 192-200-005 Disqualification of students—RCW 50.20.095.** (1) **General rule.** If you are registered in a course of study that provides scholastic instruction of twelve or more credit hours per week, you are disqualified from receiving benefits or credit for your waiting week.

(2) **Period of disqualification.** The disqualification starts with the week the instruction begins or the week you left employment to return to school, whichever is earlier. The disqualification ends at midnight on Saturday of the week prior to the first full week in which you are no longer registered for twelve or more hours of instruction. You must certify to the department that you are not currently registered for twelve or more credit hours and will not be registered for twelve or more credit hours for at least sixty days. If you begin classes within sixty days, all benefits paid since the date of your certification will be considered an overpayment. This overpayment is subject to recovery under RCW 50.20.190. If you are registered for classes that begin more than sixty days in the future, you will not be disqualified under this subsection.

(3) **Disqualification not applicable.** The disqualification does not apply if you:

(a) Are in approved training under RCW 50.20.043;

(b) Are in an approved self-employment assistance program under RCW 50.20.250; or

(c) Show by a preponderance of the evidence that your student status does not significantly interfere with your actual availability for work when you apply.

(4) **Definitions.** As used in this section:

(a) "School" includes primary schools, secondary schools, and institutions of higher education as defined in RCW 50.44.037;

(b) "Scholastic instruction" includes all teaching or opportunity for learning subjects other than those of a strictly vocational nature. Subjects of a vocational nature are those embraced in the definition of "training" contained in WAC 192-200-010.

(c) "Twelve or more hours per week" means 12 or more credit hours per week or its equivalent(;

~~(d) "Preponderance of evidence" means evidence sufficient to persuade a reasonable person considering all the evidence that the proposal is more probably true than not true)).~~

(5) **Students.** Students who claim benefits are subject to all of the provisions of Title 50 RCW including:

(a) RCW 50.20.050 dealing with those who leave work voluntarily without good cause;

(b) RCW 50.20.010 (1)(c) requiring claimants to be able and available for and actively seeking work; and

(c) RCW 50.20.240 requiring claimants to provide evidence of their job search activities as requested by the department.

AMENDATORY SECTION (Amending WSR 07-23-129, filed 11/21/07, effective 1/1/08)

**WAC 192-200-030 May I receive unemployment benefits while I am in training?** (1) To be eligible for unemployment benefits while in training, you must meet the following criteria:

(a) The training must be full-time as defined by the training facility but subject to the discretion of the commissioner, including skills training classes designated as full-time by the local WorkSource administrator; and

(b) You must be making satisfactory progress in training. Except as provided in ~~((subsection))~~ (c) of this subsection, "satisfactory progress" is defined in WAC 192-270-065; or

(c) If you are enrolled in an approved self-employment assistance program under RCW 50.20.250, "satisfactory progress" means you are attending classes and participating in other activities related to setting up a business within the ~~((timeframes))~~ time frames outlined in your approved training plan.

(d) The certification that you are making satisfactory progress in full-time training must be signed by the registrar or equivalent person designated by the training facility.

(2) You must notify the department if you discontinue or suspend training, change your course of study, or reduce enrollment to less than full-time.

(3) If your enrollment drops below full-time or you are not making satisfactory progress, you may be required to show that you are meeting the availability for work and job search requirements of RCW 50.20.010 (1)(c) and 50.20.240, and the provisions of RCW 50.20.080 regarding failure to apply for, or refusal to accept suitable work.

AMENDATORY SECTION (Amending WSR 07-23-128, filed 11/21/07, effective 1/1/08)

**WAC 192-230-020 How are cash payments and offsets applied to my overpayment?** (1) If the department has assessed more than one overpayment against you, we will first apply payments against any overpayment involving fraud. If there are multiple overpayments involving fraud, we will apply payments in order beginning with the oldest benefit year. If none of the overpayments involve fraud, we will apply payments in order beginning with the oldest benefit year.

(2) Within the priority established in subsection (1) of this section, the department will apply cash payments to the outstanding balance in the following order:

(a) Court costs.

(b) Interest.

(c) Penalties based on fraud.

(d) Overpaid benefits.

(e) Surcharge assessed under RCW ~~((41.14.027))~~ 40.14.027.

(3) The department will only apply offsets to the overpaid benefits. Court costs, fraud penalties, interest, and surcharges cannot be offset; they must be repaid.

AMENDATORY SECTION (Amending WSR 09-13-057, filed 6/12/09, effective 7/13/09)

**WAC 192-250-045 Who is not eligible for participation in the shared work program?** (1) The following employees are not eligible for participation in the shared work program:

(a) Employees paid on any basis other than hourly wage. This includes, but is not limited to, employees paid on a piece rate, mileage rate, job rate, salary, or commission basis. The commissioner may waive this provision for employees paid on a piece rate basis if an hourly rate of pay can be established.

(b) Officers of the corporation that is applying for participation.

(2) The following businesses are not eligible for participation in the shared work program:

(a) Businesses with a tax rate of ~~((more than))~~ 5.4 percent or more, not including the social cost factor rate and taxes under RCW 50.24.010 and 50.24.014.

(b) Nonqualified employers, meaning employers who have reported no payroll for four consecutive quarters.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-12-142	Claims, appeals, petitions— Filing not to be refused.
WAC 192-12-151	Benefit payments—Not a determination of allowance.
WAC 192-12-153	Payment of benefits—Initial allowance—Employer appeal.
WAC 192-12-154	Payment of benefits by appeals tribunal—Claimant appeal.
WAC 192-12-155	Payment of benefits by commissioner—Petition to court.
WAC 192-12-160	Withdrawals from trust fund.
WAC 192-12-170	Unemployment compensation administration fund.
WAC 192-12-173	Federal programs—Maintenance of regulations and guidelines.
WAC 192-12-365	Interpretive regulation—Definition of suitable work as it applies to agricultural labor.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 192-16-004	Interpretive regulation—Benefit year—Further defining initial separation from employment—RCW 50.04.030.
WAC 192-16-005	Interpretative regulations—Applications for initial determinations—Backdating—RCW 50.04.030.
WAC 192-16-009	Disqualification for leaving work voluntarily—Meaning of good cause for claims with an effective date prior to January 4, 2004—RCW 50.20.050(1).
WAC 192-16-015	Leaving work for marital or domestic reasons—RCW 50.20.050 (1)(d).
WAC 192-16-016	Satisfying disqualification under RCW 50.20.050 (1)(d) when separation is for reasons of marital status and marriage occurs after date of separation.
WAC 192-16-025	Lump sum retirement payment.
WAC 192-16-030	Interpretive regulation—Computation of pension deductions under RCW 50.04.323.
WAC 192-16-050	Diversion of unemployment benefits to satisfy child support obligations.
WAC 192-16-055	Interpretive regulations—Special coverage provisions—Bona fide notification of intent for substitute teacher—RCW 50.44.050(1).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-17-010	Exemption from provisions of WAC 197-10-800.
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REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 192-23-001	Failure to respond to request for information results in a presumption of disqualifying information.
WAC 192-23-011	Failure to provide details of employment.
WAC 192-23-012	Failure to provide details on holiday and/or vacation pay.
WAC 192-23-051	Failure to provide details on separation from employment.
WAC 192-23-052	Failure to respond to a request for information regarding voluntary quit.
WAC 192-23-081	Failure to provide details on a refusal of an offer of work.
WAC 192-23-082	Failure to respond to a request for information regarding failure to apply for work.
WAC 192-23-091	Failure to respond to a request for information regarding labor dispute.
WAC 192-23-113	Failure to respond to a request to provide information regarding athletic employment.
WAC 192-23-301	Failure to respond to a request for information regarding reasonable assurance of return to work.
WAC 192-23-320	Failure to respond to a request for documentation of a systematic and sustained work search.
WAC 192-23-350	Failure to respond to a request for pension information.
WAC 192-23-900	Claimant liable for repayment of overpayments caused by conditional payment.

NEW SECTION

**WAC 192-100-055 Nondisclosure and willful nondisclosure—RCW 50.20.160.** (1) "Nondisclosure" is not a synonym for fraud or misrepresentation. It refers to situations in which you have information or knowledge which you fail to disclose to the department inadvertently or through oversight. The department may redetermine an allowance of benefits

resulting from nondisclosure at any time within two years following the benefit year in which the allowance was made.

(2) "Willful nondisclosure" means you fail to disclose information when you knew or should have known that it was material. The department may redetermine an allowance of benefits resulting from willful nondisclosure at any time.

#### NEW SECTION

**WAC 192-100-060 Labor dispute.** A labor dispute means a deliberate action by two or more individuals or by an employer resulting in a strike or lockout where wages, hours, working conditions, or terms of employment are at issue.

#### NEW SECTION

**WAC 192-100-065 Preponderance of evidence defined.** "Preponderance of evidence" means evidence sufficient to persuade a reasonable person considering all the evidence that the proposal is more probably true than not true.

#### NEW SECTION

**WAC 192-100-070 Conditional payments.** (1) A conditional payment is payment issued to you after you have already received benefits but during a period in which the department questions your continued eligibility for benefits. Your right to retain such payment is conditioned on the department's finding that you were eligible for benefits during the week(s) in question.

(2) You are no longer considered to be in continued claim status if you have not claimed benefits (had a break in claim) for four weeks or longer.

(3) A conditional payment is not considered a "determination of allowance" as provided in RCW 50.20.160(3).

#### NEW SECTION

**WAC 192-110-001 May the department refuse to accept my claim, appeal or petition?** (1) Except as provided in subsection (2) of this section, no employee or agent of the department may refuse to accept your claim, appeal, or petition relating to any program administered by this department regardless of the employee or agent's opinion concerning its merits.

(2) You must provide the department with your name and Social Security account number in order to file a claim for benefits.

#### NEW SECTION

**WAC 192-110-090 Prompt payment of benefits.** The department will promptly issue payment once it determines that you are eligible for benefits.

(1) An appeal by an employer concerning your eligibility for benefits will not prevent payment.

(2) If benefits are allowed to you as the result of an appeal decision, the department will promptly pay benefits and a petition for the commissioner's review will not prevent payment.

(3) If benefits are allowed to you as the result of a commissioner's decision, the department will promptly pay benefits and the filing of a petition for judicial review will not prevent payment.

(4) If benefits are allowed to you as the result of a court decision, the department will promptly pay benefits. An appeal to a court of higher jurisdiction will not prevent payment.

#### NEW SECTION

**WAC 192-110-095 May I backdate my application for unemployment benefits (RCW 50.04.030)?** (1) **General rule.** A benefit year begins on Sunday of the calendar week in which you file your application for benefits. However, an application may be backdated for good cause or for the convenience of the department.

(2) **Definitions.** As used in this section:

(a) "Good cause" means factors that would prevent a reasonably prudent person in similar circumstances from filing an application for benefits. These include, but are not limited to, acting on advice directly from a department employee or agent on whom a reasonable person would rely, incapacity due to illness or injury, or other serious factors.

(b) "For the convenience of the department" means those situations where it is difficult or impossible for the department to accept a timely application. These include, but are not limited to, equipment breakdowns, lack of available staff to accept applications, or special handling requirements.

(3) **Limitations on good cause.**

(a) You must file your application for benefits during the first week in which those factors that constitute good cause are no longer present. The effective date will be Sunday of such week.

(b) Backdating will not be allowed if you claim good cause based on information from department staff or agents where you could reasonably be expected to question the accuracy of this information, and you knew or should have known of your redetermination or appeal rights and failed to exercise them.

#### NEW SECTION

**WAC 192-110-110 Establishing a new benefit year—RCW 50.04.030.** Once your current benefit year expires, you are not eligible for a new benefit year unless you have returned to work and earned at least six times the weekly benefit amount on your new claim.

Example: You separate from one job on December 29, 2008, and from a second job on February 7, 2009. You file an application for benefits effective February 8, 2009. When the benefit year ends, you must have earned six times your new weekly benefit amount since February 7, 2009, to be eligible for a new claim.

#### NEW SECTION

**WAC 192-110-150 May I have an individual with power of attorney or other authorization file an initial or weekly claim for benefits, testify in my place, or otherwise certify on my behalf?** No. RCW 9A.72.085 requires that an

oath, certification, verification or declaration must be signed or sworn to by the person making it. (Exception: An estate executor or administrator may file a claim for the last completed calendar week prior to a claimant's death.)

(1) You are required to personally certify on your initial application for benefits and weekly claims that the information provided to the department is correct.

(2) An individual with power of attorney may not testify in your place in any adjudicative proceeding. Such individual may file an appeal on your behalf if he or she provides the department with a copy of the document granting him or her power of attorney. Such individual may also be called as a witness on your behalf or assist with the preparation of your case but you must provide sworn testimony in support of your appeal.

(3) An agent with power of attorney may not otherwise act on your behalf when statutes or regulations specifically or implicitly require your signature or personal certification.

#### NEW SECTION

**WAC 192-140-035 What happens if I do not respond to a request for information?** (1) The department will presume that you are disqualified from benefits if you provide potentially disqualifying information, or fail to provide necessary information, and then do not respond to a request for specific information. The department will deny benefits under RCW 50.20.010.

(2) This denial is for an indefinite period of time and will continue until you provide the requested information.

(3) Once you provide the requested information, the department may issue a redetermination under RCW 50.20.-160. The department will issue a new decision allowing benefits if you provide enough information to establish your eligibility for benefits.

#### NEW SECTION

**WAC 192-140-040 What happens if I do not provide details about my employment when filing my weekly claim?** (1) The department will presume you are not unemployed under RCW 50.04.310 if you:

(a) Report that you had work and earnings for one or more weeks;

(b) Fail to provide employer name and address; and

(c) Do not respond to a request for information.

(2) Further, the department will presume you are not unemployed under RCW 50.04.310 if:

(a) You report that you will have earnings for a week not yet claimed;

(b) Subsequently claim benefits for the week without providing employer name and address and the amount of earnings; and

(c) Do not respond to a request for information.

(3) The department will deny benefits under this section based on RCW 50.20.010. This denial is for a definite period of time and applies only to the week(s) in which work and earnings information is incomplete.

#### NEW SECTION

**WAC 192-140-045 What happens if I do not respond to a request for information about a refusal of an offer of work?** (1) If you do not respond to a request for information about a refusal of an offer of work, the department will presume you refused an offer of suitable work without good cause.

(2) The department will deny benefits under RCW 50.20.080. This denial is for an indefinite period of time and will continue for seven weeks and until you earn seven times your weekly benefit amount in employment that is covered by Title 50 RCW.

#### NEW SECTION

**WAC 192-140-050 What happens if I do not respond to a request for information about failure to apply for work?** (1) The department will presume you failed to apply for suitable work without good cause if:

(a) You have been directed by the department to apply for work;

(b) The department is advised that you have failed to comply as directed; and

(c) You do not respond to a request for information.

(2) The department will deny benefits under RCW 50.20.080. This denial is for an indefinite period of time and will continue for seven weeks and until you earn seven times your weekly benefit in employment that is covered by Title 50 RCW.

#### NEW SECTION

**WAC 192-140-055 What happens if I do not respond to a request for information about a labor dispute?** (1) The department will presume you are unemployed as a result of a labor dispute and directly interested in or participating in the dispute if you do not respond to a request for information about a labor dispute.

(2) The department will deny benefits under RCW 50.20.090. This denial is for an indefinite period of time and will continue until you provide the requested information.

#### NEW SECTION

**WAC 192-140-095 What happens if I do not respond to a request for details about my separation from work?** (1) If you report work and earnings in one week and during the week following you do not report work and earnings, you must provide details about your separation from work.

(2) The department will presume you have voluntarily quit work without good cause under RCW 50.20.050 unless you provide:

(a) Complete employer information, including:

(i) Name of employer;

(ii) Complete address of employer;

(iii) Hours worked and earnings if not previously reported; and

(iv) Last day worked.

(b) Details about the reasons for separation from work.

(3) A separation from employment occurs whenever the employer-employee relationship is severed. For purposes of this section, a separation occurs when:

(a) You are not scheduled to work for a period of one week or more; or

(b) You have a week with no earnings following a week in which you had earnings.

(4) The department will deny benefits under RCW 50.20.050. This denial is for an indefinite period of time and will continue for seven weeks and until you earn seven times your weekly benefit in employment that is covered by Title 50 RCW.

#### NEW SECTION

**WAC 192-140-105 What happens if I do not respond to a request for information about a voluntary quit from work?** (1) If you do not respond to a request for information about a voluntary quit from work the department will presume you have voluntarily quit work without good cause under RCW 50.20.050, unless available evidence shows that your separation from work was for another reason.

(2) If benefits are denied as a voluntary quit, the denial is for an indefinite period of time and will continue for seven weeks and until you earn seven times your weekly benefit in employment that is covered by Title 50 RCW.

#### NEW SECTION

**WAC 192-140-130 What happens if I do not respond to a request for information about holiday or vacation pay?** (1) The department will presume you are not unemployed as provided in RCW 50.04.310 if you report that you received holiday or vacation pay and the amount paid, and do not respond to a request for specific information about the holiday or vacation pay.

(2) If you report that you will have holiday or vacation pay for a week not yet claimed and subsequently claim benefits for the week without providing employer name and address and the amount of payment, and do not respond to a request for information, the department will presume you are not unemployed as provided in RCW 50.04.310.

(3) The department will deny benefits under RCW 50.20.010. This denial is for a definite period of time and applies only to the week(s) in which holiday or vacation pay information is incomplete.

#### NEW SECTION

**WAC 192-140-135 What happens if I fail to respond to a request for information about athletic employment?**

(1) If your eligibility for benefits is based on employment as a participant in sports or athletic events and you do not respond to a request for information, the department will presume you have reasonable assurance of performing similar services in the upcoming season.

(2) The department will deny benefits under RCW 50.20.113. This denial is for a definite period of time and applies to the entire period between sporting seasons.

#### NEW SECTION

**WAC 192-140-140 What happens if I fail to respond to a request for information about reasonable assurance to return to work in educational employment?** (1) If your eligibility for benefits is based on services to an educational institution, your employer has provided information that you have reasonable assurance of returning to work after the school holiday or break, and you do not respond to a request for information about reasonable assurance, the department will presume that such assurance exists.

(2) The department will deny benefits under RCW 50.44.050. This denial is for a definite period of time and applies to the period between academic years or terms, and during holiday or vacation periods.

#### NEW SECTION

**WAC 192-140-145 What happens if I do not respond to a request for pension information?** (1) The department will presume you are receiving a pension in an amount greater than your weekly benefit amount and contributed to only by a base period employer if:

(a) You report that you have applied for a retirement pension or your pension has changed since your last claim; and

(b) You do not respond to the question concerning pension information when filing your weekly claim.

(2) The department will deny benefits under RCW 50.04.323. This denial is for an indefinite period of time and will continue until you provide the information showing that you are not ineligible for benefits under RCW 50.04.323.

#### NEW SECTION

**WAC 192-150-145 Change in working conditions covered by RCW 50.20.050 (2)(b)(v) through (x).** (1) If you quit work due to a change in working conditions that meets the requirements of RCW 50.20.050 (2)(b)(v) through (x), the department will not deny benefits solely on the basis that you continued working for a brief period of time following the change. However, you must demonstrate to the department that the change in working conditions was the motivating factor for quitting work.

(2) "Brief period of time" means the amount of time a reasonably prudent person would have continued working after the change in circumstances.

#### NEW SECTION

**WAC 192-150-225 Examples of flagrant and wanton misconduct.** (1) Examples of behaviors that may constitute flagrant and wanton conduct resulting in a finding of gross misconduct include, but are not limited to:

(a) A medical provider under the influence of illegal narcotics while at work;

(b) A health care worker who steals money or valuables from patients;

(c) A commercial truck driver under the influence of alcohol while operating the employer's vehicle;

(d) A school employee convicted of conduct that requires the individual to register as a sex offender;

(e) An attorney convicted of conduct that results in being disbarred or suspended from the practice of law; or

(f) A department store employee who secretly films or photographs customers in the store's fitting rooms.

(2) These behaviors are examples only and do not require the department to find gross misconduct in similar situations.

#### NEW SECTION

**WAC 192-150-230 What happens if I am discharged prior to the effective date of my resignation?** (1) Except as provided in subsection (2) of this section, if you notify your employer that you are resigning from your job and the employer discharges you prior to the end of the notice period, the separation is treated as a discharge. The department will not deny benefits unless the employer can show that you were discharged for misconduct.

(2) If your employer pays you through the notice period but requires no work, the separation is treated as a quit. The separation date is the last day of the notice period. Payment for the notice period is deductible from benefits as payment in lieu of notice.

#### NEW SECTION

**WAC 192-170-010 Availability for work—RCW 50.20.010.** (1) In general, the department will consider you available for work if you:

(a) Are willing to work full-time, part-time, and accept temporary work during all of the usual hours and days of the week customary for your occupation.

(i) You are not required to be available for part-time or temporary work if it would substantially interfere with your return to your regular occupation.

(ii) The requirement to be available for full-time work does not apply under the circumstances described in WAC 192-170-050 (1)(b) or 192-170-070;

(b) Are capable of accepting and reporting for any suitable work within the labor market in which you are seeking work;

(c) Do not impose conditions that substantially reduce or limit your opportunity to return to work at the earliest possible time;

(d) Are available for work during the hours customary for your trade or occupation; and

(e) Are physically present in your normal labor market area, unless you are actively seeking and willing to accept work outside your normal labor market.

(2) You are not considered available for work if you fail or refuse to seek work as required in a directive issued by the department under WAC 192-180-010.

#### NEW SECTION

**WAC 192-170-065 Suitable work factors—Agricultural labor—RCW 50.04.150 and 50.20.100.** When deciding whether agricultural labor is suitable work for you, the department will consider the degree of risk involved to your

health, safety, and morals, your physical fitness, your skill level, your length of unemployment and prospects for work in your customary occupation, the distance of the available work from your residence, and other factors pertinent to your ability to perform the work.

#### NEW SECTION

**WAC 192-170-080 Leave of absence.** (1) A leave of absence is an absence from work mutually and voluntarily agreed upon by you and your employer or a collective bargaining agent, or leave to which you are entitled under federal or state law, where the employer-employee relationship is continued and you will be reinstated in the same or similar job when the leave expires.

(a) If you are on a leave of absence, you are not unemployed and thus not eligible for benefits.

(b) If you choose not to return to work when the leave of absence ends, the separation is treated as a voluntary quit. The separation date will be the first working day after the leave expires.

(c) If no job is available with the employer when the leave of absence ends, the separation is treated as a layoff.

(d) If you have been on medical leave and are released for work by your medical provider, but your employer refuses to permit you to return to work, you are considered to be laid off and potentially eligible for benefits.

(2) A leave of absence does not exist if the employer offers you only a preference for rehire or a promise of a job if work exists at the end of the leave. An employee-initiated leave that only provides fringe benefits during the leave or preferential status for reemployment is not a leave of absence but a voluntary quit.

(3) A temporary or indefinite disciplinary suspension from work by the employer is not a leave of absence. The department will treat this as a discharge.

#### NEW SECTION

**WAC 192-170-090 Incarceration.** (1) If you were previously warned that your continued employment was in jeopardy because of poor attendance, and you engage in illegal activities where you are aware there is a clear possibility of arrest and detention, misconduct may be established under RCW 50.04.294 (2)(d) or (e).

(2) If you are jailed but later released without having been charged with or convicted of a crime, the separation is not considered misconduct except as provided in subsection (3) of this section.

(3) If your employer discharges you for absenteeism or job abandonment because you failed without good cause to notify the employer of your incarceration or anticipated release date, such failure may be considered misconduct.

(4) You will be considered unavailable for work during any days in which you are incarcerated unless those days are not part of your regular work week based on your occupation. Example: You are sentenced to a specific time in custody but allowed to serve your time on weekends. If weekends are not part of your regular work week, you will be considered available for work.

NEW SECTION

**WAC 192-170-100 AmeriCorps and AmeriCorps VISTA volunteers.** (1) AmeriCorps volunteers enroll with nonprofit organizations to provide services within the state. They may enroll in full-time or part-time programs. If you enroll in a part-time program, you can seek and accept other work. You are potentially eligible for benefits if you are immediately available for and seeking full-time work.

(2) AmeriCorps VISTA (volunteers in service to America) volunteers are assigned to public or private organizations to work towards meeting community needs. The contract requires they be available for service each day and evening of the week. AmeriCorps VISTA volunteers are not available for work. You are not eligible for benefits while under contract, even if you received benefits prior to enrollment in service.

(3) Stipends received as an AmeriCorps or AmeriCorps VISTA volunteer are not covered employment. They may not be used to requalify for benefits after a denial for a quit, discharge, or job refusal.

**Chapter 192-190 WAC****DEDUCTIONS FROM UNEMPLOYMENT BENEFITS**NEW SECTION

**WAC 192-190-010 Income tax withholding.** (1) You may request to have federal income tax withheld from your benefits. If you choose to do so, the department will deduct the withholding at the percentage specified in 26 U.S.C. Section 3402 (p)(2). You may cancel this withholding at any time.

(2) Benefits deducted for income tax purposes are considered paid to you. If you are paid benefits to which you are not entitled, the amount withheld for income tax will be included in the overpayment.

NEW SECTION

**WAC 192-190-015 Deductions for child support—RCW 50.40.050.** (1) After being properly notified by a child support agency, the department will withhold a portion of your benefits to send to the agency to satisfy child support obligations.

(2) **Notification.** The child support agency is responsible for notifying you of the order to deduct child support from your unemployment benefits.

(3) **Overpayments.** Benefits deducted to satisfy child support obligations are considered paid to you. If you receive benefits to which you are not entitled, the amount deducted to satisfy child support obligations will be included in the overpayment.

(4) **Benefits withheld in error.** The child support agency is responsible for reimbursing you if the amount deducted from your benefits is greater than you are required to pay to satisfy your child support obligations. If an amount less than you are required to pay is deducted from your benefits, the department will deduct the additional amount from future benefit weeks.

(5) **Appeals.**

(a) You must file your appeal concerning the validity of the child support order, the total amount due, or the amount to be deducted from your benefits, with the child support agency.

(b) You may file your appeal concerning the department's authority to deduct child support from your benefits, the weeks for which the deduction is made, and the accuracy of the amount deducted with the department in the same manner as eligibility decisions are appealed. You may file your appeal based on the department's notice to you that child support obligations have been or will be deducted from your benefits. All laws and rules pertaining to benefit appeals apply to appeals under this subsection.

(6) **Effective date of deduction.** The department will not deduct child support obligations from benefits paid for weeks prior to the date on which notification is served on you by the child support agency.

NEW SECTION

**WAC 192-190-020 Are lump sum retirement payments deductible from my benefits (RCW 50.04.323)?** Lump sum retirement benefits are deductible from benefits as provided in this section.

(1) Lump sum retirement payments are prorated over the individual's life expectancy as determined by Title I in Regulation 1.72-9 of the Internal Revenue Code. The percentage contributed by the employer to the retirement will be prorated over the individual's life expectancy to determine the amount deducted from benefits.

(2) After a job separation, the withdrawal of only the funds and applicable interest contributed by the individual to a retirement pension is not deductible from benefits.

(3) The transfer or rollover of a lump sum retirement payment within sixty days of receipt to another long-term retirement plan, such as an individual retirement account (IRA), or 401K is not deductible from benefits.

NEW SECTION

**WAC 192-190-025 How is the pension deduction calculated?** (1) The share contributed by the employer to the pension is deductible from benefits. The amount of the deduction equals the percentage of the contribution(s) made by the base year employer as of the last pay period in the base year in which the contribution(s) was made. The department will prorate the employer's share to a weekly amount.

(a) The department will presume the services you provided to the employer in the base year affected eligibility for or increased the pension amount unless you provide verification from the employer or the pension fund administrator showing otherwise.

(b) The department will presume you made no contribution to the pension unless you provide evidence satisfactory to the department that such a contribution was made.

(2) A disability pension based entirely on the percentage of disability is not deductible. For example, disability payments paid by the Veterans Administration (VA) based on extent of injury are not deductible.

(3) Retirement benefits paid by the Social Security Administration are not deductible from benefits.

(4) For purposes of this section, "pension" includes retirement benefits or retired pay, annuity, or other similar periodic payment.

#### NEW SECTION

**WAC 192-190-030 Is reimbursement of expenses deductible from my benefits?** (1) Moneys paid to you as reimbursement for expenses are not deductible from benefits. However, there must be a reasonable relationship between the amount paid and the actual expenses incurred. If the amount paid is greater than actual expenses, the entire amount must be reported to the department as remuneration and may be deducted from your weekly benefit amount.

(2) Examples:

(a) A volunteer firefighter is paid twenty-five dollars for each fire call. The amount is considered reimbursement for the costs associated with responding to the fire call, such as travel expenses. You are not required to report the reimbursement to the department when filing your claim.

(b) A volunteer firefighter is paid fifty dollars per week even if he or she has no fire calls during that week. The amount is considered remuneration because there is no relationship between the payment and the costs associated with service as a firefighter. You must report the payments to the department when filing your claim.

#### NEW SECTION

**WAC 192-190-035 Vacation or holiday pay.** (1) You must report vacation and holiday pay when filing your claim for benefits.

(2) If vacation or holiday pay is assigned to a specific time period by your employer or as part of a collective bargaining agreement, the department will deduct it from your benefits.

(3) If you receive a cash out of accrued vacation leave, it is not deductible from benefits.

#### NEW SECTION

**WAC 192-190-040 Back pay and settlements.** (1) "Back pay" means wages paid to a worker for a prior pay period. An employer may award back pay to a separated or suspended employee for a specific period of time.

If you received benefits for any weeks for which back pay is awarded, you must report the amount of the back pay to the department.

(a) If the employer does not deduct the amount owed before giving you the award, you will receive an overpayment notice and must pay the amount owed to the department.

(b) If the employer deducts the amount of benefits owed before giving you the back pay award, the employer must pay the amount owed to the department.

(2) A back pay award may not be used to purge a disqualifying separation.

A lump sum payment of worker's compensation benefits does not constitute a back pay award for purposes of RCW 50.20.160.

(3) A "settlement" is the resolution of a dispute or lawsuit under specific terms, often financial. The department will treat a settlement due to loss of wages the same as a back pay award.

#### NEW SECTION

**WAC 192-190-045 Severance pay.** When payment for your separation from work is assigned to any period before the date of separation, it is considered severance or separation pay. Severance pay is not deductible from benefits.

#### NEW SECTION

**WAC 192-190-050 Termination pay.** (1) Termination pay is the same as earnings and is deductible from benefits. It means payments that are assigned to and have a connection with the period following the last day you worked but before you are separated from employment. The payments may be connected to a specific period of time by collective bargaining agreement, individual contract or hiring agreement, customary trade practice, or your request.

(2) Your employer may place conditions for receiving payments, such as requiring that you be available for work during the payment period as needed or stopping payment before the payment period ends if you get another job.

Example 1: The employer provides a job security plan which pays full salary and benefits for five months after the layoff date. The employees are on-call to work as needed for the employer. These payments are deductible because the payments are conditioned on your agreement to remain on-call.

Example 2: An employment contract provides for payments for up to two years following layoff, based on years of service. Fringe benefits continue during the period and accrued vacation time may be used to extend the length of the payments. Payments are deductible because there is a clear connection between the payments and the time period following the last day of work based on the continuation of fringe benefits such as vacation leave.

#### NEW SECTION

**WAC 192-190-055 Payment in lieu of notice.** (1) If you have a contract or hiring agreement that requires the employer to give you advance notice of termination, and the employer fails to do so, the payments you receive from the employer for wages or salary you would have earned during the notice period are deductible from benefits.

(2) If you give notice to the employer to quit work, and the employer discharges you before the end of the notice period, any wages paid to you through the end of the notice period are deductible from benefits.

NEW SECTION

**WAC 192-190-060 Bonuses.** (1) If a bonus is attributable to work you performed during a week in which you claimed benefits, the amount paid is deductible from benefits.

Example: You work twenty hours a week and receive partial unemployment benefits. Based on productivity for that week, your employer awards a fifty dollar cash bonus to workers. The fifty dollars is deductible from benefits.

(2) If a bonus is not attributable to work you performed during a week claimed, it is not deductible from benefits.

Example: You work eight months for an employer and are then laid off. At the end of the year, your employer pays each worker a bonus of one hundred dollars for each month worked during the calendar year. You receive eight hundred dollars based on your eight months of work. Because the bonus is attributable to work performed before you separated from your job, it is not deductible from benefits.

(3) A bonus includes, but is not limited to, cash payments and other things of value that are over and above the employment contract or hiring agreement.

NEW SECTION

**WAC 192-190-065 Tips.** Tips are considered earnings and must be reported each week you claim benefits. They are deductible from benefits.

NEW SECTION

**WAC 192-190-070 Jury duty—RCW 50.20.117.** (1) Payment received because you are on-call or reporting as a prospective juror, or serving on a jury, is earnings and deductible from benefits.

(2) Payment received as reimbursement of expenses for travel, meals, and other costs associated with jury duty is not deductible from benefits.

NEW SECTION

**WAC 192-190-075 Sick leave pay.** (1) You must report sick leave pay when filing your claim for benefits.

(a) If sick leave pay is assigned to a specific time period by your employer or as part of a collective bargaining agreement, it is deductible from benefits.

(b) If you receive a cash out of accrued sick leave, it is not deductible from benefits.

(2) If your benefits are reduced because you reported sick leave pay, they will not be further reduced because you were not able to work on the day(s) for which you were on paid sick leave.

Example: You are sick for three days during a week. You receive sick leave pay for two of those days. Your benefits will be reduced for those two days by the amount of sick leave paid to you. Your benefits will be reduced by one-seventh under RCW 50.20.130 for the third day because you were not able to work.

NEW SECTION

**WAC 192-190-080 Disability payments.** (1) Disability payments paid to you by an insurance company based on premiums paid by the employer are not earnings and are not deductible from benefits.

(2) Disability payments paid to you from a trust fund paid solely by the employer's contributions are earnings and are deductible from benefits.

NEW SECTION

**WAC 192-190-085 Work study.** (1) The Higher Education Act (Public Law 102-325, Title IV) prohibits the deduction of federal financial aid, including work study, from benefits. If the financial aid award includes both federal and state moneys, it is not deductible from benefits.

(2) Earnings from work programs that require services in exchange for student financial aid are deductible from benefits unless Title IV funds are included in the award.

(3) Federally subsidized programs, such as the Workforce Investment Act, do not include Title IV funds. Students provide services to an employer who reports income for tax purposes. These earnings are deductible from benefits.

(4) Other forms of financial aid, such as grants or loans, which do not require the performance of services, are not deductible from benefits.

NEW SECTION

**WAC 192-190-090 National Guard pay.** You must report earnings if you are in the National Guard or military reserve and are on active duty more than seventy-two consecutive hours. Earnings for active duty that exceeds seventy-two consecutive hours are deductible from benefits.

NEW SECTION

**WAC 192-190-100 AmeriCorps stipends.** (1) Stipends received for participation as an AmeriCorps volunteer are considered payment for services and are deductible from benefits. Moneys received for education-related expenses, such as tuition and books, are not deductible from benefits.

(2) If you volunteer part-time and also work a part-time job, your earnings from the part-time job are deductible from benefits. See also WAC 192-170-100.

NEW SECTION

**WAC 192-210-001 Which educational employees are subject to RCW 50.44.050?** (1) Except as provided in subsection (2) of this section, the provisions of RCW 50.44.050 apply to services performed in the employ of an educational institution or institution of higher education operated by:

- (a) The state;
- (b) A political subdivision of the state;
- (c) A nonprofit organization or unit; or
- (d) An Indian tribe.

(2)(a) The provisions of RCW 50.44.050 do not apply if you are employed by a subsidiary business or organization owned or operated by an educational institution when:

(i) The primary purpose of the subsidiary business or organization is other than educational;

(ii) You are not employed in the role of faculty, research or principal administrative staff; and

(iii) Your regular employment does not depend on the school's academic calendar.

(b) All three criteria must be met in order for your services to be exempt from the provisions of RCW 50.44.050. For example:

(i) You work for Pack Forest (operated by the University of Washington, College of Forest Resources) or one of the extension programs operated by Washington State University. You are not employed in the role of faculty, research or principal administrative staff and your regular employment does not depend on the school's academic calendar. However, the primary purpose of each of these entities is educational. Employment for these entities is subject to the provisions of RCW 50.44.050 regardless of the nature of your employment.

(ii) You work for a radio station that is wholly owned and operated by a college. The primary purpose of the business is other than educational, you are not employed in the role of faculty, research, or principal administrative staff, and your regular employment does not depend on the school's academic calendar. You are not subject to the restrictions of RCW 50.44.050.

#### NEW SECTION

**WAC 192-210-045 When does reasonable assurance apply if I work for more than one school?** (1) RCW 50.44.-050 prevents the payment of benefits when "any and all" school wages for "any and all" schools for **any** week of unemployment fall between two successive academic terms or during holiday or vacation break periods.

(2) If you receive reasonable assurance for the following academic term from any school, the wages from all schools for whom you worked during the preceding academic term or break will be restricted.

Example: You worked for ABC and XYZ schools during spring 2009. You received reasonable assurance of returning to work during the fall 2009 term from ABC School but not from XYZ School. The wages from both schools must be restricted during the period between academic terms or breaks.

(3) The period during which wages will be restricted begins during the first full week in which any school for which you worked during the preceding academic term is on break and continues through the last full week in which all schools for which you worked during the preceding academic term have resumed a term of instruction.

Example: You worked for ABC and XYZ schools during the 2008-2009 academic year. Summer is not part of the academic year for either school. ABC School's summer break begins June 15, 2009, and ends September 2, 2009. XYZ School's break begins June 22, 2009, and ends September 9, 2009. Your school wages must be restricted from June 14, 2009, through September 5, 2009.

#### NEW SECTION

**WAC 192-210-050 Reasonable assurance for substitute teachers—RCW 50.44.050(1).** When deciding whether a substitute teacher has reasonable assurance of returning to work, the department will consider, but is not limited to, the following factors:

- (1) Number of full-time teaching positions;
- (2) Student enrollment;
- (3) Number of schools;
- (4) Size of substitute teacher list at the beginning, during, and end of the academic year or term;
- (5) School district priorities that affect the assignment of substitute teachers; and
- (6) The average number of substitute teachers assigned each day.

#### NEW SECTION

**WAC 192-210-200 Professional athletes—RCW 50.20.113.** (1) A professional athlete is not eligible for benefits during the period between two successive sports seasons when substantially all of his or her base period wages were earned through participation in professional sports or athletic events and the individual has reasonable assurance of returning to professional sports during the next season.

(2) Definitions: For purposes of this section:

(a) "Substantially all" means ninety percent of the individual's base period wages were earned in professional sports.

(b) "Professional athlete" includes:

- (i) A regular player or team player;
- (ii) An alternate player;
- (iii) An individual in training to become a regular player or team player; and

(iv) An individual who, although not performing active sports, is retained as a player or team member while recuperating from illness or disability.

"Professional athlete" does not include ancillary personnel such as managers, coaches, and trainers involved with the team or sporting event.

(3) Reasonable assurance exists when the individual has:

(a) A written or verbal multiyear contract which extends into the subsequent season; or

(b) Offered to work and the employer has expressed interest in hiring the athlete for the next season; or

(c) Expressed a readiness and intent to participate in the sport for the next season.

#### **WSR 10-06-087**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

[Filed March 1, 2010, 2:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-11-046.

Title of Rule and Other Identifying Information: WAC 308-125-090 Continuing education required and 308-125-

065 Education credit for teachers of approved real estate appraisal courses.

Hearing Location(s): Department of Licensing, Business and Professions Division, 2000 4th Avenue West, Conference Room 3204, Olympia, WA, on April 6, 2010, at 10:00 a.m.

Date of Intended Adoption: April 6, 2010.

Submit Written Comments to: Ralph C. Birkedahl, Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, e-mail rbirkedahl@dol.wa.gov, fax (360) 571-4981, by March 30, 2010.

Assistance for Persons with Disabilities: Contact Joan Robinson, TTY (360) 664-8885 or (360) 664-6504.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To change to [the] number of days continuing education may be deferred for licensees or certificate holders returning from military service.

Repeal of rule allowing applicants qualifying education credit for teaching.

Reasons Supporting Proposal: To comply with the appraiser qualifications board's real property appraiser qualification criteria.

Statutory Authority for Adoption: RCW 18.140.030 (1), (7), (8), and (15).

Name of Proponent: Department of licensing, real estate appraiser program, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ralph C. Birkedahl, Olympia, Washington, (360) 664-6504.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules affect only licensees and have no impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The department of licensing is not one of the named agencies under this RCW.

March 1, 2010  
Walt Fahrer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-23-079, filed 11/19/07, effective 1/1/08)

**WAC 308-125-090 Continuing education required.**

(1) As a prerequisite to renewal of certification or licensure, the holder of a certificate or license shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification or licensure shall be the completion by the applicant of twenty-eight hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the term of certification or licensure immediately preceding renewal. An applicant shall not receive credit in consecutive renewals for courses that have the same or very similar content and are deemed comparable by the department. The holder of a certificate or license will present evidence of successful completion of the seven-hour National USPAP update course or its equivalent.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a

minimum of two hours in length and be directly related to real estate appraising. However, a maximum of one-half of the continuing education hours required for renewal can be in two-hour seminars or courses.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours.

(5) Up to one-half of the requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials. ~~((Credit for instructing any given course or seminar can only be awarded once))~~ A licensee or certificate holder may receive continuing education credit for teaching an approved real estate appraisal course. Once a licensee or certificate holder has received credit for teaching an approved real estate appraiser course, the credential holder shall not receive credit for teaching that course or any substantially similar course on any subsequent occasion, with the exception of the Uniform Standards of Professional Appraisal Practice, USPAP, 7-hour update.

(6) Courses or seminars taken to satisfy the continuing education requirement for real estate appraisers, should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
- (b) Arbitrations, dispute resolution.
- (c) Business courses related to practice of real estate appraisal and consulting.
- (d) Construction estimating.
- (e) Ethics and standards of professional practice, USPAP.
- (f) Land use planning, zoning, and taxation.
- (g) Management, leasing, brokerage, timesharing.
- (h) Property development, partial interests.
- (i) Real estate appraisal (valuations/evaluations).
- (j) Real estate financing and investment.
- (k) Real estate law, easements and legal interests.
- (l) Real estate litigation, damages and condemnation.
- (m) Real estate related computer applications.
- (n) Real estate securities and syndication.
- (o) Real property exchange.
- (p) Appraisal and consulting report writing.
- (q) Such other presentations approved by the director.

(7) The director may approve continuing education credit for attendance at one real estate appraiser commission meeting of no more than seven hours.

(8) The director may defer completion of continuing education for licensees or certificate holders returning from military service active duty and place the license or certificate in an active status for a period of ~~((one hundred eighty))~~ ninety days pending completion of education. If the licensee or certificate holder fails to comply with the continuing education requirement within said ~~((one hundred eighty))~~ ninety days, the license or certificate will revert to an expired status.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-125-065	Education credit for teachers of approved real estate appraisal courses.
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**WSR 10-06-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed March 1, 2010, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-02-055 on December 31, 2009.

Title of Rule and Other Identifying Information: WAC 220-47-302, 220-47-307, 220-47-311, 220-47-401, 220-47-411, 220-47-427 and 220-47-428, rules for commercial salmon fishing in Puget Sound.

Hearing Location(s): Natural Resources Building, 1111 Washington Street, Room 172, Olympia, WA 98504, on Friday, April 9, 2010, at 1:30 p.m. to 2:30 p.m.

Date of Intended Adoption: On or after Monday, April 19, 2010.

Submit Written Comments to: Rules Coordinator, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail lori.preuss@dfw.wa.gov, fax (360) 902-2207, by Monday, April 5, 2010.

Assistance for Persons with Disabilities: Contact Susan Yeager by Monday, April 5, 2010, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered.

Reasons Supporting Proposal: To protect species of fish listed as endangered while supporting commercial salmon fishing in Puget Sound.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Statute Being Implemented: RCW 77.12.047 and 77.04.020.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Jeremy Jording, 1111 Washington Street, Olympia, (360) 902-2171; Implementation: Jim Scott, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Chief Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

## Small Business Economic Impact Statement

**1. Description of the Reporting, Record-Keeping, and Other Compliance Requirements of the Proposed Rule:**

These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered. The rules include legal gear requirements, area restrictions, and open periods for commercial salmon fisheries occurring in Puget Sound.

**2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements:** None - these rule changes clarify dates for anticipated open periods, areas closed in Puget Sound to commercial harvest methods, and legal gear requirements.

**3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** Less than \$5 per business.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** No.

**5. Cost of Compliance for the Ten Percent of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules, Using One or More of the Following as a Basis for Comparing Costs:**

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

It is unknown how many employees are associated with the ten percent of businesses that are the largest businesses required to comply, as most commercial gillnet fishermen operate as single fishermen. Therefore the cost per hour of labor is also difficult to determine. The less than \$5 cost estimated in No. 3 above cannot be compared with an amount per one hundred dollars of sales, since this is an expected one-time initial cost for commercial fishermen to pay for postage to enter any possible lottery fisheries. Estimating the cost per one hundred dollars of sales would imply that they have ownership of a natural resource and are guaranteed a percentage of catch for which they then sell for profit. This is not the case.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses, or Reasonable Justification for Not Doing So:** The department issues an annual pamphlet and mails it out to all license holders to alert them to anticipated open periods, closed areas, and gear requirements.

**7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule:** The department cosponsors the annual North of Falcon process, which is a series of public meetings over a period of several months from February through April that allow constituents to supply input on the rules contained in this filing.

**8. A List of Industries That Will Be Required to Comply with the Rule:** All licensed fishers using legal commercial gear types seeking to harvest salmon in the all-citizen commercial salmon fisheries occurring in Puget Sound.

A copy of the statement may be obtained by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail lori.preuss@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

March 1, 1010 [2010]

Lori Preuss  
Rules Coordinator

AMENDATORY SECTION (Amending Order 09-108, filed 7/9/09, effective 8/9/09)

**WAC 220-47-302 Puget Sound—Lawful gear—Gill net.** (1) It is unlawful to use drift gill net salmon gear in Puget Sound that exceeds 1,800 feet in length or contains meshes of a size less than 5 inches.

(2) It is unlawful to use skiff gill net salmon nets in Puget Sound that exceed 600 feet in length, 90 meshes in depth, or that contain meshes of a size less than 5 inches, except in Area 9A, where skiff gill nets are further restricted by not being more than 60 meshes deep. It is unlawful to retrieve skiff gill nets by any means except by hand (no hydraulics may be used). It is unlawful to fail to attend to skiff gill nets at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. It is unlawful to set such nets in a circle or to set them in other than a substantially straight line.

(a) It is unlawful to operate any drift gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, two red ((polyform)) size A-3 buoys, marking the visible end of the cork line portion of the net. One of the two buoys shall be marked in a visible, legible, and permanent manner with the name and gill-net license number of the fisher.

(b) The cork line portion of the net shall be marked every 50 fathoms of the net with ((polyform)) size A-1 buoys.

(4) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A sockeye or pink salmon fisheries unless said gill net gear is constructed so that the first 20 meshes below the cork line are composed of five-inch mesh, white opaque, minimum 210/30d (#12) diameter, nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear when recovery box(es) are required in areas defined under WAC 220-22-030 unless the gill net vessel has aboard and uses said operable recovery box(es) as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or one chamber in each box, if two boxes.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter. The inlet hole must be centered horizontally across the door or wall of the chamber, and the bottom of the hole must be located 1-3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1-1/2 inches in diameter, with

the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute, nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and with the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

(6) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 09-108, filed 7/9/09, effective 8/9/09)

**WAC 220-47-307 Closed areas—Puget Sound salmon.** It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section do not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4-mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point, thence west to a point intercepting a line projected from the northernmost point of Jones Island, thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head, and including those

waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - ~~((+))~~ That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

~~((2) Additional coho seasonal closure: Those waters of Area 7B west of a line from Point Francis (48°41'42"N, 122°36'40"W) to the red and green buoy southeast of Point Francis (48°40'22"N, 122°35'30"W), then to the northernmost tip of Eliza Island (48°39'37"N, 122°35'45"W), then along the eastern shore of the island to a point intersecting a line drawn through Eliza Rock Light (48°38'35"N, 122°34'40"W) and Fish Point (48°34'35"N, 122°29'45"W) and then southeastward along that line to Fish Point.))~~

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink and coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy, thence to Forbes Landing wharf east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison westerly of a line projected from Point Jefferson to the northernmost portion of Point Monroe.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock, and those waters northerly of a line projected from Point Wells to "SF" Buoy, then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor, and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock, then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - (1) Those waters within 1,000 feet of the mouth of the Quilcene River.

(2) Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

AMENDATORY SECTION (Amending Order 09-108, filed 7/9/09, effective 8/9/09)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

Table with 3 columns: AREA, TIME, DATE. Includes entries for 7, 7A, and 7B with various dates and times.

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

Table with 3 columns: AREA, TIME, DATE. Includes entries for 7B, 7C, and 8A with various dates and times.

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning at 12:01 a.m. on the last Monday in October and until 4:00 p.m. on the first Friday in December.

Table with 3 columns: AREA, TIME, DATE. Includes entries for 8A, 8D, and 10, 11 with various dates and times.

Table with 3 columns: AREA, TIME, DATE. Includes entries for 12, 12B, and 12C with various dates and times.

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October ((25)) 23 in Area 7B.

Coho salmon - at all times in Areas 7, 7A, 10, and 11, prior to September ((6)) 5 in Area 7B((and during September in those waters of Area 7B west of a line from Point Francis (48°41'42"N, 122°36'40"W) to the red and green buoy southeast of Point Francis (48°40'22"N, 122°35'30"W), then to the northernmost tip of Eliza Island (48°39'37"N, 122°35'45"W), then along the eastern shore of the island to a point intersecting a line drawn through Eliza Rock Light (48°38'35"N, 122°34'40"W) and Fish Point (48°34'35"N, 122°29'45"W) and then southeastward along that line to Fish Point)).

Chum salmon - prior to October 1 in Areas 7 and 7A. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 09-108, filed 7/9/09, effective 8/9/09)

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

Table with 3 columns: AREA, TIME, DATE(S). Includes entry for 7, 7A with 5AM - 9PM Daily and dates 9/12 - 11/13.

(2) It is unlawful at all times to retain wild Chinook salmon taken with reef net gear, and it is unlawful prior to October 1 to retain chum or wild coho salmon taken with reef net gear.

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate possession a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: (~~Jeremy Jording~~) Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capitol Way N, Olympia WA, 98501-1091.  
 (4) All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 09-108, filed 7/9/09, effective 8/9/09)

**WAC 220-47-411 Gill net—Open periods.** It is unlawful to take, fish for, or possess salmon taken with gill net gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for in each respective fishing area:

AREA	TIME		DATE(S)	MINIMUM MESH
6D: Skiff gill net only.	7AM	-	7PM <u>9/20, 9/21, 9/22, 9/23, 9/24, ((9/25;)) 9/27, 9/28, 9/29, 9/30, 10/1, ((10/2;)) 10/4, 10/5, 10/6, 10/7, 10/8, ((10/9;)) 10/11, 10/12, 10/13, 10/14, 10/15, ((10/16;)) 10/18, 10/19, 10/20, 10/21, 10/22((10/23))</u>	5 1/2"

Note: In Area 6D, it is unlawful to use other than 5-inch minimum mesh in the skiff gill net fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	7AM	-	Midnight; use of recovery box required <u>10/11, 10/12, 10/13, 10/14, 10/15, 10/16((10/17))</u>	6 1/4"
	7AM	-	Midnight <u>10/17, 10/18, 10/19, 10/20, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30, 10/31, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, 11/10, 11/11, 11/12, 11/13((11/14))</u>	6 1/4"

Note: In Areas 7 and 7A after September (~~28~~) 26 but prior to October (~~18~~) 17, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water, until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

7B, 7C:	8PM	-	7AM NIGHTLY ( <del>8/10</del> ) <u>8/9</u>	7"
	7PM	-	8AM NIGHTLY <u>8/16, 8/17, ((8/18, 8/20;)) 8/19, 8/23, 8/24, ((8/25, 8/27;)) 8/26, 8/30, 8/31, ((9/1, 9/3)) 9/2</u>	7"
7B:	<del>((12:01)) 7</del> AM	-	<del>((Midnight)) 7 AM</del> the day following <u>((9/6, 9/8, 9/10, 9/13, 9/15, 9/17)) 9/5, 9/7, 9/9, 9/12, 9/14, 9/16</u>	5"
	7AM <del>((9/20)) 9/19</del>	-	Midnight ( <del>10/24</del> ) <u>10/23</u>	5"
	12:01AM <del>((10/25)) 10/24</del>	-	Midnight ( <del>10/31</del> ) <u>10/30</u>	6 1/4"
	7AM <del>((11/2)) 11/1</del>	-	4PM ( <del>11/6</del> ) <u>11/5</u>	6 1/4"
	7AM <del>((11/9)) 11/8</del>	-	4PM ( <del>11/13</del> ) <u>11/12</u>	6 1/4"
	7AM <del>((11/16)) 11/15</del>	-	4PM ( <del>11/20</del> ) <u>11/19</u>	6 1/4"
	7AM <del>((11/23)) 11/22</del>	-	4PM ( <del>11/27</del> ) <u>11/26</u>	6 1/4"
	8AM <del>((11/30)) 11/29</del>	-	4PM ( <del>12/4</del> ) <u>12/3</u>	6 1/4"

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 6:00 PM on the first Friday in December.

<del>((8:</del>	6AM	-	10PM <u>8/18, 8/20, 8/24, 8/26</u>	5" minimum and 5 1/2" maximum
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Note: In Area 8 it is unlawful to take or fish for pink salmon with drift gill nets greater than 60 mesh maximum depth.

8A:	6AM	-	10PM <u>8/17, 8/19, 8/25, 8/27</u>	5" minimum and 5 1/2" maximum))
8A:	6PM	-	8AM NIGHTLY ( <del>10/6</del> ) <u>10/5</u>	5"
	7AM	-	6PM <del>((10/12, 10/14)) 10/11, 10/13</del>	5"

AREA	TIME		DATE(S)	MINIMUM MESH
8D:	6PM	-	8AM NIGHTLY ((9/20, 9/27, 10/4)) 9/19, 9/26, 10/3	5"
	7AM	-	9PM 9/20, 9/21, 9/22, 9/23, 9/27, 9/28, 9/29, 9/30, ((9/6, 9/7)) 10/4, 10/5, 10/6, 10/7	5"
	7AM	-	8PM ((10/15, 10/22, 10/29)) 10/11, 10/12, 10/13, 10/14, 10/21, 10/28	5"
	7AM	-	4PM ((10/16, 10/23, 10/30)) 10/22, 10/29	5"
	7AM	-	7PM ((11/11, 11/19)) 11/4, 11/10, 11/18	6 1/4"
	7AM	-	6PM ((11/26)) 11/25	6 1/4"
	7AM	-	4PM ((11/13, 11/20, 11/27)) 11/5, 11/12, 11/19	6 1/4"
9A: Skiff gill net only.	7AM 9/22	-	7PM 10/30 ((8/24, 8/25, 8/26))	5"
	((6AM 8/30	-	8PM 10/31	5"))
Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish. Legal gear defined in WAC 220-47-302.				
((10	6AM	-	10PM Limited participation – two boats (8/24, 8/25, 8/31)	5" minimum and 5 1/2" maximum
Note: In Area 10 during September coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water, until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).))				
10, 11:	5PM	-	9AM NIGHTLY ((10/18, 10/29)) 10/19	6 1/4"
	5PM	-	8AM NIGHTLY ((10/21)) 10/24, 10/26	6 1/4"
	4PM	-	8AM NIGHTLY ((11/1, 11/10, 11/12, 11/15)) 11/2, 11/4, 11/9, 11/16	6 1/4"
	3PM	-	8AM NIGHTLY ((11/22)) 11/21	6 1/4"
	4PM	-	Midnight NIGHTLY ((10/21, 11/4, 11/18, 11/25)) 10/20, 11/3, 11/17, 11/24	6 1/4"
((12A: Skiff gill net only.	7AM	-	7PM 9/1, 9/8, 9/15, 9/22, 9/31	5"
Note: In Area 12A, it is unlawful to use other than 5-inch minimum mesh in the skiff gill net fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.))				
12, 12B:	7AM	-	8PM 10/19, ((10/21,)) 10/20, 10/25, 10/27((-10/29))	6 1/4"
	7AM	-	7PM 11/2, ((11/4, 11/10, 11/12,)) 11/3, 11/8, 11/9, 11/16, ((11/18)) 11/17	6 1/4"
12C:	7AM	-	7PM 11/8, 11/10, ((11/12,)) 11/16, 11/18	6 1/4"
	7AM	-	6PM ((11/24, 11/26)) 11/23, 11/25	6 1/4"

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

AMENDATORY SECTION (Amending Order 09-108, filed 7/9/09, effective 8/9/09)

**WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.**

(1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue ~~((two))~~ four salmon beach seine experimental fishery permits.

(3) The following is the selection process the department will use to offer a salmon beach seine experimental permit.

(a) Persons who held a salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department established a pool of applicants by drawing on August 13, 2002. The pool established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the salmon beach seine experimental permit being aboard the designated vessel in the open fishery.

(b) If the salmon beach seine experimental permit holder fails to participate, the salmon beach seine experimental permit issued to that fisher will be void and a new salmon beach seine experimental permit will be issued through a random drawing from the applicant pool established in 2002.

(c) The department may require proof of participation by maintaining a department approved log book or registering

with state officials each day the salmon beach seine experimental permit holder participates.

(d) Persons who participate, but violate conditions of a salmon beach seine experimental permit, will have the permit voided and a new salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quilcene Bay, chum salmon may not be retained by a salmon beach seine experimental permit holder. Chum salmon in Quilcene Bay must be released alive.

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

AMENDATORY SECTION (Amending Order 09-108, filed 7/9/09, effective 8/9/09)

**WAC 220-47-428 Beach seine—Open periods.** It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas:

AREA	TIME	DATE(S)
12A:	7AM - 7PM	<u>8/23, 8/24, 8/25, 8/26, 8/30, 8/31, 9/1, 9/2, 9/6, 9/7, 9/8, 9/9, 9/13, 9/14, 9/15, 9/16, 9/20, 9/21, 9/22, 9/23, 9/27, 9/28, 9/29, 9/30</u>
12H:	7AM - 7PM	November (dates determined per agreement with tribal comanagers in-season if harvestable surplus of salmon remain).

It is unlawful to retain chinook taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

### WSR 10-06-093

#### WITHDRAWAL OF PROPOSED RULES BUILDING CODE COUNCIL

(By the Code Reviser's Office)

[Filed March 2, 2010, 8:35 a.m.]

WAC 51-11-1515, proposed by the building code council in WSR 09-17-136 appearing in issue 09-17 of the State Register, which was distributed on September 2, 2009, 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 10-06-094

#### WITHDRAWAL OF PROPOSED RULES BUILDING CODE COUNCIL

(By the Code Reviser's Office)

[Filed March 2, 2010, 8:35 a.m.]

WAC 51-50-0105, 51-50-0712 and 51-50-0715, proposed by the building code council in WSR 09-17-139 appearing in issue 09-17 of the State Register, which was distributed on September 2, 2009, 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 10-06-096

#### PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 2, 2010, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-02-107.

Title of Rule and Other Identifying Information: Medical aid rules—Conversion factors, WAC 296-20-135.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98501, on April 7, 2010, at 1:00 p.m.

Date of Intended Adoption: May 4, 2010.

Submit Written Comments to: Tom Davis, P.O. Box 44322, Olympia, WA 98504-4322, e-mail dato235@LNI.wa.gov, fax (360) 902-4249, by April 2, 2010.

Assistance for Persons with Disabilities: Contact Tom Davis by March 31, 2010, TTY (360) 902-5797 or fax (360) 902-4249.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rule is to update the department's payment rates for health care services by:

Changing the conversion factor used to calculate payment levels for services payable through the resource based relative value scale (RBRVS) fee schedule.

WAC 296-20-135(2), change the RBRVS conversion factor from \$61.53 to \$60.78.

Reasons Supporting Proposal: This rule will provide budget neutral medical aid updates regarding rate setting for most professional health care services for injured workers.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Statute Being Implemented: RCW 51.36.080.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Change the conversion factor used to calculate maximum payment for services paid with the RBRVS fee schedule.

Name of Proponent: Department of labor and industries.

Name of Agency Personnel Responsible for Drafting: Tom Davis, Tumwater, Washington, (360) 902-6687; Implementation and Enforcement: Robert Malooly, Assistant Director, Tumwater, Washington, (360) 902-4209.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule adoption is exempt under RCW 34.05.328 (5)(b)(vi) and 19.85.025(3).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply because the content of this rule is explicitly dictated by statute and fits within the exceptions listed in RCW 34.05.328 (5)(b)(vi).

March 2, 2010

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 08-09-121, filed 4/22/08, effective 7/1/08)

**WAC 296-20-135 Conversion factors.** (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of (~~(\$61.53)~~) \$60.78. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of \$3.19 per minute, which is equivalent to \$47.85 per 15 minutes. The base units and payment policies can be found in the fee schedules.

**WSR 10-06-102**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed March 2, 2010, 1:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-02-055 on December 31, 2009.

Title of Rule and Other Identifying Information: WAC 220-36-015, 220-36-020, 220-36-021, 220-36-023, 220-36-025, 220-36-03001 and 220-40-027, rules for commercial salmon fishing in Grays Harbor; WAC 220-40-020, 220-40-021, 220-40-027 and 220-40-030, rules for commercial salmon fishing in Willapa Bay; and WAC 232-28-620 Costal salmon—Saltwater seasons and daily limits.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on Friday, April 9, 2010, at 9:00 a.m. - 10:00 a.m.

Date of Intended Adoption: On or after Monday, April 19, 2010.

Submit Written Comments to: Rules Coordinator, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Lori.preuss@dfw.wa.gov, fax (360) 902-2155, by Monday, April 5, 2010.

Assistance for Persons with Disabilities: Contact Susan Yeager by Monday, April 5, 2010, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered.

Reasons Supporting Proposal: To protect species of fish listed as endangered while supporting commercial salmon fishing.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Statute Being Implemented: RCW 77.12.047 and 77.04.020.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, (360) 249-4628; Implementation: Jim Scott, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: These rules incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered. The rules include legal gear requirements, area restrictions, and open periods for commercial salmon fisheries occurring in Willapa Bay and Grays Harbor.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None - these rule changes clarify dates for anticipated open periods, areas that are closed in Grays Harbor and Willapa Bay to commercial harvest methods, and legal gear requirements.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the Ten Percent of Businesses That Are the Largest Businesses Required to Comply with

the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

There are no anticipated costs of compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The department issues an annual pamphlet and mailer to all license holders to alert them to anticipated open periods, closed areas, and gear requirements.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department cosponsors the annual North of Falcon process, which is a series of public meetings over a period of several months from February through April each year, and which allows constituents to supply input on the rules contained in this filing.

8. A List of Industries That Will Be Required to Comply with the Rule: All licensed fishers using legal commercial gear types seeking to harvest salmon in the all-citizen commercial salmon fisheries occurring in Grays Harbor and Willapa Bay.

A copy of the statement may be obtained by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail [Lori.preuss@dfw.wa.gov](mailto:Lori.preuss@dfw.wa.gov).

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

March 2, 2010

Lori Preuss  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

**WAC 220-36-015 Gill net gear—Grays Harbor specifications.** It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear, or to possess food fish taken from those waters with gill net gear, unless:

- (1) The gill net does not exceed 1,500 feet in length along the cork line; and
- (2) Except as otherwise provided in this chapter, the mesh size of the gill net is not less than 5 inches or greater than 6-1/2 inches stretch measure.

**AMENDATORY SECTION** (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

**WAC 220-36-020 Grays Harbor salmon fishing—Lawful gear.** It shall be unlawful to take, fish for, or possess salmon taken for commercial purposes in Grays Harbor fishing areas (~~except for~~), with the exception of salmon taken with gill net gear as provided for in this chapter.

**AMENDATORY SECTION** (Amending Order 01-104, filed 6/15/01, effective 7/16/01)

**WAC 220-36-021 Salmon—Grays Harbor—Summer fishery.** From July 5 through August 15, it is unlawful to

fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

**AMENDATORY SECTION** (Amending Order 09-109, filed 8/4/09, effective 9/4/09)

**WAC 220-36-023 Salmon—Grays Harbor fall fishery.** From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

#### Fishing periods

(1) Gill net gear may be used to fish for salmon and white sturgeon only according to the chart below. All nonlegal sturgeon (~~and nonlegal~~), steelhead, and all species other than Chinook, coho, chum and white sturgeon, must be handled with care to minimize injury and must be released immediately to the river/bay:

Time:	Areas:
6:00 p.m. September <del>((3))</del> <u>2</u> through 6:00 p.m. September <del>((4, 2009))</del> <u>3, 2010</u> ;	Area 2C
6:00 p.m. September <del>((8))</del> <u>7</u> through 6:00 p.m. September <del>((9, 2009))</del> <u>8, 2010</u> ;	
6:00 a.m. September <del>((13))</del> <u>12</u> through 6:00 p.m. September <del>((14, 2009))</del> <u>13, 2010</u> ;	
6:00 a.m. September <del>((20))</del> <u>19</u> through 6:00 p.m. September <del>((21, 2009))</del> <u>20, 2010</u> ;	
AND	
6:00 p.m. September <del>((29))</del> <u>28</u> through 6:00 p.m. September <del>((30, 2009))</del> <u>29, 2010</u> .	

#### Gear

- (2) Gill net gear restrictions: All areas:
  - (a) Drift gill net gear only. It is unlawful to use set net gear. It is ~~((legal))~~ permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length. Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.
  - (b) Nine-inch maximum mesh size allowed.
  - (c) Entire nets must be single mesh size. Only one net may be fished at a time; other nets must be properly stored.
  - (d) Soak time must not exceed 45 minutes. Soak time is 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.

(e) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Area 2C. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. 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 39½ 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 ¾ inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1¾ 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 1½ inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(f) All wild coho, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box.

(g) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(h) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

#### Other

(3) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(4) Fishers must take department observers if requested by department staff when participating in these openings. Pursuant to WAC 220-69-240, fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or e-mail. Notice of intent must be given prior to 5:00 p.m. on August ~~((28, 2009))~~ 27, 2010, for the openings in Area 2C.

(5) NOAA Fisheries has listed the southern population of green sturgeon as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. Therefore, the retention of green sturgeon is prohibited(;) to protect this federally listed stock.

AMENDATORY SECTION (Amending Order 86-55, filed 7/10/86)

**WAC 220-36-025 Closed areas—Grays Harbor and tributaries.** (1) It is unlawful to take, fish for, or possess salmon taken for commercial purposes from those waters at the mouth of Grays Harbor lying westerly of a line projected from the Point Chehalis Light at Westport through the Coast

Guard tower to the shore at Point Brown, and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

(2) During the period March 1 through July 31, it is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess food fish taken for any purpose from the waters of the Chehalis River or any tributary of the Chehalis River upstream of the Porter Bridge.

(3) It is unlawful to fish for or possess salmon taken for commercial purposes from the Westport Boat Basin.

AMENDATORY SECTION (Amending Order 03-26, filed 2/18/03, effective 3/21/03)

#### **WAC 220-36-03001 Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon.**

(1) It is unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60B to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes less than 4½ inches stretch measure, except as provided in WAC 220-36-03001(6). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It is ~~((lawful))~~ permissible to fish for and possess bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60B at any time with set line and hand line jig gear.

(3) It is ~~((lawful))~~ permissible to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D, and it is ~~((lawful))~~ permissible to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(4) It is ~~((lawful))~~ permissible to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor, except that it is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It is ~~((lawful))~~ permissible to fish for and possess herring, anchovies, candlefish, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) From June 1 through October 31 - It is ~~((lawful))~~ permissible to fish for and possess anchovies, candlefish, or pilchards with purse seine or lampara in the waters of Grays Harbor ~~((-provided))~~. However, it is unlawful to use gear exceeding 1,400 feet in length or containing meshes of less than 1/2-inch stretch measure. It is ~~((lawful))~~ permissible to fish for herring with lampara gear in the waters of Grays Harbor ~~((-provided))~~. However, it is unlawful to use gear exceeding 1,400 feet in length or containing mesh less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, candlefish, and anchovy taken in operation of such purse seine or lampara gear must be immediately returned to the water.

(b) From February 1 through April 15 - Closed to all commercial herring, anchovy, candlefish, or pilchard fishing except dip bag net.

(7) It is ~~((lawful))~~ permissible to take, fish for, and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

(8) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

AMENDATORY SECTION (Amending Order 89-71, filed 7/28/89, effective 8/28/89)

**WAC 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon.** It ~~((shall be))~~ is unlawful to take, fish for, or possess salmon taken for commercial purposes in Willapa Bay fishing areas ~~((except for))~~, with the exception of salmon taken with gill net gear as provided for in this chapter.

AMENDATORY SECTION (Amending Order 01-104, filed 6/15/01, effective 7/16/01)

**WAC 220-40-021 Willapa Bay salmon—Summer fishery.** From July 5 through August 15, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 09-109, filed 8/4/09, effective 9/4/09)

**WAC 220-40-027 Salmon—Willapa Bay fall fishery.** From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**Fishing periods**

(1) Gill net gear may be used to fish for salmon and white sturgeon only as shown below. All nonlegal sturgeon ~~((and nonlegal))~~, steelhead, and all species other than Chinook, coho, chum and white sturgeon, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay:

Time:

6:00 p.m. September ~~((15))~~ 12 through 6:00 p.m. September ~~((19))~~ 16, ~~((2009))~~ 2010.

6:00 p.m. September ~~((22))~~ 21 through 6:00 p.m. September ~~((23))~~ 22, ~~((2009))~~ 2010;

AND

6:00 p.m. September ~~((28))~~ 27 through 6:00 p.m. September ~~((29))~~ 28, ~~((2009))~~ 2010.

6:00 p.m. September ~~((22))~~ 21 through 6:00 p.m. October ~~((7))~~ 6, ~~((2009))~~ 2010.

6:00 p.m. October ~~((10))~~ 9 through 6:00 p.m. October ~~((14))~~ 13, ~~((2009))~~ 2010.

6:00 p.m. November ~~((10))~~ 9, through 6:00 p.m. November ~~((19))~~ 18, ~~((2009))~~ 2010.

Area:

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of Willapa Channel Marker 40, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

Area 2K

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of the Willapa Channel Marker 40, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

Time: Area:  
 Noon, November 6, Areas 2G, 2H, 2J, and 2M.  
 ((2009)) 2010, through  
 noon, November 30,  
 ((2009)) 2010.

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in Salmon Management and Catch Reporting Area (SMCRA) 2G, described in this section. The Tokeland Boat basin is that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall, and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-seconds), to Tokeland Channel Marker "4," to the tip of the seawall.

### Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only, and the net must be moving with the current. It is unlawful to use set net gear. It (~~will be legal~~) is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

Nets with a mesh size different from that being actively fished must be properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

(b) From August 16 through August 31: Seven and one-half inch minimum mesh. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels.

(c) From September 1 through September 21 (~~(-2009)~~): Six-inch maximum mesh, and net may be no more than fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels.

(~~(e)~~) (d) From September 22 through October 31 (~~(-2009)~~): Six and one-half inch maximum mesh.

(~~(d)~~) (e) From November 6 through November 30 (~~(-2009)~~): Nine-inch minimum mesh (~~(-)~~), except that from 6:00 p.m. November 10 through 6:00 p.m. November 19 (~~(-2009)~~) (coho directed), there are two alternatives:

(i) Use six-inch maximum mesh; and net may be no more than fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels; or

(ii) Use nine-inch minimum mesh.

(iii) Only one net of either six-inch or nine-inch configuration, not exceeding fifteen hundred feet, may be used when in the act of fishing.

### Other

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing.

(5) NOAA Fisheries has listed the southern population of green sturgeon as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken

in Washington fisheries are from the southern population. Therefore, the retention of green sturgeon is prohibited; to protect this federally listed stock.

AMENDATORY SECTION (Amending Order 03-26, filed 2/18/03, effective 3/21/03)

**WAC 220-40-030 Willapa Bay—Seasons and lawful gear—Varieties other than salmon and sturgeon.** (1) It is unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60C to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes of less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It is (~~lawful~~) permissible to fish for and possess bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gear.

(3)(a) From June 1 through October 31 - It is (~~lawful~~) permissible to fish for and possess anchovy, candlefish, or pilchard(~~(s)~~) taken for commercial purposes with purse seine or lampara in the waters of Willapa Bay(~~(-provided)~~). However, it is unlawful to use gear exceeding 1,400 feet in length or containing meshes less than one-half inch stretch measure. It is (~~lawful~~) permissible to fish for and possess herring taken for commercial purposes with lampara gear from the waters of Willapa Bay(~~(-except)~~). However, it is unlawful to use lampara gear exceeding 1,400 feet in length or containing mesh less than 1/2-inch stretch measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) From February 1 through March 15 - Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It is (~~lawful~~) permissible to fish for, take, and possess herring, anchovy, candlefish, or pilchard(~~(s)~~) with dip bag net gear at any time in the waters of Willapa Bay.

(4) It is (~~lawful~~) permissible to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2G, 2H, 2J, 2K, and 2M, and it (~~shall be lawful~~) is permissible to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(5) It is (~~lawful~~) permissible to take, fish for, and possess smelt taken with hand dip nets in any of the waters of Willapa Bay (~~(except)~~). However, it is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It is (~~lawful~~) permissible to take (~~(bottom fish)~~) bottomfish with drag seine gear in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

(7) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Manage-

ment and Catch Reporting Area 60C if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

AMENDATORY SECTION (Amending Order 09-133, filed 7/8/09, effective 8/8/09)

**WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits.** It ~~((shall be))~~ is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities~~((, for))~~ and the sizes provided for in WAC 220-56-180, and for the species designated in this section. An area is open when a daily limit is provided:

**(1) Catch Record Card Area 1:**

(a) May 1 through June ~~((27))~~ 26 - Closed.

(b) June ~~((28))~~ 27 through September 30 - Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

~~((c))~~ (c) October 1 through April 30 - Closed.

~~((e))~~ (d) Closed in the Columbia River Mouth Control Zone 1 during all open periods~~((:))~~. See WAC 220-56-195.

**(2) Catch Record Card Area 2:**

(a) May 1 through June ~~((27))~~ 26 - Closed.

(b) June ~~((28))~~ 27 through July ~~((23))~~ 22 - Open Sundays through Thursdays only. Daily limit 2 salmon ~~((plus 1 additional pink salmon))~~, of which not more than one may be a Chinook salmon. Release wild coho.

(c) July ~~((24))~~ 23 through September ~~((20))~~ 19 - Daily limit 2 salmon ~~((plus 1 additional pink salmon))~~, of which not more than one may be a Chinook salmon. Release wild coho.

(d) September ~~((21))~~ 20 through April 30 - Closed.

(e) Closed to salmon fishing August 1 through September ~~((20))~~ 19 in the Grays Harbor Control Zone described in WAC 220-56-195(11).

**(3) Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through June ~~((27))~~ 26 - Closed.

(b) June ~~((28))~~ 27 through July 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through August 15 - Daily limit of six salmon, not more than two of which may be adult salmon. Release chum.

(d) August 16 through January 31 - Daily limit 6 salmon, not more than 3 of which may be adult salmon, and of the adult salmon, not more than 2 may be Chinook. Release chum.

(e) February 1 through April 30 - Closed.

**(4) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

(a) May 1 through September 15 - Closed.

(b) September 16 through November 30 - Daily limit of 2 salmon, of which only 1 may be a wild adult coho. Release chum and adult Chinook.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon, not more than four of which may be adult salmon.

**(5) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line) - Closed.**

**(6) Catch Record Card Area 3:**

(a) May 1 through June ~~((26))~~ 25 - Closed.

(b) June ~~((27))~~ 26 through July ~~((47))~~ 16 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon ~~((plus 2 additional pink salmon))~~, of which not more than one may be a Chinook salmon. Release wild coho.

(c) July ~~((18))~~ 17 through September ~~((20))~~ 19 - Daily limit of 2 salmon ~~((plus 2 additional pink))~~, of which not more than one may be a Chinook salmon. Release wild coho.

(d) September ~~((21))~~ 20 through April 30 - Closed.

(e) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude also open September 26 through October 11 - Daily limit two salmon, of which not more than one may be a Chinook salmon. Release wild coho.

**(7) Catch Record Card Area 4:**

(a) May 1 through June ~~((26))~~ 25 - Closed.

(b) June ~~((27))~~ 26 through July ~~((47))~~ 16 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon ~~((plus 2 additional pink))~~, of which not more than one may be a Chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed.

(c) July ~~((18))~~ 17 through September ~~((20))~~ 19 - Daily limit of 2 salmon ~~((plus 2 additional pink))~~, of which not more than one may be a Chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed June ~~((27))~~ 26 through July 31. Release Chinook salmon caught east of the Bonilla-Tatoosh line beginning August 1. Release chum salmon beginning August 1.

(d) September ~~((21))~~ 20 through April 30 - Closed.

**WSR 10-06-104**

**PROPOSED RULES**

**COMMISSION ON**

**JUDICIAL CONDUCT**

[Filed March 2, 2010, 6:34 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: CJCRP Rule 28 Reinstatement of Eligibility, revised language clarifies the existing rule process whereby former judges who had been ordered ineligible for judicial office may seek reinstatement.

Hearing Location(s): Holiday Inn Express Hotel & Suites, 19621 International Boulevard, Evergreen Room, SeaTac, WA 98188, on May 14, 2010, at 11:00 a.m.

Date of Intended Adoption: May 14, 2010.

Submit Written Comments to: J. Reiko Callner, P.O. Box 1817, Olympia, WA 98507, e-mail rcallner@cjcrp.state.wa.us, fax (360) 586-2918, by May 7, 2010.

Assistance for Persons with Disabilities: Contact Kathy Sullivan by May 7, 2010, TTY (360) 753-4585.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: CJCRP Rule 28 Reinstatement of Eligibility, the proposed revised language more closely addresses the typical circumstances of a request

for reinstatement and clarifies (but does not change) the point that the investigation of a former judge's present fitness for judicial office is confidential. In addition, the proposed revisions clarify that the commission deliberations are confidential and that the reinstatement decision is public.

Statutory Authority for Adoption: Washington State Constitution Article IV, Section 31, paragraph 10.

Statute Being Implemented: Chapter 2.64 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Clarifies Rule 28; no significant fiscal impact beyond minor printing costs.

Name of Proponent: Commission on judicial conduct, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: J. Reiko Callner, 210 11th Avenue S.W., #400, Olympia, WA 98501, (360) 753-4585.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impact statement is required for this proposal by chapter 19.85 RCW. The rules are procedural in nature.

A cost-benefit analysis is not required under RCW 34.05.328. Does not apply. No significant fiscal impact.

March 2, 2010

J. Reiko Callner  
Executive Director

AMENDATORY SECTION (Amending 96-01 filed 8/13/96)

**RULE 28. REINSTATEMENT OF ELIGIBILITY**

An individual, whose eligibility for judicial office had been removed by the supreme court, or by resignation and stipulated order (~~(of closure)~~) in a proceeding before the commission, may file with the commission a petition for reinstatement of eligibility. The petition shall set forth the residence and mailing address of the petitioner, the date of removal by the supreme court, or resignation and stipulated order (~~(of closure)~~) in the proceeding before the commission and a concise statement of facts (~~(claimed to)~~) justifying reinstatement. The petition shall be a public document.

The commission may refer the petition to the investigative officer for investigation of the character and fitness of the petitioner to be eligible for holding judicial office. The investigative officer may seek and consider any information from any source that may relate to the issues of character and fitness or the reinstatement. The investigation shall be confidential.

Petitioner shall make an affirmative showing by clear, cogent and convincing evidence, that reinstatement will not be detrimental to the integrity and standing of the judiciary and the administration of justice, or be contrary to the public interest.

In cases where the supreme court has removed the individual's eligibility for judicial office, t((F))he commission will recommend to the supreme court in writing that the petitioner should or should not be reinstated to eligibility to hold judicial office as provided by these rules and the *Discipline*

Rules for Judges. In cases where the individual stipulated in a proceeding at the commission level to ineligibility for judicial office, the commission shall deliberate in executive session, and issue a public decision granting or denying the petitioner's reinstatement request for eligibility to hold judicial office. The commission will provide a copy of the recommendation or decision to petitioner or petitioner's lawyer.

The petitioner shall be responsible, and shall make adequate provision, for payment of all costs and reasonable attorneys' fees in these proceedings in a manner determined by the commission. Failure to pay the amount assessed shall be grounds to dismiss the petition.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Commission on Judicial Conduct and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 10-06-105**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed March 3, 2010, 7:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-11-045.

Title of Rule and Other Identifying Information: WAC 308-125-030 Examination prerequisite general classification and 308-125-050 Educational courses—Preexamination.

Hearing Location(s): Department of Licensing, Business and Professions Division, 2000 4th Avenue West, Conference Room 3204, Olympia, WA, on April 6, 2010, at 10:00 a.m.

Date of Intended Adoption: April 6, 2010.

Submit Written Comments to: Ralph C. Birkedahl, Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, e-mail rbirkedahl@dol.wa.gov, fax (360) 570-4981, by March 30, 2010.

Assistance for Persons with Disabilities: Contact Joan Robinson by March 30, 2010, TTY (360) 664-8885 or (360) 664-6504.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Correct education requirements for the general classification and clarify the requirements for acceptability of qualifying education courses.

Reasons Supporting Proposal: Corrections will bring rules into compliance with the appraiser qualifications board's real property appraiser qualification criteria.

Statutory Authority for Adoption: RCW 18.140.030 (1), (7), (8), and (15).

Name of Proponent: Department of licensing, real estate appraiser program, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ralph C. Birkedahl, Olympia, Washington, (360) 664-6504.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rule changes affect only applicants and have no impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. The department of licensing is not one of the named agencies under this RCW.

March 3, 2010  
Walt Fahrer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-06-069, filed 2/28/06, effective 4/1/06)

**WAC 308-125-030 Examination prerequisite general classification.** The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred eighty classroom hours of qualifying education as approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred eighty classroom hours of course work: Provided, That effective November 1, 2007, the required number of classroom hours is three hundred in the following core modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.
- (c) The National USPAP course or equivalent, fifteen hours.
- (d) General appraiser market analysis and highest and best use, thirty hours.
- (e) Statistics, modeling and finance, fifteen hours.
- (f) General appraiser sales comparison approach, thirty hours.
- (g) General appraiser site valuation and cost approach, thirty hours.
- (h) General appraiser income approach, sixty hours.
- (i) General appraiser report writing and case studies, thirty hours.
- (j) Appraisal subject matter electives, thirty hours.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess three thousand hours of appraisal experience obtained continuously over a period of not less than thirty months in Washington or in another state having comparable certification requirements.

(3) To fulfill the experience requirement, a candidate must have at least one thousand five hundred hours of nonresidential appraisal experience.

(4) Effective January 1, 2008, applicants for the certified general license must possess a bachelor's degree or higher in any field of study or, in lieu of the required degree, thirty semester credit hours covering the following subject matter courses:

- (a) English composition;
- (b) Principles of economics (micro ~~((€))~~ and macro);
- (c) Finance;
- (d) Algebra, geometry or, higher mathematics;
- (e) Statistics;

(f) Introduction to computers: Word processing/spreadsheets;

(g) Business or real estate law; and

(h) Two elective courses in accounting, geography, agricultural economics, business management, or real estate; as approved by the appraiser qualifications board and the director, in addition to the required qualifying core curriculum requirements.

AMENDATORY SECTION (Amending WSR 06-06-069, filed 2/28/06, effective 4/1/06)

**WAC 308-125-050 Educational courses—Preexamination.** (1) To be accepted under WAC 308-125-030(1), 308-125-040(1), and 308-125-045(1), courses must:

- (a) Be a minimum of fifteen classroom hours in length;
- (b) Include an examination;
- (c) Be directly related to real estate appraising; and
- (d) Be approved by the director as identified in the appraiser program's publication *Approved Courses, Real Estate Appraisers*; or
- (e) Be approved by the appraiser qualifications board and approved by the director.

(2) The following limitations may apply to course work submitted to the department for approval:

(a) A correspondence course may be acceptable to meet classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers correspondence courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; or

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(b) Video and remote television educational courses may be used to meet the classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers similar courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; or

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(c) An applicant shall not receive "dual credit" for courses that have the same or very similar content and are deemed comparable by the department, even if an applicant completes the courses through different course providers.

(3) Copies of official transcript of college records or certificates of course completion will be considered as satisfactory evidence for education requirements.

(4) Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

(5) An application shall be submitted for approval not less than ninety days preceding the course start date. Course approval expiration shall be three years from the date of approval, except for the Uniform Standards of Professional Appraisal Practice courses or seminars having a definite date.

(6) All courses approved by the appraiser qualifications board will continue to be accepted by the department as approved courses until the expiration date.

(7) Appraisal course providers who have received the appraiser qualifications board's course approval are not required to submit course material or content materials to the department for approval. The course provider shall submit a secondary provider course content approval application to the department.

**WSR 10-06-113**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed March 3, 2010, 9:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-02-055 on December 31, 2009.

Title of Rule and Other Identifying Information: WAC 220-56-124 Unlawful provisions—Hoodspport hatchery, 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules, and 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on Friday, April 9, 2010, at 10:00 a.m. - noon.

Date of Intended Adoption: On or after Monday, April 19, 2010.

Submit Written Comments to: Rules Coordinator, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Lori.preuss@dfw.wa.gov, fax (360) 902-2155, by Monday, April 5, 2010.

Assistance for Persons with Disabilities: Contact Susan Yeager by Monday, April 5, 2010, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules will incorporate the recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to take harvestable salmon while protecting species of fish listed as endangered.

Reasons Supporting Proposal: To protect species of fish listed as endangered while supporting recreational salmon fishing.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Statute Being Implemented: RCW 77.12.047 and 77.04.020.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Steve Thiesfeld, 1111 Washington Street, Olympia, (360) 902-2715; Implementation: Jim Scott, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Chief Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rule proposals do not affect small businesses. These rules are for recreational fishers, not commercial.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

March 3, 2010

Lori Preuss

Rules Coordinator

AMENDATORY SECTION (Amending Order 09-133, filed 7/8/09, effective 8/8/09)

**WAC 220-56-124 Unlawful provisions—Hoodspport Hatchery.** During the period July 1 through December 31, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspport Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length, and no more than two may be coho. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

AMENDATORY SECTION (Amending Order 09-133, filed 7/8/09, effective 8/8/09)

**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) Freshwater terminal gear restrictions: In all waters with freshwater terminal gear restrictions, including, but not limited to, selective gear rules, whitefish gear rules, single point barbless hooks required, fly-fishing only, and anti-snagging rules, violation of the gear rules is an infraction, punishable under RCW 77.15.160. It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to constitute a violation of

RCW 77.15.370 Unlawful recreational fishing in the first degree.

(3) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Saturday before Memorial Day through October 31 season. 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.

(4) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an internal combustion motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Additional season October 1 through November 30 and March 1 through Friday before last Saturday in April. Selective gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Closed waters: From Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8 July 16 through September 15. Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and trout: Release trout.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Anti-snagging rule 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.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five. Crappie: Daily limit 10, minimum size 9 inches in length.

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): The first Saturday in June through March 31 season. Anti-snagging rule and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. All species: Release all fish except salmon and except up to two hatchery steelhead may be retained each day. From the Lime Quarry Road to the Longview Fiber Bridge: Selective gear rules the first Saturday in June through March 31. All species: Release all fish, except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release chum and adult Chinook. Upstream of Longview Fiber Bridge: Closed waters.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

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): The first Saturday in June through August 31 season. Juveniles only.

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): The first Saturday in June through August 31 season. Closed waters August 1 through August 31: Waters within 100 feet of the Seabeck Highway NW Bridge. Selective gear rules. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: All game fish: Release all fish. From mouth to Rodgers Street selective gear rules the first Saturday in June through August 15 and closed waters August 16 through October 31. Rodgers Street to the Highway 101 Bridge: Selective gear rules the first Saturday in June through August 15, one single point barbless hook August 16 through October 31, and night closure August 16 through October 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon. Only coho salmon hooked inside the mouth may be retained.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): The first Saturday in June through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Big Tiffany Lake (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Release all cutthroat.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Anti-snagging rule and night closure. Only anglers who permanently use a wheelchair 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 clipped right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

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. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: The first Saturday in June 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. November 1 through last day in February, daily limit three steelhead downstream from Highway 101 Bridge. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through Novem-

ber 30 from mouth to Highway 101 Bridge. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

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.

Boulder Creek and tributaries (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten, no minimum size. Release all cutthroat.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream (including the portion flowing through the dry lakebed): Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply. May 15 through the last day of Free Fishing Weekend (as defined in WAC 220-55-160): Juveniles only.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

**Bumping River (Yakima County):**

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules the first Saturday in June through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

**Burbank Slough (Walla Walla County):** Fishing from any floating device prohibited.

**Burke Lake (Grant County):** March 1 through July 31 season.

**Burley Creek (Kitsap County):** 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:** The first Saturday in June through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead from mouth to Highway 101 Bridge. 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. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

**Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary:** The first Saturday in June 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.

**Calispell Creek and tributaries:** Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern

brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

**Calligan Lake (King County):** June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

**Camas Slough:** Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Season: Open when the adjacent mainstem Columbia or Washougal rivers are open to fishing for salmon. Daily limit same as most liberal regulation of either area.

**Campbell Creek (Mason County):** Closed waters.

**Campbell Lake (Okanogan County):** April 1 through August 31: Selective gear rules and all species: Release all fish.

**Campbell Lake (Skagit County):** Crappie: Daily limit ten, minimum length nine inches.

**Canyon Creek (Clark County):** Trout: Daily limit five.

**Canyon River (Mason County and Grays Harbor County):** Closed waters.

**Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks:** The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

**Canyon Creek (Whatcom County):** Closed waters: Mouth to Canyon Creek Road Bridge.

**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. The first Saturday in June through March 31 season. Anti-snagging rule and night closure August 1 through November 30. Trout: The first Saturday in June through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through October 15. 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:** September 1 through last day in February season. Anti-snagging rule, night closure and single point barbless hooks September 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: July 1 through August 15 and December 1 through last day in February season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery Chinook. Release chum and wild adult Chinook salmon.

**Carlisle Lake (Lewis County):** Last Saturday in April through last day in February season. Fishing from a floating

device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: June 1 through July 15 and September 16 through last day in February season. All species: Anti-snagging rule and night closure June 1 through July 15 and September 16 through November 30. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 15. Daily limit 4 hatchery Chinook, of which no more than 2 may be adult hatchery Chinook. Open September 16 through November 30. Daily limit 4 coho salmon.

From the Rockport-Cascade Road Bridge upstream: The first Saturday in June through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. The first Saturday in June through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): The first Saturday in June through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: The first Saturday in June through August 31 season. Selective gear rules and night closure. Trout: Release all trout. Landsburg Road to Cedar Falls: Closed waters.

Cedar River (Pacific County): Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek (Pierce County): July 1 through November 15 season. All species: Selective gear rules and night closure. Trout: Release all trout.

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. Night closure and anti-snagging rule. 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. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): The first Saturday in June through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: From mouth to Porter Bridge: Open September 16 through January 31. September 16 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be a wild adult coho. Release chum and adult Chinook. October 16 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon, wild coho, and adult Chinook. From Porter Bridge to high bridge on Weyerhaeuser 1000 line: Open October 1 through January 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be a wild adult coho. Release chum and adult Chinook. October 16 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and

adult Chinook. Sturgeon: Open year-round, and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

From the High Bridge on Weyerhaeuser 1000 line, upstream, including all forks and tributaries: The first Saturday in June through April 15 season. Selective gear rules. All species: Release all fish, except up to two hatchery steelhead may be retained per day.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit 10, no minimum length. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Anti-snagging rule. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: The first Saturday in June through August 15 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters the first Saturday in June through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: The first Saturday in June 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 the Friday before the first Saturday in June. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year around. Salmon minimum size 8 inches. January 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cispus River, North Fork (Lewis County): Selective gear rules. Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Land-locked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: The first Saturday in June through April 15 season. 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.

Clearwater River (Pierce County): July 1 through October 31 season. Selective gear rules. 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.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round

season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: The first Saturday in June 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.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: The first Saturday in June through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 30 season. Selective gear rules except internal combustion motors allowed. Trout: Daily limit one, minimum length eighteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Trout: Daily limit three fish. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below McNary Dam: Daily limit five fish, bass 12 to 17 inches in length may be retained. Up to but not more than three of the daily limit may be over 15 inches. Trout: Daily limit two fish, minimum

length 12 inches, except release all Dolly Varden/Bull Trout. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except Camas Slough, where the license of either state is valid when fishing from a floating device.

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, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank: Trout: Release all trout except hatchery steelhead. 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 both Area 1 and Buoy 10 salmon season openings, with barbed hooks allowed; and the daily limit is the more liberal if both areas are open. Salmon and steelhead: Open only August 1 through March 31. August 1 through August 31, daily limit 2 salmon or 2 hatchery steelhead or one of each; only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. Chinook minimum length 24 inches. Coho minimum length 16 inches. September 1 through September 30, daily limit 3 hatchery coho and hatchery steelhead combined, of which no more than 2 may be hatchery steelhead. Coho minimum length 16 inches. October 1 through December 31, daily limit 6 fish, of which no more than 3 may be a combination of adult hatchery coho or hatchery steelhead, and of these 3, only 2 may be hatchery steelhead. Release all salmon except hatchery coho. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook salmon or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings, with barbed hooks allowed; and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 8, June 29 through July 1, and July 6 through December 31. Minimum size when open to retain sturgeon is 38 inches fork length January 1 through April 30, and 41 inches fork length May 9 through July 5. Bottomfish: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of Marine Area 1.

From a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, upstream to the I-5 Bridge: Trout: Release all trout except hatchery steelhead and hatchery 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 and steelhead: Open only May 16 through March 31. May 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each.

Release all salmon except jack Chinook and sockeye, except adult Chinook may be retained June 22 through July 5. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each; of the adult salmon, only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. September 13 through December 31, release Chinook downstream of a line projected from the Warrior Rock Lighthouse, through Red Buoy #4, to the orange marker atop the dolphin on the Washington shore. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult Chinook or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. (1) Release sturgeon May 1 through May 8, June 29 through July 1, and July 6 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 38 inches fork length January 1 through April 30, and 41 inches fork length May 9 through July 5; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from January 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Salmon and steelhead: Anti-snagging rule from Bonneville Dam to McNary Dam and all species: Night closure from Bonneville Dam to The Dalles Dam. Trout: Release all trout except hatchery steelhead. 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. Snake River Confluence Protection Area: From the first powerline crossing the Columbia upstream of Sacajawea State Park to the railroad bridge between Burbank and Kennewick: All species: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to a line from navigation marker 85 on the Washington shore at a right

angle to the thread of the river to the Oregon shore, from 400 feet below McNary Dam to the Highway 82 Bridge and from John Day Dam downstream to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from January 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to the navigation marker 85 line and the closure to the Highway 82 Bridge. Release sturgeon on other days and during other time periods. (4) Release sturgeon August 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. (5) From the Hamilton Island boat launch (USACE boat restricted zone boundary) to Bonneville Dam, anglers must stop fishing for sturgeon once a daily limit has been retained. Salmon and steelhead: From I-5 Bridge to Bonneville Dam: Open June 16 through December 31 except salmon closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except jack Chinook and sockeye, except adult Chinook may be retained June 22 through July 5. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each; of the adult salmon, only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. Steelhead: Additional season January 1 through March 31. Daily limit 2. From Bonneville Dam to McNary Dam: Open June 16 through December 31. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except jack Chinook and sockeye, except adult Chinook may be retained July 1 through July 31. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except Chinook and coho. Release wild coho from Bonneville Dam to Hood River Bridge. Steelhead: Additional season January 1 through March 31. Daily limit 2. From McNary Dam to the Highway 395 Bridge at Pasco: Open only June 16 through December 31. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except jack Chinook and sockeye, except adult Chinook may be retained July 1 through July 31. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except Chinook and coho. Steelhead: Additional season January 1 through March 31. Daily limit 2.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Area Bank Fishery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout, except up to two hatchery steelhead having both adipose and ventral fin clips may be retained per day, October 1 through October 31. Release all trout, except up to two hatchery steelhead may be retained per day, November 1 through March 31. Salmon: Open only July 1 through October 22. Daily limit 6 fish, of which no more than

2 may be adult salmon. Release sockeye. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Area Bank Fishery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15, except closed for salmon fishing. Fishing allowed only from the bank and only on the hatchery side of the river. Trout: Release all trout, except hatchery steelhead. Salmon: Open only May 1 through May 31. Fishing allowed only from the bank and only on the hatchery side of the river. Daily limit two hatchery Chinook. Night closure and anti-snagging rule.

From the old Hanford townsite (wooden towers) power-line crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only July 1 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release sockeye.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only July 1 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye.

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. All species: Anti-snagging rule and night closure from Rocky Reach Dam to the most upriver edge of Turtle Rock. Salmon: Daily limit 6 fish, of which no more than 2 may be adult salmon. Release coho and sockeye. From Priest Rapids Dam to Wells Dam, open only July 1 through October 15. From Wells Dam to Chief Joseph Dam, open only July 1 through July 15 and September 1 through October 15 from Highway 173 Bridge at Brewster to Highway 17

Bridge at Bridgeport, and July 16 through August 31 from Wells Dam to Highway 17 Bridge at Bridgeport. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: Daily limit 8 fish. No minimum size. Not more than one walleye greater than 22 inches may be retained. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Saturday before Memorial Day through October 31 season. Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copolis River (Grays Harbor County): The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and adult Chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cottonwood Creek (Walla Walla County): Closed waters.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): The first Saturday in June through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release

all fish except up to two hatchery steelhead may be retained per day. From Mulholland Creek upstream: The first Saturday in June through August 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only June 1 through last day in February. January 1 through last day in February and June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: (1) From 400 feet or posted markers below Cowlitz salmon hatchery barrier dam to boundary markers near the Cowlitz salmon hatchery water intake approximately 1,700 feet upstream of the Cowlitz salmon hatchery barrier dam. (2) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam. (3) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure except anglers who permanently use a wheelchair may fish within posted markers when adjacent waters are open. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the Cowlitz salmon hatchery barrier dam. Lawful to fish up to four hundred feet or the posted deadline at the Cowlitz salmon hatchery barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the Cowlitz salmon hatchery 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. Anti-snagging rule and night closure April 1 through October 31 from mouth of Mill Creek to the Cowlitz salmon hatchery barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Release all steelhead missing right ventral fin. Salmon: Open year-round. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release all salmon except hatchery Chinook and hatchery coho. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release all salmon except hatchery coho and Chinook. Release wild jack Chinook. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through Friday before the first Saturday in June season. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Salmon minimum size 12 inches. January 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cowlitz River, Clear and Muddy Forks (Lewis County): Selective gear rules. Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: April 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. In those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Moses Lake. From Moses Lake downstream to the confluence of the outlet streams March 1 through May 31 terminal gear restricted to one single-point hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Potholes Reservoir.

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. Trout: No more than 2 trout over 13 inches in length may be retained.

Curley Creek (Kitsap County): Trout: Minimum length fourteen inches.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Dalton Lake (Franklin County): Trout: No more than two over 13 inches in length may be retained.

Damon Lake (Grays Harbor County): The first Saturday in June 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. All species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Land-locked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook and wild coho. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum and wild coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

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. Trout:

No more than 2 trout over 13 inches in length may be retained.

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): March 1 through October 31 season. Trout: No more than two over thirty inches in length may be retained.

De Roux Creek (Kittitas County): Mouth to the USFS Trail #1392 (De Roux Cr. Trail) stream crossing (approximately one river mile): Closed waters. Upstream of USFS Trail #1392 stream crossing: Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: The first Saturday in June through March 31 season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Selective gear rules. Night closure September 16 through October 31. Game fish: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (Clallam County): The first Saturday in June through April 30 season in mainstem Dickey outside Olympic National Park and East Fork Dickey upstream to D5200 road and the first Saturday in June through March 15 in East Fork Dickey upstream from D5200 road and West Fork Dickey. 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. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult

salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: The first Saturday in June through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Highway 101 Bridge. Selective gear rules the first Saturday in June through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. 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): March 1 through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Creek (Walla Walla County): Upstream from the middle Waitsburg Road: Closed waters.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: The first Saturday in June through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Selective gear rules the first Saturday in June through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Little Walla Walla River (Walla Walla County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: The first Saturday in June through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult fish, only 1 may be an adult wild coho. Release adult Chinook, and chum. October 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season. All species: Catch and release except up to five rainbow trout may be retained.

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: The first Saturday in June through March 15 season. Anti-snagging rule and night closure September 1 through October 31. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only from the first Saturday in June through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild Chinook.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Dam downstream two hundred feet.

From mouth to two hundred feet below the south spillway on the Aldwell Dam: October 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply. Above Entiat Falls: Selective gear rules. Trout: Daily limit 5 trout, not more than one of which may be greater than 12 inches in length. Eastern brook trout not included in trout daily limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion motor 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): Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): The first Saturday in June through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): The first Saturday in June through March 31 season. Selective gear rules. All species: Release all fish.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Golf Course Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

Goodman Creek (Jefferson County) outside Olympic National Park: The first Saturday in June through last day in February season. Trout, minimum length fourteen inches.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches. Channel catfish: No daily limit mouth to Oregon state line.

From County Road Bridge upstream to Oregon state line and all tributaries: Selective gear rules the first Saturday in June through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: First Saturday in June through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: First Saturday in June

through October 15 and December 1 through March 15 season. Anti-snagging rule, night closure and stationary gear restriction September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only from first Saturday in June through October 15 from mouth to South Fork. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: The first Saturday in June - October 15 season. All species: Release all fish except up to two hatchery steelhead may be retained per day. Trout: Additional December 1 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead. Salmon: Open only from first Saturday in June through October 15. September 1 through October 15: Anti-snagging rule, night closure and stationary gear restriction. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15, daily limit 6 fish of which not more than 2 may be adult Chinook. Release chum, wild coho and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: The first Saturday in June 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. Anti-snagging rule and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When anti-snagging rule in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except hatchery steelhead. Salmon: Open August 1 through November 30. Daily limit 6 fish, of which not more than 2 may be adult Chinook. Release chum, wild coho, and wild jack Chinook October 1 through November 30, release adult Chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99: The first Saturday in June through July 31 and September 1 through February 15 sea-

son. In years ending in odd numbers, additional season August 22 through August 31(=) with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point to shank. Anti-snagging rule and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and when open from August 22 through November 30, one wild steelhead per day may be retained. Salmon: In years ending in odd numbers, open August 22 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, open September 1 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge: The first Saturday in June through July 31 and September 1 through February 15 season. Anti-snagging rule and night closure September 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 1 through December 31. In years ending in odd numbers, daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum, and only 1 may be a Chinook. In years ending in even numbers, daily limit 6 salmon, no more than 3 may be adult salmon, and only 1 may be a Chinook.

From the Interstate 405 Bridge to South 277th Street Bridge in Auburn: Open only the first Saturday in June through July 31 and October 1 through February 15. In years ending in odd numbers, additional season September 1 through September 30(=) with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point to shank. Anti-snagging rule and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and when open from September 1 through November 30, one wild steelhead per day may be retained. Salmon: In years ending in odd numbers, open September 1 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, open October 1 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only the first Saturday in June through August 15 and October 16 through last day in February. In years ending in odd numbers, additional season September 16 through October 15(=) with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point to shank. Anti-snagging rule and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through last day in February. Trout, minimum length fourteen inches. July 1 through August 15 and

when open from September 16 through November 30, one wild steelhead per day may be retained. Salmon: In years ending in odd numbers, open September 16 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, open October 16 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: The first Saturday in June through last day in February season. Anti-snagging rule 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. July 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only November 1 through December 31. In years ending in odd numbers, daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

Greenwater River (King County), from mouth to Greenwater Lakes: July 1 through October 31 season. Selective gear rules. Trout: Minimum length 14 inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: The first Saturday in June through August 31 season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): Last Saturday in April through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), outside of Olympic National Park:

From Olympic National Park boundary upstream to DNR Oxbow Campground Boat Launch: May 16 through April 15 season. May 16 through the Friday before the first Saturday in June, open Wednesday through Sunday only each week, and catch and release, except up to two hatchery steelhead may be retained on open days. First Saturday in June through April 15, trout: Minimum length fourteen inches. November 1 through February 15, daily limit may include 1 additional hatchery steelhead. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open May 16 through August 31, Wednesday through Sunday only each week, daily limit 6 fish of which no more than 1 may be an adult salmon, and release wild Chinook. Open September 1 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From DNR Oxbow Campground Boat Launch to Willoughby Creek: May 16 through April 15 season. Selective gear rules August 1 through October 15 and December 1

through April 15. May 16 through the Friday before the first Saturday in June, open Wednesday through Sunday only each week, and catch and release, except up to two hatchery steelhead may be retained on open days. First Saturday in June through April 15, trout: Minimum length fourteen inches. Salmon: Open May 16 through August 31, Wednesday through Sunday only each week, daily limit 6 fish of which no more than 1 may be an adult salmon, and release wild Chinook. Open October 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From Willoughby Creek to Morgan's Crossing boat launch site: First Saturday in June through April 15 season. Selective gear rules first Saturday in June through October 15 and December 1 through April 15. Trout: Minimum length fourteen inches. Salmon: Open October 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From Morgan's Crossing boat launch site upstream to Olympic National Park boundary below mouth of South Fork Hoh River: First Saturday in June through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoh River South Fork (Jefferson County), outside Olympic National Park: The first Saturday in June through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. December 1 through March 15, one wild steelhead per day may be retained.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): The first Saturday in June through March 31 season. Fly fishing only. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): The first Saturday in June through last day of February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee:

Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humtulpis River (Grays Harbor County): From mouth to Ocean Beach Road: The first Saturday in June through March 31 season, except closed September 1 through September 30. Night closure and single-point barbless hooks required August 16 through August 31 and October 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open October 1 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be an adult Chinook. Release chum and wild coho. From Ocean Beach Road to Highway 101: The first Saturday in June through March 31 season, except closed September 1 through September 15. Night closure and single-point barbless hooks required August 16 through August 31 and September 16 through November 30. All species: Bait prohibited September 16 through September 30. Trout: Minimum length fourteen inches. Salmon: Open September 16 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be an adult Chinook. Release chum and wild coho. From Highway 101 Bridge to forks: The first Saturday in June through last day in February season. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained.

Humtulpis River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpis Guard Station and Grisdale: Anti-snagging rule and night closure August 16 through October 31. Trout: Minimum length fourteen inches.

Humtulpis River, West Fork (Grays Harbor County), from mouth to Donkey Creek: The first Saturday in June through last day in February season. Anti-snagging rule and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion motors prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Indian Creek (Yakima County): From mouth to waterfall approximately six miles upstream (including the portion of the creek that flows through the dry lakebed): Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): The first Saturday in June through August 31 season. Juveniles only.

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. Trout: No more than 2 trout over 13 inches in length may be retained.

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): The first Saturday in June 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: The first Saturday in June through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only

September 1 through November 30. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

Johns Creek (Mason County): Closed waters.

Johns River (Grays Harbor County): Mouth to Ballon Creek: The first Saturday in June through last day in February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Ballon Creek upstream, including North and South Forks: The first Saturday in June through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply the first Saturday in June through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters when the rack is installed. Anti-snagging rule and night closure April 1 through October 31 from the mouth to the intake at the lower salmon hatchery. Stationary gear restriction September 1 through October 31 from mouth to the natural gas pipeline at Mahaffey's Campground. All species: When anti-snagging rule in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with an internal combustion 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. All game fish: Release all fish year-round except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit 6 hatchery Chinook of which no more than 1 may be an adult salmon. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild Chinook, and wild coho.

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. All species: Release all fish.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: The first Saturday in June through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. All species: Release all fish.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained.

Kelsey Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: The first Saturday in June through last day in February season. Anti-snagging rule 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 wild coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

The Saturday before Memorial Day through October 31 season. All species: Selective gear rules. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: April 1 through January 31 season. Anti-snagging rule and night closure May 1 through May 31. Anti-snagging rule August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only; daily limit 1 hatchery steelhead or 1 salmon. Release wild Chinook. Salmon: Open June 1 through January 31. June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild Chinook. August 1 through January 31, daily limit 6 fish of which no more than 2 may be adult Chinook.

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. Additional December 1 through March 31 season. Whitefish gear rules apply. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31, daily limit 6 salmon. Release adult salmon and release wild Chinook. August 1 through October 31, daily limit 6 fish of which no more than 2 may be adult Chinook. November 1 through November 30, daily limit 6 fish. Release Chinook.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Closed waters.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Le Clerc Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules. All species: Release all fish. Additional season the first Saturday in June through November 30: Selective gear rules. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six hatchery Chinook of which not more than 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. October 1 through December 31, daily limit 6 hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big

Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: The first Saturday in June through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through the Friday before the first Saturday in June season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Anti-snagging rule and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. October 1 through December 15, fishing from any floating device prohibited from Johnson Creek to Colvin Creek. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit 6 hatchery Chinook of which only 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. October 1 through December 31, daily limit 6 hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: May 1 through September 30 and December 16 through April 30 season. Anti-snagging rule and night closure April 1 through September 30. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only January 1 through September 30 and December 16 through December 31. January 1 through July 31, daily limit 6 hatchery Chinook of which only 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. December 16 through December 31, daily limit 6 hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

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: From the fishing pier to the access road at Swift Dam: Last Saturday in April through October 31 season. Fishing from a floating device prohibited. Trout: No minimum size, daily limit 5.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): March 1 through October 31 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: The first Saturday in June 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.

Lions Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

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): The first Saturday in June through August 31 season. Juveniles only.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Saturday before Memorial Day through October 31 season. 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: All species: Selective gear rules and release all fish. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

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 31 season, except for hatchery steelhead and Chinook season in April, and except closed Wednesdays beginning the second Wednesday in April through May 31 and from 6 p.m. Tuesday through 6 p.m. Wednesday, October 1 through October 31. Anti-snagging rule and night closure May 1 through June 30. Anti-snagging rule August 1 through December 31. March 16 through June 30 daily limit of two fish, of which one or both may be hatchery steelhead or one or both may be Chinook salmon. Release wild Chinook. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and Chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon. Release wild coho and wild jack Chinook.

Lone Lake (Island County): Selective gear rules. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mashel River (Pierce County): July 1 through October 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Anti-snagging rule 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.

McLane Creek (Thurston County): Anti-snagging rule and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): March 1 through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor prohibited. 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.

Mercer Slough (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to County Road 1535 (Burma Road) Bridge: Closed waters. County Road 1535 (Burma Road) Bridge to Foghorn Dam: The first Saturday in June through September 30 season: Selective gear rules. All species: Release all fish. Foghorn Dam to Weeman Bridge: The first Saturday in June through August 15 season. Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters the first Saturday in June through October 31. Additional season Gold Creek to falls above Brush Creek: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): The first Saturday in June through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): The first Saturday in June through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Anti-snagging rule and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Mill Creek (Walla Walla County):

From mouth to Gose St. Bridge: The first Saturday in June through March 31 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through March 31. Trout: Daily limit three hatchery steelhead.

From Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only except open to all ages during Free Fishing Weekend (as defined in WAC 220-56-160).

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 the first Saturday in June through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte (~~Christo~~ ~~Christo~~) Cristo Lake (Snohomish County): The first Saturday in June through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): The first Saturday in June through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: December 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit ten, only crappie more than nine inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Walleye: Daily limit 8 walleye. Minimum length twelve inches. No more than one walleye over 22 inches in length may be retained. Yellow perch: Daily limit 25 yellow perch.

Mosquito Creek (Jefferson County), outside Olympic National Park: The first Saturday in June through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Mountain Lake (San Juan County): Trout: Daily limit may not contain more than one trout over 18 inches in length.

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. Additional season March 1 through the Friday before the last Saturday in April. All species: Selective gear rules and release all fish.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Murray Creek (Pierce County): Closed waters.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout the first Saturday in June through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls. Waters from the North Valley Road Bridge (Big Hill Bridge) to Highway 4 closed August 16 through October 15.

Mainstem: The first Saturday in June through April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Anti-snagging rule and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions above mouth of South Fork August 16 through November 30. Selective gear rules March 1 through April 15 above mouth of South Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish, of which no more than 3 may be adult salmon and of these 3 adult fish, no more than 2 may be

adult Chinook and no more than 1 may be a wild adult coho. Release chum.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: The first Saturday in June through last day in February season, except sturgeon. Anti-snagging rule and night closure August 16 through November 30. Game fish: Release game fish except up to two hatchery steelhead per day may be retained. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: The first Saturday in June through March 31 season, except closed August 1 through September 30 on North Nemah from Highway 101 Bridge upstream to Nemah Hatchery. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge and South Nemah above confluence with Middle Nemah. Night closure August 16 through November 30 on South Nemah to the confluence with Middle Nemah and Middle Nemah and October 1 through November 30 on North Nemah. Anti-snagging rule on North Nemah upstream from bridge on dead end lower Nemah Road and the Middle Nemah from the DNR Bridge on A-line Road upstream August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, stationary gear restriction 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 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah, and open 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. Release chum. North Nemah: Daily limit 6 salmon of which no more than 3 may be adult salmon, and of the 3 adult fish, no more than one may be a wild adult coho and no more than two may be adult Chinook. Release chum.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): The first Saturday in June through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Leonard Road. Trout: Minimum length fourteen inches from mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Leonard Road. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): The first Saturday in June 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: The first Saturday in June through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish, of which no more than 2 may be adult salmon and of the 2 adult fish, only one may be a wild adult coho. Release chum and adult Chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to Military Tank Crossing Bridge: July 1 through January 31 season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. All species: Release all species except salmon December 1 through January 31. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon, and of the adult salmon only 2 may be any combination of (~~pink~~) chum and coho. Release wild adult Chinook.

From Military Tank Crossing Bridge to four hundred feet below LaGrande Falls: July 1 through October 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day. Selective gear rules.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: The first Saturday in June through last day in February season except closed the first Saturday in June through September 30 in mainstem from yellow marker at the FFA High School barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Anti-snagging rule and night closure the first Saturday in June 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 yellow marker at the FFA High School barn in Deming. Open only October ~~((+6))~~ 1 through December 31 in mainstem from the FFA barn to the confluence of the North and South Forks, and October 1 through ~~((October 31))~~ November 30 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, plus 2 additional hatchery coho, except release wild coho ~~((?))~~ and release wild Chinook ~~((from mouth to FFA barn, and release Chinook from FFA barn to forks and in North Fork))~~. In years ending in odd numbers, release pink salmon.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: The first Saturday in June through last day in February season. Selective gear rules. Night closure the first Saturday in June through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October ~~((+6))~~ 1 through December 31. Daily limit 2 salmon, plus 2 additional hatchery coho, except release chum, wild Chinook and wild coho. In years ending in odd numbers, release pink salmon.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Closed waters.

North Creek (tributary of Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

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: The first Saturday in June through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Anti-snagging rule and night closure from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult fish, only one may be a wild adult coho. Release chum and 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 except up to two hatchery steelhead per day may be retained.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Creek (Pierce County): July 1 through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead per day may be retained.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: The first Saturday in June through August 31 season. Trout: Release all trout. Salmon: Open only July 1 through October 15 from mouth to Highway 97 Bridge immediately upstream of mouth. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. All species: Anti-snagging rule and night closure July 1 through October 15.

Closed waters: From Zosel Dam downstream to first Highway 97 Bridge.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Old Mill Stream (Chelan County): Closed waters.

Olequa Creek (Lewis County): Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): The first Saturday in June 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): The first Saturday in June through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Above the confluence of the South and Middle Forks: Selective gear rules. Anti-snagging rule and night closure 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 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 2 adult salmon, only one may be a wild adult coho. Release chum and 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-round season. Mainstem from mouth to base of Palouse Falls. Trout: Daily limit 6 fish, minimum length 10 inches, no more than 3 trout over 20 inches may be retained, except release all trout April 1 through June 15 and release steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Walleye: Daily limit 10 fish, no minimum size. No more than 5 walleye over 18 inches in length may be retained, and no more than 1 walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Palouse River mainstem above Palouse Falls and tributaries except Rock Creek: Year-round season.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited. Trout: No more than two over 13 inches in length may be retained.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: The first Saturday in June through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Ping Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only. Game fish: Daily limit of five fish in the aggregate. No minimum or maximum size for any species.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish. Walleye: Minimum size 12 inches in length. Daily limit 8 walleye, not more than 1 of which may be greater than 22 inches in length.

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): Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): The first Saturday in June through October 31 season.

Purdy Creek (Mason County): The first Saturday in June through July 31 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: July 1 through last day in February season, except closed August 23 from mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road. Single-point barbless hooks, anti-snagging rule and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 16 through December 31 from mouth to Carbon River, except closed August 23 from mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road. In years ending in even numbers, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild adult Chinook. In years ending in odd numbers, daily limit 6 fish, of which no more than 4 may be adult salmon, and of the adult salmon, no more than 2 may be any combination of Chinook, coho, and chum. Release wild adult Chinook.

From Electron power plant outlet upstream: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Pysht River (Clallam County): The first Saturday in June 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.

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. Trout: No more than 2 trout over 13 inches in length may be retained.

Quigg Lake (Grays Harbor County): The first Saturday in June through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round outside of Olympic National Park only. May 1 through the Friday before the first Saturday in June release all game fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. February 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only July 1 through October 31. Daily limit 6 fish, of which no more than 2 may be 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: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules. 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.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Klickitat County): Mouth to the Army Corps of Engineers Park: Year-round season. Daily limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.

Rock Creek (Skamania County): Mouth to falls. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed waters: (1) March 1 through the Friday immediately preceding Memorial Day weekend from the Little Dalles power line crossing upstream approximately one mile to marked rock point, and from Northport power line crossing upstream to most upstream point of Steamboat Rock; (2) January 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake; and (3) April 1 through Friday before Memorial Day 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. Wall-eye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 22 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries. Carp: Unlawful to fish for carp with bow and arrow.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with an internal combustion motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Ruby Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Kokanee not included in daily trout

limit. Kokanee daily limit 2. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: The first Saturday in June through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): The first Saturday in June through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Salmon River (Jefferson County) outside of Olympic National Park and Quinalt Indian Reservation: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult Chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: The first Saturday in June through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Stationary gear restriction from mouth to Interstate 5 Bridge August 1 through December 31. Anti-snagging rule 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, release wild coho.

Sammamish Lake (King County): Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30. Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen

inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Open only August 16 through November 30. Daily limit four salmon, of which only two may be Chinook. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandysore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road anti-snagging rule and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road anti-snagging rule and night closure August 16 through October 31.

From mouth to bridge at Schafer Park: The first Saturday in June through March 31 season. Salmon: Open only October 1 through January 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: The first Saturday in June through last day in February season.

West Fork, from mouth to Cougar Smith Road: The first Saturday in June through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: The first Saturday in June through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

South Fork upstream from Elliot Creek: The first Saturday in June through August 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All

species: Release all fish except up to two hatchery steelhead may be retained per day.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Scooteney Reservoir (Franklin County): Walleye: Minimum size 12 inches.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): The first Saturday in June through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): The first Saturday in June through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Crappie: Daily limit ten crappie. Minimum size nine inches in length.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silver Nail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: The first Saturday in June through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with an internal combustion motor. Night closure July 9 through August 9. 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 July 9 through August 9, open 12:01 p.m. Thursday through Sunday only each week. Daily limit 2 Chinook salmon, only one of which may be an adult Chinook. In years ending in even numbers, open September 1 through December 31. Daily limit 2 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook and chum.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 15 season. Night closure rule July 1 through November 30. Anti-snagging rule August 16 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open July 9 through August 9, open 12:01 p.m. Thursday

through Sunday only each week. Daily limit 2 Chinook salmon, only one of which may be an adult Chinook. In years ending in even numbers, open September 1 through December 31. Daily limit 2 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook and chum.

From Gilligan Creek to the Dalles Bridge at Concrete: June 1 through March 15 season. Anti-snagging rule and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon: In years ending in even numbers, open September 16 through December 31. Daily limit 2 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook and chum.

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport: June 1 through March 15 season, except closed June 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. Anti-snagging rule and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open September 16 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and chum. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook and chum. Additional season: March 16 through April 30. Selective gear rules except lawful to fish from a floating device equipped with an internal combustion motor. Unlawful to fish from a floating device while under power. All species: Release all fish except up to two hatchery steelhead may be retained.

From the Highway 530 Bridge at Rockport to the Cascade River: June 1 through March 15 season. Anti-snagging rule and night closure June 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open June 1 through July 15. Daily limit four hatchery Chinook salmon, of which only two may be adult hatchery Chinook. Salmon open September 16 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and chum. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook and chum. Additional season: March 16 through April 30. Selective gear rules, except a person can fish from a floating device equipped with an internal combustion motor. Unlawful to fish from a floating device while under power. All species: Release all fish except up to two hatchery steelhead may be retained.

From Cascade River to Gorge Powerhouse: June 1 through March 15 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: June 1 through October 31 season. Trout: Release all trout except up to two hatchery steelhead may be retained.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin.

Skokomish River (Mason County), mouth to forks: Night closure, anti-snagging rule and single point barbless hooks required August 1 through November 30 mouth to Highway 101. The first Saturday in June through July 31 and October 31 through December 15 season from mouth to Highway 101 Bridge. The first Saturday in June through October 31 season from Highway 101 Bridge to forks. All game fish: Release all fish. Selective gear rules from Highway 101 Bridge to forks. Salmon: Open only August 1 through December 15, mouth to Highway 101 Bridge. Terminal gear restricted to no closer than 25 feet of a tribal gill net. Daily limit 1 salmon August 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and release Chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: The first Saturday in June through October 31 season. All species: Release all fish. Selective gear rules.

Above Lake Cushman, mouth to Olympic National Park boundary: The first Saturday in June through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: All species: Release all fish. Selective gear rules.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): The first Saturday in June 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)) Transalta steelhead rearing pond located at the base of the Skookumchuck Dam: The first Saturday in June through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of

which no more than 2 may be adult salmon. Release chum, wild coho, 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 Wallace River: June 1 through last day in February season. Anti-snagging rule and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 2 hatchery Chinook. In years ending in even numbers, open September 1 through December 31 mouth to Wallace River. Daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers, open August 16 through December 31 mouth to Lewis Street Bridge in Monroe and open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 2 salmon plus 2 additional pink. Release Chinook.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Anti-snagging rule and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: The first Saturday in June through last day in February season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: The first Saturday in June through last day in February season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: The first Saturday in June 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.

Slate Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Smith Creek (near North River) (Pacific County): The first Saturday in June through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release chum and 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. All species: April 24 through June 15 from Texas Rapids boat launch upstream to the Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam: Night closure, barbless hooks only, and hooks must measure 5/8 inch or less from point to shank. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit. Salmon: Open only April 24 through June 15 from Texas Rapids boat launch upstream to the Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam. Daily limit 1 hatchery Chinook.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: The first Saturday in June through last day in February season, except sturgeon. Anti-snagging rule and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches.

Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: In years ending in even numbers, open only September 1 through December 31. Daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers: Open only August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

**Snoqualmie River (King County):**

From mouth to the falls: The first Saturday in June through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. The first Saturday in June through November 30 selective gear rules, except fishing from a floating device equipped with an internal combustion motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release Chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

**Sol Duc River (Clallam County):**

From mouth to concrete pump station at the Sol Duc Hatchery: Open year-round. May 1 through the Friday before the first Saturday in June, release all game fish except up to two hatchery steelhead per day may be retained. First Saturday in June through April 30, trout: Minimum length fourteen inches. November 1 through last day in February, daily limit may include 1 additional hatchery steelhead. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. February 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

From concrete pump station at Sol Duc Hatchery to Highway 101 Bridge downstream of Snider Creek: First Saturday in June through April 30 season. Trout: Minimum length fourteen inches. November 1 through April 30: Selective gear rules.

From Highway 101 Bridge downstream of Snider Creek to Olympic National Park boundary: Selective gear rules. Trout: Minimum length fourteen inches.

Sooes River (Suez River) (Clallam County): The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: The first Saturday in June through August 31 season except salmon. Trout: Minimum length fourteen inches.

Bridge near hatchery residence to Salmon hatchery rack: The first Saturday in June 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. 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.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): April 1 through September 30 season.

Spirit Lake (Skamania County): Closed waters.

**Spokane River (Spokane County):**

From SR 25 Bridge upstream to the upstream boundary at Plese Flats Day Use Area (Riverside State Park), 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, no minimum length, no more than one over twenty-two inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam: June 1 through March 15 season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: The first Saturday in June through March 15 season. Selective gear rules, except fishing from a floating device equipped with an internal combustion motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Trout: No more than two over twenty inches in length may be retained. Crappie and bluegill: Combined daily limit twenty-five fish. Crappie: Minimum length nine inches.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Hill Reservoir (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.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 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 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: The first Saturday in June through September 30 and December 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2

salmon. Release Chinook and pink salmon. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: The first Saturday in June through last day in February season. Night closure August 1 through November 30. Selective gear rules the first Saturday in June through November 30 except fishing from a floating device equipped with an internal combustion motor allowed. Game fish: The first Saturday in June through November 30 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink salmon. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: The first Saturday in June through last day in February season. Anti-snagging rule 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. The first Saturday in June through November 30: All species: Release all fish except hatchery steelhead. The first Saturday in June through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: The first Saturday in June through last day in February season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: The first Saturday in June through November 30 season. Anti-snagging rule 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 and tributaries: Selective gear rules. Trout: Eastern brook trout not counted in daily trout limit. Eastern brook

trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Sullivan Lake (Pend Oreille County): Trout: Daily limit 2 trout, except kokanee not counted in daily trout limit. Kokanee daily limit ten.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: The first Saturday in June through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): The first Saturday in June 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 an internal combustion motor allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Sylvia Lake (Grays Harbor County): Trout: No more than two over 15 inches in length may be retained per day.

Tacoma Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Tahuya River (Mason County): Selective gear rules and release all fish except salmon. Night closure September 16

through October 31. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Fishing from a floating device equipped with an internal combustion engine prohibited. Selective gear rules. Trout daily limit one fish.

Teanaway River (Kittitas County): Selective gear rules. Trout: Release all trout.

Teanaway River, North Fork (Kittitas County): Mouth to Beverly Creek including all tributaries: Selective gear rules. Trout: Release all trout. Beverly Creek to impassable waterfall at the end of USFS Road 9737 (about 8 river miles): Closed waters.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): The first Saturday in June through August 31 season. Juveniles only.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Selective gear rules the first Saturday in June through October 31. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County): Closed waters: Clear Lake spillway channel and the river within 400' of Clear Lake Dam. Entire river, including that portion of the river that flows through the dry lakebed of Rimrock Reservoir: The first Saturday in June through August 15 season.

Tieton River, South Fork (Yakima County): From the bridge on USFS Road 1200 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: The first Saturday in June through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only first Saturday in June through December 31. Minimum length eight inches. First Saturday in June through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. 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 Fish Hatchery Road Bridge: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Anti-snagging rule. Trout: Minimum length fourteen inches.

From Fish Hatchery Road Bridge to posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake: January 15 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Anti-snagging rule. Trout: Minimum length 14 inches.

From the posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake 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: The first Saturday in June through last day in February season. The first Saturday in June through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek the first Saturday in June through August 31 season.

South Fork: Upstream from Griffin Creek the first Saturday in June through August 31 season.

Wolf Fork: Upstream from Coates Creek the first Saturday in June through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: The first Saturday in June through November 30 season. Anti-snagging rule 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 up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild jack Chinook. October 1 through November 30, release Chinook from Kidd Valley Bridge near Hwy. 504 upstream.

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. The first Saturday in June through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): The first Saturday in June through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through March 31 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules the first Saturday in

June through October 31. Additional season November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): The first Saturday in June through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: The first Saturday in June through August 15 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 the first Saturday in June through October 31: All species: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: The first Saturday in June through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Trout: No more than two over

15 inches in length may be retained per day. Salmon: Land-locked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Trout: No more than two over 15 inches in length may be retained per day. Salmon: Land-locked 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. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

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: All species: Anti-snagging rule and night closure August 16 through November 30. Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish, of which no more than 2 may be adult fish. Release chum, adult Chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: The first Saturday in June through last day in February season. Closed waters: From 363rd Avenue S.E./Reece Road to a point two hundred feet upstream of the water intake of the salmon hatchery during the period the first Saturday in June through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last

day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Channel catfish: No daily limit.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Channel catfish: No daily limit. Additional season November 1 through March 31. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. 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 motor 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.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit four coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County): Night closure year-round.

From mouth to bridge at Salmon Falls: The first Saturday in June through March 15 season. Anti-snagging rule and stationary gear restriction July 1 through October 31. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild jack Chinook. Upstream of Little Washougal River, release adult Chinook October 1 through November 30.

From mouth to Mt. Norway Bridge: Additional April 16 through the Friday before the first Saturday in June season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: The first Saturday in June through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: The first Saturday in June through August 31 season. Selective gear rules. Trout: Release all steelhead.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, including Lake Jolanda (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

Wentworth Lake (Clallam County): Unlawful to fish from a floating device equipped with an internal combustion engine.

West Evans Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

West Twin River (Clallam County): Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: The first Saturday in June through last day in February season. Anti-snagging rule 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. Anglers fishing lawfully, within 50 yards of the Bellingham Technical College Hatchery Collection Tube, and on the hatchery side of the creek, that hook and land chum salmon, may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Anti-snagging rule and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: October 1 through October 31 all species: Fly fishing only and release all fish. November 1 through last day in February. Trout: Minimum length fourteen inches. Anti-snagging rule and night closure November 1 through November 30.

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. Anti-snagging rule and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: July 1 through October 31 season. Anti-snagging rule and night closure October 1 through October 31. Selective gear rules July 1 through October 31. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through January 31 season. Whitefish gear rules apply.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Anti-snagging rule. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Release wild Chinook. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. October 1 through December 31, release adult Chinook upstream of posted markers 0.5 miles upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Release trout April 1 through April 30. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. November 16 through December 31, release adult 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. Release wild Chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Highway 6 Bridge: The first Saturday in June through March 31 season.

All game fish: Release all game fish except that up to two hatchery steelhead may be retained per day. All species: August 16 through November 30 night closure and single point barbless hooks required. August 16 through November 30 above the WDFW access at the mouth of Ward/Wilson Creek stationary gear restriction. Highway 6 Bridge to Fork Creek: The first Saturday in June through July 15 and October 16 through March 31 season. Night closure, single point barbless hooks, and stationary gear restriction October 16 through November 30. 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 3 adult salmon, only one may be a wild adult coho and no more than two may be adult Chinook. Release chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, anti-snagging rule and night closure. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork: The first Saturday in June through last day in February season. Selective gear rules the first Saturday in June through October 31. Anti-snagging rule and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): The first Saturday in June through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Anti-snagging rule and night closure. August 1 through October 31: Anti-snagging rule and night closure. When anti-snagging rule is in effect, only fish hooked in the mouth may be retained. Salmon and steelhead: Open March 16 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Release wild Chinook. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. Release adult Chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Anti-snagging rule and night closure. When anti-snagging rule is in effect, only fish hooked in the mouth may be retained. 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. Additional season September 16 through November 30. Selective gear rules. All species: Release all fish.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: From weir at Wishkah Rearing Ponds, downstream 200 feet. Trout: Minimum length fourteen inches. Mouth to mouth of the West Fork: The first Saturday in June through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish, except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open October 1 through December 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

From the mouth of the West Fork to two hundred feet below the weir at the Wishkah Rearing Ponds: The first Saturday in June through March 31 season. All species: March 1 through March 31, release all fish, except up to two hatchery steelhead may be retained per day, and selective gear rules. Salmon: Open October 1 through December 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

From the weir at the Wishkah Rearing Ponds upstream: Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: The first Saturday in June 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. Release chum, wild coho, and adult Chinook.

7400 line bridge upstream: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Wynoochee Reservoir (Grays Harbor County): The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to 400 feet below Prosser Dam: March 1 through October 22 season. Closed waters: From the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the power-line crossing immediately upstream of the powerhouse September 1 through October 22. Chumming permitted. Trout: Release all trout. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: Anti-snagging rule and night closure September 1 through October 22.

From Prosser Dam to Highway 223 Bridge: May 1 through October 31 season. Trout: Release all trout.

From mouth to Highway 223 Bridge: Bass: Bass 12 to 17 inches in length may be retained. No daily limit for bass, but not more than 3 bass greater than 15 inches in length may be retained.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Trout: Minimum length twelve inches and maximum length twenty inches. ~~((Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: Anti-snagging rule and night closure September 1 through October 22.))~~ Additional season December 1 through last day in February - Whitefish gear rules apply.

From Sunnyside Dam to thirty-five hundred feet below Roza Dam: Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. All species: Selective gear rules. Trout: Minimum length twelve inches and maximum length twenty inches. Additional season December 1 through last day in February - Whitefish gear rules apply.

From thirty-five hundred feet below Roza Dam to Roza Dam December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may

be used December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowhawk Creek (Walla Walla County): Closed waters.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

AMENDATORY SECTION (Amending Order 09-133, filed 7/8/09, effective 8/8/09)

**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~~(s)~~ and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-56-180. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

**(1) Catch Record Card Area 5:**

(a) May 1 through June 30 - Closed.

(b) July 1 through August 15 - Daily limit 2 salmon. Release chum, wild Chinook and wild coho. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) August 16 through September 18 - Daily limit of 2 salmon. Release chum, Chinook and wild coho. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) September 19 through September 30 - Daily limit of 2 salmon. Release chum and Chinook.

(e) October 1 through October 15 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) October 16 through February ~~((2))~~ 15 - Closed.

(g) February ~~((13))~~ 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

**(2) Catch Record Card Area 6:**

(a) May 1 through June 30 - Closed.

(b) July 1 through August ~~((15))~~ 15 - Daily limit 2 salmon. Release chum, wild Chinook and wild coho. Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) August 16 through September 30 - Daily limit of 2 salmon. Release chum, Chinook and wild coho. In years end-

ing in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

(e) October 1 through October 31 - Daily limit of 2 salmon, not more than 1 of which may be a Chinook salmon, except that waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp, are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(f) November 1 through February ~~((42))~~ 15 - Closed.

(g) February ~~((43))~~ 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

**(3) Catch Record Card Area 7:**

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(c) August 1 through September 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon. Release chum and wild coho. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1), closed April 1 through April 30 and July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be Chinook salmon. ~~((Release pink.))~~ November 1 through March 31 and June 1 through June 30 - Same rules as Area 7.

(e) October 1 through October 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon. Release wild coho.

(f) Waters of Samish Bay described in WAC 220-56-195(4), closed April 1 through April 30 and July 1 through October 15.

(g) November 1 through November 30 - Closed.

(h) December 1 through April 30 - Daily limit 2 salmon. Release wild Chinook.

**(4) Catch Record Card Area 8-1:**

(a) May 1 through July 31 - Closed.

(b) August 1 through September 30 - Daily limit of 2 salmon. Release Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31 - Closed, except that waters west of a line from Forbes Point to Bowers Bluff - Open for salmon fishing; daily limit 2 coho.

(d) November 1 through April 30 - Daily limit 2 salmon. Release wild Chinook.

**(5) Catch Record Card Area 8-2:**

(a) May 1 through July 31 - Closed, except that waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - June ~~((5))~~ 4 through June ~~((19))~~ 18 and June ~~((24))~~ 20 through July 31, open only from Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(b)(i) August 1 through September 30 - Daily limit 2 salmon~~((:))~~; release Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(ii) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September ~~((7))~~ 6, open only from Friday through 11:59 a.m. Monday of each week; and September ~~((12))~~ 11 through September ~~((27))~~ 26, open only Saturday and Sunday of each week - Daily limit of 2 salmon. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. September ~~((28))~~ 27 through June 4 - Same rules as Area 8-2.

(c) October 1 through October 31 - Closed, except that waters south of a line true east from Randall Point at 49°59'N - Open for salmon fishing; daily limit 2 salmon. Release Chinook.

(d) November 1 through April 30 - Daily limit 2 salmon. Release wild Chinook.

**(6) Catch Record Card Area 9:**

(a) May 1 through July 15 - Closed.

(b) July 16 through August 31 - Daily limit of 2 salmon. Release chum and wild Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. ~~((Closed south of a line from Foulweather Bluff to Olele Point.))~~

(c) September 1 through September 30 - Daily limit of 2 salmon. Release chum and Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) October 1 through October 31 - Daily limit of 2 salmon. Release Chinook.

(e) November 1 through November 30 - Daily limit 2 salmon. Release wild Chinook.

(f) December 1 through January 15 - Closed.

(g) January 16 through April 15 - Daily limit 2 salmon. Release wild Chinook.

(h) April 16 through April 30 - Closed.

(i) Edmonds Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum from August 1 through September 30. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

**(7) Catch Record Card Area 10:**

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release.

(c) July 1 through July 15 - Daily limit 2 salmon. Release Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) July 16 through August 31 - Daily limit 2 salmon. Release wild Chinook, and beginning August 1, release chum. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(e) September 1 through September 30 - Daily limit 2 salmon. Release chum through September 15. Release Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(f) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point, closed July 1 through August 31.

(g) Waters of Elliott Bay east of a line from West Point to Alki Point, closed July 1 through August 31, except that waters east of a line from Pier 91 to Duwamish Head open July ((3)) 2 through August ((24)) 23, and open only on Friday through Monday of each week - Daily limit 2 salmon. Release chum from August 1 through August ((24)) 23. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(h) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White - Daily limit 2 salmon, July 1 through September 30. Release wild Chinook. Release chum from August 1 through September 15. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(i) October 1 through January 31 - Daily limit of 2 salmon. Release wild Chinook.

(j) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point, fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.

(k) February 1 through April 30 - Closed.

(l) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum from August 1 through September 15. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(m) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, from July 1 through October 31, night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

**(8) Catch Record Card Area 11:**

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Daily limit of 2 salmon. Release wild Chinook. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed.

(c) July 1 through September 30 - Daily limit of 2 salmon. Release wild Chinook. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed July 1 through July 31.

(d) October 1 through October 31 - Daily limit of 2 salmon.

(e) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) January 1 through January 31 - Closed.

(g) February 1 through April 30 - Daily limit of 2 salmon. Release wild Chinook. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed from April 1 through April 30.

(h) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

**(9) Catch Record Card Area 12:**

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15, in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be Chinook salmon. Release chum.

(c) July 1 through August 31, in waters north of Ayock Point, except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15, in waters north of Ayock Point, and August 16 through October 15, in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a Chinook salmon.

(f) January 1 through January 31 - Closed.

(g) February 1 through April 30 - Daily limit 2 salmon, release wild Chinook.

(h) July 1 through December 31, the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

**(10) Catch Record Card Area 13:**

(a) May 1 through June 30 - Daily limit 2 salmon. Release wild Chinook.

(b) July 1 through September 30 - Daily limit 2 salmon. Release wild coho and wild Chinook.

(c) October 1 through October 31 - Daily limit 2 salmon. Release wild coho.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31. Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower - night closure and anti-snagging rule from July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

- (g) January 1 through January 31 - Daily limit 1 salmon.
- (h) February 1 through last day in February - Closed.
- (i) March 1 through April 30 - Daily limit 1 salmon.
- (j) Fox Island Public Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release wild coho(♂) from July 1 through October 31.

**WSR 10-06-114**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)  
 [Filed March 3, 2010, 9:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-14-042.

Title of Rule and Other Identifying Information: Chapter 388-106 WAC, Long-term care services.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094, on April 6, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than April 7, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on April 6, 2010.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by March 23, 2010, at TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending WAC 388-106-0125 If I am age twenty-one or older, how does CARE use criteria to place me in a classification group for in-home care? and adopting new WAC 388-106-0126 If I am under age twenty-one, how does CARE use criteria to place me in a classification group for in-home care?

The department is revising WAC 388-106-0125 to amend the in-home classifications to allow for the reduction of in-home base hours for each of the seventeen classification groups, as directed by the Washington state 2009-11 budget (ESHB 1244, section 206(5)). As instructed by the legislature, classification groups with greater care needs receive a smaller percentage reduction than classification groups with lesser care needs.

The department is adopting new WAC to maintain base hours for children and youth under the age of twenty-one from the rules.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, Washington state 2009-11 budget (ESHB 1244, section 206(5)).

Statute Being Implemented: RCW 74.08.090, 74.09.520, Washington state 2009-11 budget (ESHB 1244, section 206(5)).

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bea Rector, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2527.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The preparation of a small business economic impact statement is not required, as no new costs will be imposed on small businesses or nonprofits.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt, per RCW 34.05.328 (5)(b) (vii), relating only to client medical or financial eligibility.

February 24, 2010

Don Goldsby, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 08-10-022, filed 4/25/08, effective 5/26/08)

**WAC 388-106-0125 If I am age twenty-one or older, how does CARE use criteria to place me in a classification group for in-home care?** CARE uses the criteria of cognitive performance score as determined under WAC 388-106-0090, clinical complexity as determined under WAC 388-106-0095, mood/behavior and behavior point score as determined under WAC 388-106-0100, ADLS as determined under WAC 388-106-0105, and exceptional care as determined under WAC 388-106-0110 to place you into one of the following seventeen in-home groups. CARE classification is determined first by meeting criteria to be placed into a group, then you are further classified based on ADL score or behavior point score into a classification sub-group following a classification path of highest possible base hours to lowest qualifying base hours.

(1) If you meet the criteria for exceptional care, then CARE will place you in **Group E**. CARE then further classifies you into:

(a) **Group E High** with (~~(420)~~) 416 base hours if you have an ADL score of 26-28; or

(b) **Group E Medium** with (~~(350)~~) 346 base hours if you have an ADL score of 22-25.

(2) If you meet the criteria for clinical complexity and have cognitive performance score of 4-6 or you have cognitive performance score of 5-6, then you are classified in **Group D** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group D High** with (~~(280)~~) 277 base hours if you have an ADL score of 25-28; or

(b) **Group D Medium-High** with (~~(240)~~) 234 base hours if you have an ADL score of 18-24; or

(c) **Group D Medium** with ~~((190))~~ 185 base hours if you have an ADL score of 13-17; or

(d) **Group D Low** with ~~((445))~~ 138 base hours if you have an ADL score of 2-12.

(3) If you meet the criteria for clinical complexity and have a CPS score of less than 4, then you are classified in **Group C** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group C High** with ~~((200))~~ 194 base hours if you have an ADL score of 25-28; or

(b) **Group C Medium-High** with ~~((180))~~ 174 base hours if you have an ADL score of 18-24; or

(c) **Group C Medium** with ~~((140))~~ 132 base hours if you have an ADL score of 9-17; or

(d) **Group C Low** with ~~((95))~~ 87 base hours if you have an ADL score of 2-8.

(4) If you meet the criteria for mood and behavior qualification and do not meet the classification for C, D, or E groups, then you are classified into **Group B**. CARE further classifies you into:

(a) **Group B High** with ~~((155))~~ 147 base hours if you have an ADL score of 15-28; or

(b) **Group B Medium** with ~~((90))~~ 82 base hours if you have an ADL score of 5-14; or

(c) **Group B Low** with ~~((52))~~ 47 base hours if you have an ADL score of 0-4; or

(5) If you meet the criteria for behavior points and have a CPS score of greater than 2 and your ADL score is greater than 1, and do not meet the classification for C, D, or E groups, then you are classified in **Group B**. CARE further classifies you into:

(a) **Group B High** with ~~((155))~~ 147 base hours if you have a behavior point score 12 or greater; or

(b) **Group B Medium-High** with ~~((110))~~ 101 base hours if you have a behavior point score greater than 6; or

(c) **Group B Medium** with ~~((90))~~ 82 base hours if you have a behavior point score greater than 4; or

(d) **Group B Low** with ~~((52))~~ 47 base hours if you have a behavior point score greater than 1.

(6) If you are not clinically complex and your CPS score is less than 5 and you do not qualify under either mood and behavior criteria, then you are classified in **Group A**. CARE further classifies you into:

(a) **Group A High** with ~~((78))~~ 71 base hours if you have an ADL score of 10-28; or

(b) **Group A Medium** with ~~((62))~~ 56 base hours if you have an ADL score of 5-9; or

(c) **Group A Low** with ~~((29))~~ 26 base hours if you have an ADL score of 0-4.

#### NEW SECTION

**WAC 388-106-0126 If I am under age twenty-one, how does CARE use criteria to place me in a classification group for in-home care?** CARE uses the criteria of cognitive performance score as determined under WAC 388-106-0090, clinical complexity as determined under WAC 388-106-0095, mood/behavior and behavior point score as determined under WAC 388-106-0100, ADLS as determined under WAC 388-106-0105, and exceptional care as deter-

mined under WAC 388-106-0110 to place you into one of the following seventeen in-home groups. CARE classification is determined first by meeting criteria to be placed into a group, then you are further classified based on ADL score or behavior point score into a classification sub-group following a classification path of highest possible base hours to lowest qualifying base hours.

(1) If you meet the criteria for exceptional care, then CARE will place you in **Group E**. CARE then further classifies you into:

(a) **Group E High** with 420 base hours if you have an ADL score of 26-28; or

(b) **Group E Medium** with 350 base hours if you have an ADL score of 22-25.

(2) If you meet the criteria for clinical complexity and have cognitive performance score of 4-6 or you have cognitive performance score of 5-6, then you are classified in **Group D** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group D High** with 280 base hours if you have an ADL score of 25-28; or

(b) **Group D Medium-High** with 240 base hours if you have an ADL score of 18-24; or

(c) **Group D Medium** with 190 base hours if you have an ADL score of 13-17; or

(d) **Group D Low** with 145 base hours if you have an ADL score of 2-12.

(3) If you meet the criteria for clinical complexity and have a CPS score of less than 4, then you are classified in **Group C** regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

(a) **Group C High** with 200 base hours if you have an ADL score of 25-28; or

(b) **Group C Medium-High** with 180 base hours if you have an ADL score of 18-24; or

(c) **Group C Medium** with 140 base hours if you have an ADL score of 9-17; or

(d) **Group C Low** with 95 base hours if you have an ADL score of 2-8.

(4) If you meet the criteria for mood and behavior qualification and do not meet the classification for C, D, or E groups, then you are classified into **Group B**. CARE further classifies you into:

(a) **Group B High** with 155 base hours if you have an ADL score of 15-28; or

(b) **Group B Medium** with 90 base hours if you have an ADL score of 5-14; or

(c) **Group B Low** with 52 base hours if you have an ADL score of 0-4; or

(5) If you meet the criteria for behavior points and have a CPS score of greater than 2 and your ADL score is greater than 1, and do not meet the classification for C, D, or E groups, then you are classified in **Group B**. CARE further classifies you into:

(a) **Group B High** with 155 base hours if you have a behavior point score 12 or greater; or

(b) **Group B Medium-High** with 110 base hours if you have a behavior point score greater than 6; or

(c) **Group B Medium** with 90 base hours if you have a behavior point score greater than 4; or

(d) **Group B Low** with 52 base hours if you have a behavior point score greater than 1.

(6) If you are not clinically complex and your CPS score is less than 5 and you do not qualify under either mood and behavior criteria, then you are classified in **Group A**. CARE further classifies you into:

(a) **Group A High** with 78 base hours if you have an ADL score of 10-28; or

(b) **Group A Medium** with 62 base hours if you have an ADL score of 5-9; or

(c) **Group A Low** with 29 base hours if you have an ADL score of 0-4.

**WSR 10-06-115**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed March 3, 2010, 9:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-01-159.

Title of Rule and Other Identifying Information: WAC 388-310-1600 WorkFirst—Sanctions.

Hearing Location(s): Blake Office Park East, Rose Room

4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on April 6, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than April 7, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHSRPAU RulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on April 6, 2010.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by March 23, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [johnsj14@dshs.wa.gov](mailto:johnsj14@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to modify the rule in alignment with the governor's budget proposals which tighten WorkFirst program requirements and prioritize services for WorkFirst clients in response to reduced funding.

Reasons Supporting Proposal: These changes are being proposed to modify the WorkFirst sanction process.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 34.05.310, and chapters 74.08A and 74.12 RCW.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 34.05.310, and chapters 74.08A and 74.12 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephanie Nielsen, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4699.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses. The proposed amendment tightens program requirements and prioritizes services for WorkFirst clients in response to reduced funding.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule tightens program requirements and prioritizes services for WorkFirst clients in response to reduced funding.

February 24, 2010

Don Goldsby, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 08-15-136, filed 7/22/08, effective 8/22/08)

**WAC 388-310-1600 WorkFirst—Sanctions. Effective July 1, 2010.**

**(1) What WorkFirst requirements do I have to meet?**

You must do the following when you are a mandatory WorkFirst participant:

(a) Give the department the information we need to develop your individual responsibility plan (IRP) (see WAC 388-310-0500);

(b) Show that you are participating fully to meet all of the requirements listed on your individual responsibility plan;

(c) Go to scheduled appointments listed in your individual responsibility plan;

(d) Follow the participation and attendance rules of the people who provide your assigned WorkFirst services or activities; and

(e) Accept available paid employment when it meets the criteria in WAC 388-310-1500.

**(2) What happens if I don't meet WorkFirst requirements?**

(a) If you do not meet WorkFirst requirements, we will send you a letter telling you what you did not do, and inviting you to a noncompliance sanction case staffing.

(i) A noncompliance case staffing is a meeting with you, your case manager, and other people who are working with your family, such as representatives from tribes, community or technical colleges, employment security, the children's administration or limited-English proficient (LEP) pathway providers to review your situation and compliance with your participation requirements.

(ii) You will be notified when your noncompliance sanction case staffing is scheduled so you can attend.

(iii) You may invite anyone you want to come with you to your case staffing.

(b) You will have ten days to contact us so we can talk with you about ~~((the))~~ your situation. You can contact us in writing, by phone, by going to the noncompliance sanction case staffing appointment described in the letter, or by asking for an individual appointment.

(c) If you do not contact us within ten days, we will make sure you have been screened for family violence and other barriers to participation. We will use existing information to decide whether:

- (i) You were unable to do what was required; or
- (ii) You were able, but refused, to do what was required.

(d) If you had a good reason not to do a required activity we will work with you and may change the requirements in your individual responsibility plan if a different WorkFirst activity would help you move towards independence and employment sooner. If you have been unable to meet your WorkFirst requirements because of family violence, you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

~~((e) Before you are placed in sanction:~~

~~(i) We will have a case staffing which is a meeting with you, your case manager and other people involved in your case to review your situation and make plans. At your case staffing, we will ensure you were offered the opportunity to participate, discuss what happens if you stay in sanction, discuss how participation helps you and your family and discuss how to end your sanction. You will be notified when your case staffing is going to happen so you can attend. You can invite anyone you want to come with you to your case staffing.~~

~~(ii) Effective September 1, 2006, supervisory staff will review your case and must approve the sanction.~~

~~(f) If you are sanctioned, we will actively attempt to contact you another way so we can talk to you about the benefits of participation and how to end your sanction.)~~

**(3) What is considered a good reason for not ~~((being able to do))~~ doing what WorkFirst requires?**

You have a good reason if ~~((it was not possible))~~ you were not able to do what WorkFirst requires (or get an excused absence, described in WAC 388-310-0500(5)) due to a significant problem or event outside your control. Some examples of good reasons include, but are not limited to:

(a) You had an emergent or severe physical, mental or emotional condition, confirmed by a licensed health care professional that interfered with your ability to participate;

(b) You were threatened with or subjected to family violence;

(c) You could not locate child care for your children under thirteen years that was:

(i) Affordable (did not cost you more than your copayment would under the working connections child care program in chapter 170-290 WAC);

(ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and

(iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community).

(iv) You could not locate other care services for an incapacitated person who lives with you and your children.

(d) You had an immediate legal problem, such as an eviction notice; or

(e) You are a person who gets necessary supplemental accommodation (NSA) services under chapter 388-472 WAC and your limitation kept you from participating. If you have a good reason because you need NSA services, we will review your accommodation plan.

**(4) What happens in my noncompliance sanction case staffing?**

(a) At your noncompliance case staffing we will ensure you were offered the opportunity to participate and discuss with you:

(i) What happens if you are sanctioned and stay in sanction:

(ii) How you can participate and get out of sanction:

(iii) How you and your family benefit when you participate in WorkFirst activities:

(iv) That if you continue to refuse to participate, without good cause, a sanction review panel may review your case, and decide to close your case after you have been in sanction status for four months in a row:

(v) How you plan to care for and support your children if a sanction review panel closed your case. We will also discuss the safety of your family, as needed, using the guidelines under RCW 26.44.030; and

(vi) How to reapply if a sanction review panel closes your case.

(b) If you do not come to your noncompliance sanction case staffing, we will make a decision based on the information we have.

**(5) What if we decide that you did not have a good reason for ~~((failing to meet))~~ not meeting WorkFirst requirements?**

(a) Before you are placed in sanction, a supervisor will review your case to make sure:

(i) You knew what was required;

(ii) You were told how to end your sanction;

(iii) We tried to talk to you and encourage you to participate; and

(iv) You were given a chance to tell us if you were unable to do what we required.

(b) If we decide that you did not have a good reason for ~~((failing to))~~ not meeting WorkFirst requirements, and a supervisor approves the sanction, we will send you a letter that tells you:

~~((a))~~ (i) What you failed to do;

~~((b))~~ (ii) That you are in sanction status;

~~((c))~~ (iii) Penalties that will be applied to your grant;

~~((d))~~ (iv) When the penalties will be applied;

~~((e))~~ (v) How to request a fair hearing if you disagree with this decision; and

~~((f))~~ (vi) How to end the penalties and get out of sanction status.

(c) We will also provide you with information about resources you may need if a sanction review panel closes

your case. If you are sanctioned we will actively attempt to contact you another way so we can talk to you about the benefits of participation and how to end your sanction.

~~((5))~~ **(6) What is sanction status?**

When you are a mandatory WorkFirst participant, you must follow WorkFirst requirements to qualify for your full grant. If you or someone else on your grant doesn't ~~((empty))~~ do what is required and you can't prove that you had a good reason, you do not qualify for your full grant. This is called being in WorkFirst sanction status.

~~((6))~~ **(7) Are there penalties when you or someone in ~~((my))~~ your household goes into sanction status?**

(a) When someone in your household is in sanction status, we impose penalties. The penalties last until you or the household member meet WorkFirst requirements.

(b) Your grant is reduced by ~~((the person(s)))~~ one person's share or forty percent, whichever is more.

~~((7))~~ **(8) How do I end the penalties and get out of sanction status?**

To stop the penalties and get out of sanction status:

(a) You must provide the information we requested to develop your individual responsibility plan; and/or

(b) Start and continue to do your required WorkFirst activities for four weeks in a row (that is, twenty-eight calendar days).

(c) When you leave sanction status, your grant will be restored to the level ~~((for which))~~ you are eligible for beginning the first of the month following your four weeks of participation. For example, if you finished your four weeks of participation on June 15, your grant would be restored on July 1.

~~((8))~~ **(9) What if I reapply for TANF or SFA and I was in sanction status when my case closed?**

~~((a))~~ If your case closes while you are in sanction status and is reopened ~~((in six months or less))~~, you will start out where you left off in sanction.~~((~~

~~(b)~~ Effective September 1, 2006, if you come back in sanction, you will start out where you left off in sanction.~~(c)~~ That is, if you ~~((left off))~~ were in month ~~((three))~~ two of sanction when your case closed, you will ~~((come back on in month four))~~ be in month three of sanction when you are approved for TANF or SFA. ~~((9))~~

~~((e)~~ If your case has been closed for more than six months, you will not be in sanction status if your case is reopened.

~~((9))~~ **(10) What happens ~~((effective September 1, 2006))~~ if I stay in sanction status?** ~~((Effective September 1, 2006, if you stay in sanction status:~~

~~(a)~~ Unless you are a dependent child age sixteen or older, your case manager will review your record after you have been in sanction for at least three months in a row to make sure:

- ~~(i)~~ You knew what was required;
- ~~(ii)~~ You were told how to end your sanction;
- ~~(iii)~~ We tried to talk to you and to encourage you to participate; and
- ~~(iv)~~ You were given a chance to tell us if you were unable to do what we required.

~~(b)~~ Your case manager will invite you to a noncompliance sanction case staffing.

~~(i)~~ You will be notified when your noncompliance sanction case staffing is going to happen so you can attend.

~~(ii)~~ Your case manager will also invite other people who are working with your family to your noncompliance sanction case staffing, like representatives from tribes, community or technical colleges, employment security, the children's administration or limited-English proficient (LEP) pathway providers.

~~(iii)~~ You can invite anyone you want to come with you to your case staffing.

~~(e)~~ At your noncompliance sanction case staffing, we will discuss with you:

~~(i)~~ How you and your family benefit when you participate in WorkFirst activities;

~~(ii)~~ How you can participate, and get out of sanction;

~~(iii)~~ That if you continue to refuse to participate, without good cause, a sanction review panel may review your case, and decide to close your case after you have been in sanction status for six months in a row.

~~(iv)~~ How you plan to care for and support your children if a sanction review panel closes your case. We will also discuss the safety of your family, as needed, using the guidelines under RCW 26.44.030; and

~~(v)~~ How to reapply if a sanction review panel closes your case.

~~(d)~~ If you do not come to your noncompliance sanction case staffing, we will make a decision based on the information we have. We will also attempt to visit you at your home so you have another chance to talk to us about the benefits of participation and how to end your sanction.

~~(e)~~ If we decide you are refusing to participate without a good reason:

~~(i)~~ We will send you information about resources you may need if a sanction review panel closes your case;

~~((ii))~~ (a) We will send information to a sanction review panel with a recommendation to close your case. ~~((We will only do this after a community services office administrator reviews your case to make sure the sanction is appropriate and we tried to reengage you in the program; and~~

~~((iii))~~ (b) The sanction review panel will review your case and make the final decision.

(c) If the sanction review panel approves case closure, your case will be closed after you have been in sanction for four months in a row.

~~((10))~~ **(11) What is a sanction review panel?**

~~(a)~~ ~~((The))~~ A sanction review panel is a small group of people who are independent of your local community services office and do a thorough, objective review of your sanction.

~~(b)~~ The sanction review panel makes the final decision about whether to close your case after receiving a recommendation from your case manager and reviewing your case to make sure the original sanction was appropriate and we made attempts to reengage you in the program.

~~((11))~~ **(12) What happens when a sanction review panel decides to close my case?**

When a sanction review panel decides to close your case, we will send you a letter to tell you:

~~(a)~~ What you failed to do;

~~(b)~~ When your case will be closed;

(c) How to request a fair hearing if you disagree with this decision;

(d) How to end your penalties and keep your case open (if you are able to participate for four weeks in a row before we close your case); and

(e) How your participation before your case is closed can be used to meet the participation requirement in subsection ~~((12))~~ (13).

~~((12))~~ (13) **What if I reapply for TANF or SFA after a sanction review panel closed my case?**

~~((a))~~ If a sanction review panel closes your case (~~and you apply within six months~~), you must participate for four weeks in a row before you can receive cash. Once you have met your four week participation requirement, your cash benefits will start, going back to the date we had all the other information we needed to make an eligibility decision.

~~((b))~~ ~~You will not be required to participate for four weeks in a row before you receive cash if you apply after your case has been closed for six months or longer.~~

~~(13) What if my TANF or SFA is closed by a sanction review panel, reopened and I go into sanction again?~~

~~(a) When a sanction review panel closes your case, and we reopen your case, we will follow all steps in subsection (9) of this section (like the case review and the noncompliance case staffing) during your second month of sanction.~~

~~(b) The sanction review panel may close your case after you are in sanction status for three months in a row.~~

~~(c) If your case is closed, and you reapply, we will follow the rules in subsection (12) of this section to reopen your case.)~~

### WSR 10-06-117

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 3, 2010, 9:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-01-160.

Title of Rule and Other Identifying Information: The community services division is proposing to amend WAC 388-310-2100 Career services program, to eliminate nonassistance food stamps (NAFS) recipients from program eligibility requirements in response to reduced budget.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on April 6, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than July 1, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS

RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on April 6, 2010.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by March 23, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing amendments in order to eliminate NAFS recipients from program eligibility requirements in response to reduced funding.

Reasons Supporting Proposal: The proposed amendments could help the department stay within budget appropriations for the program.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.010.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.010.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Olga Walker, 712 Pear Street S.E., Olympia, WA 98503, (360) 725-4641.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by prioritizing services to DSHS clients in response to reduced funding.

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

February 22, 2010

Don Goldsby, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 09-02-029, filed 12/30/08, effective 2/1/09)

**WAC 388-310-2100 Career services program. (1) What is the career services program?**

Career services, administered by employment security department, within available funds, provides up to six months of:

- Basic needs payments;
- Wage progression services; and
- Job retention services.

**(2) How can I get career services?**

(a) To get career services, you must meet the following eligibility requirements:

(i) Be working thirty hours or more per week in a paid unsubsidized job; and

(ii) Not have left temporary assistance for needy families (TANF)/state family assistance (SFA) in sanction status within the previous six months; and

(iii) Be a custodial parent or caretaker relative who(~~=~~

~~(A)) received TANF/SFA or diversion cash assistance (DCA) within at least one of the past two calendar months(;~~  
~~or~~

~~(B) Receives basic food assistance for your family and does not qualify under subsection (A) of this section or does not currently receive cash benefits under the TANF, SFA, refugee, or general assistance programs).~~

(b) You must also enroll with the employment security department during the following timeframes:

(i) Within the first two calendar months after your TANF/SFA ends; or

(ii) Within the first two calendar months after you received your first diversion cash assistance (DCA) payment(;  
~~or~~

~~(iii) Anytime starting the month after you meet eligibility criteria for career services while receiving basic food. You aren't eligible for career services based on receiving basic food assistance if you have already received career services during the current state fiscal year (July 1 through June 30)).~~

(c) Each adult in your family who meets these conditions and enrolls in the program can receive the payments and services.

**(3) What services and payments are available while I am enrolled in the career services program?**

The career services program provides wage progression services, job retention services and basic needs payments.

(a) Services include employment planning that will help you keep your job and increase your wages.

(b) As shown in the chart below, cash payments and bonuses are made monthly, for up to six consecutive months after leaving TANF/SFA, or receiving DCA(~~(;~~  
~~or while receiving Basic Food assistance)).~~

(c) You may receive up to six hundred fifty dollars in cash payments and bonuses over the six-month period following your TANF/SFA case closing, ~~((getting))~~ or receiving your first DCA payment(~~(;~~  
~~or while receiving Basic Food assistance)).~~

Program	Enrollment Period	Frequency	Payment Period	Payment & Bonus Amount	Payment Description
TANF/SFA or DCA	<ul style="list-style-type: none"> <li>• First two months after TANF/SFA ends, or</li> <li>• Two months after first DCA payment</li> </ul>	People can enroll the first two months after they: <ul style="list-style-type: none"> <li>• Exit TANF/SFA or</li> <li>• Receive first DCA payment</li> </ul>	Month 1 or 2	\$150.00	One-time enrollment bonus when you sign up for the program.
			Month 1-6 after TANF/SFA ends	\$50.00	Monthly payments begin once you enroll. If you enroll during Month 2, then you are not eligible for the Month 1 payment.
			Month 4 and 6	\$100.00 month 4 \$100.00 month 6	Bonus for completing the career services assessment and employment planning interview.
<del>((Basic Food))</del>	<del>((Any time starting the month after becoming eligible for career services))</del>	<del>((One time in a fiscal year (July through June)))</del>	<del>((1st Month))</del>	<del>(((\$150.00))</del>	<del>((One-time enrollment bonus when you sign up for the program.))</del>
			<del>((Month 1-6))</del>	<del>(((\$50.00))</del>	<del>((Monthly payments begin once you enroll.))</del>
			<del>((Month 4 and 6))</del>	<del>(((\$100.00 month 4 \$100.00 month 6))</del>	<del>((Bonus for completing the career services assessment and employment planning interview.))</del>

**(4) How long can I receive career services?**

(a) Career services are available for a maximum of six consecutive months. Month one begins the calendar month after your TANF/SFA assistance ends or the calendar month after you receive your first DCA payment.

~~(b) ((If you are eligible for career services because you receive basic food assistance, career services are available for a maximum of six consecutive months beginning the month you enroll.~~

(e)) Your career services will stop for any of the following reasons:

(i) The employment security department (ESD) learns you are no longer working thirty hours a week in unsubsidized employment;

(ii) You begin receiving TANF/SFA assistance;

(iii) ESD does not have your current mailing address;

(iv) You are not living in Washington; or

(v) It has been more than six months since your initial DCA payment or since you stopped receiving TANF/SFA ~~((or since you enrolled in the career services program because you receive basic food assistance)).~~

**(5) What happens if the employment security department learns I am no longer working thirty hours or more per week?**

(a) The employment security department will provide you with a letter with at least ten days advance notice that your career services will close. Your career services will stop at the end of the month in which your ten days notice expires. The letter will tell you how to request an administrative hearing if you disagree with the decision.

(b) If you find a new job or increase your hours back up to thirty hours before the end of the month, you will remain eligible for career services payments.

(c) Employment security staff can help you find new employment or work with you to increase your hours of employment.

**(6) What happens if I am approved for TANF/SFA assistance while I am receiving career services?**

If you start receiving TANF/SFA assistance, the employment security department will provide you with a letter and close your career services case at the end of the month. The letter will tell you how to request an administrative hearing if you disagree with the decision.

**(7) What can I do if I disagree with decisions about career services?**

(a) You have the right to request an administrative hearing if you disagree with a decision or action regarding the career services program. For more information, see chapter 388-02 WAC and RCW 74.08.080.

(b) If you receive continued benefits, they will still end when you reach your benefit maximum as outlined under (3)(c) and (4) regardless of any other pending administrative hearing.

**WSR 10-06-118**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed March 3, 2010, 9:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-20-079.

Title of Rule and Other Identifying Information: The community services division is proposing to amend WAC 388-406-0055 When do my benefits start?

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094, on April 6, 2010, at 10:00 a.m.

Date of Intended Adoption: No earlier than April 7, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS

RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on April 6, 2010.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by March 23, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing this amendment to comply with the conditions of United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) waiver 2010182 and policy memo 88-4.

Under current rules, if the department was unable to process an application for food assistance within the first thirty day period due to a delay on the part of the consumer, the department would approve benefits starting the first of the month following the month of application if the customer provided the required verifications by the end of [the] second thirty day period.

Under the proposed rule, if the information was provided by the end of the second thirty day period, the department would approve benefits starting the date the information was provided.

Reasons Supporting Proposal: To comply with the conditions of USDA, FNS waiver 2010182 and policy memo 88-4.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.-010.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, 74.08.090, and 74.08A.010.

Rule is necessary because of federal law, 7 C.F.R. 273.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kimberly Chea, 712 Pear Street S.E., Olympia, WA 98503, (360) 725-4653.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by clarifying the start date of their benefits.

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

February 22, 2010

Don Goldsby, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 09-20-031, filed 9/29/09, effective 11/1/09)

**WAC 388-406-0055 When do my benefits start?** The date we approve your application affects the amount of benefits you get. If you are eligible for:

(1) Cash assistance, your benefits start:

(a) The date we have enough information to make an eligibility decision; or

(b) No later than the thirtieth day for TANF, SFA, or RCA; or

(c) No later than the forty-fifth day for general assistance (GA) unless you are confined in a Washington state public institution as defined in WAC 388-406-0005 (6)(a) on the forty-fifth day, in which case your benefits will start on the date you are released from confinement.

(2) Basic Food, your benefits start from the date you applied unless:

(a) You are recertified for Basic Food. If you are recertified for Basic Food, we determine the date your benefits start under WAC 388-434-0010;

(b) You applied for Basic Food while living in an institution. If you apply for Basic Food while living in an institution, the date you are released from the institution determines your start date as follows. If you are expected to leave the institution:

(i) Within thirty days of the date we receive your application, your benefits start on the date you leave the institution; or

(ii) More than thirty days from the date we receive your application, we deny your application for Basic Food. You may apply for Basic Food again when your date of release from the institution is closer.

(c) We were unable to process your application within thirty days because of a delay on your part. If you caused the delay, but submit required verification by the end of the second thirty-day period, we approve your benefits starting the ~~((first day of the month following the month you applied for benefits))~~ date you provide the required verification. We start your benefits from this date even if we denied your application for Basic Food.

(d) We initially denied your application for Basic Food and your assistance unit (AU) becomes categorically eligible (CE) within sixty days from the date you applied. If your AU becoming CE under WAC 388-414-0001 makes you eligible for Basic Food, the date we approve Basic Food is the date your AU became CE.

(e) You are approved for transitional food assistance under chapter 388-489 WAC. We determine the date transitional benefits start as described under WAC 388-489-0015.

(f) You receive transitional food assistance with people you used to live with, and are now approved to receive Basic Food in a different assistance unit:

(i) We must give the other assistance unit ten days notice as described under WAC 388-458-0025 before we remove you from the transitional food assistance benefits.

(ii) Your Basic Food benefits start the first of the month after we remove you from the transitional benefits. For example, if we remove you from transitional benefits on November 30th, you are eligible for Basic Food on December 1st.

(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.

**WSR 10-06-121**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**

[Filed March 3, 2010, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-12-037.

Title of Rule and Other Identifying Information: Chapter 314-17 WAC, Mandatory alcohol server training.

Hearing Location(s): Washington State Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Lacey, WA 98504, on April 7, 2010, at 10:00 a.m.

Date of Intended Adoption: April 28, 2010.

Submit Written Comments to: Karen McCall, 3000 Pacific Avenue S.E., Lacey, WA 98504, e-mail rules@liq.wa.gov, fax (360) 664-9689, by April 7, 2010.

Assistance for Persons with Disabilities: Contact Karen McCall by April 7, 2010, (360) 664-1631.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The review of rules dealing with mandatory alcohol server training (MAST) is part of the liquor control board's ongoing review of rules. The rules will be reviewed for relevance, clarity, and plain talk. Rules are also being created to implement an on-line MAST certification program.

Reasons Supporting Proposal: The proposed rules provided clarity to liquor licensees, MAST permit holders, MAST trainers, and stakeholders.

Statutory Authority for Adoption: RCW 66.08.030, 66.20.330.

Statute Being Implemented: RCW 66.20.330.

Name of Proponent: Washington state liquor control board, governmental.

Name of Agency Personnel Responsible for Drafting: Kim Sauer, 3000 Pacific Avenue S.E., Lacey, WA 98504, (360) 664-1727; Implementation: Alan Rathbun, 3000 Pacific Avenue S.E., Lacey, WA 98504, (360) 664-1615; and Enforcement: Pat Parmer, 3000 Pacific Avenue S.E., Lacey, WA 98504, (360) 664-1726.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal does not change the impact on liquor licensees or stakeholders.

A cost-benefit analysis is not required under RCW 34.05.328.

March 3, 2010

Sharon Foster

Chairman

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-005 What is the purpose of this chapter?** (1) RCW 66.20.300 through 66.20.350 set up a mandatory alcohol server training program. These laws require persons who serve, mix, sell, or supervise the service of, alcohol for on-premises consumption to hold one of two permits(;) as outlined in this chapter.

(2) This chapter ~~((outlines how a person receives these permits, and how a person can))~~ explains how a person

receives a class 12 or 13 permit, and how a person may become certified to provide alcohol server training.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-010 Definitions.** The following definitions ((are to)) clarify the purpose and intent of the ((rules and)) laws and regulations governing mandatory alcohol server training and chapter 314-17 WAC. Additional definitions are in RCW 66.04.010 and 66.20.300.

(1) ((A "permit holder" is a person who holds either a Class 12 mixologist or a Class 13 server permit. The permit is the property of the permit holder, and can be used at any liquor licensed establishment.

(2) A "provider" is an individual, partnership, corporation, college, educational institute, or other bona fide legal entity that the board certifies to provide a board-approved alcohol server education course (per RCW 66.20.300). The provider is a training entity.

(3) A "trainer" is an individual employed or authorized by a provider to conduct an alcohol server education course. Upon the successful completion of the course, the student will receive a Class 12 mixologist or Class 13 server permit from the trainer.)) "Alcohol server education program," "mandatory alcohol server training," or "mandatory alcohol server training program" means the set of policies and procedures developed and administered by the board to educate servers and enforce state liquor laws and regulations.

(2) "Permit holder" means a person who holds either a class 12 or 13 permit.

(3) "Provider" means a "training entity," as defined in RCW 66.20.300.

(4) "Retail licensed premises" means any:

(a) Premises licensed to sell or serve alcohol by the glass, by the drink, by samples or in original containers, primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.540, 66.24.570, 66.24.580, 66.24.590 or 66.24.600;

(b) Distillery or craft distillery, licensed pursuant to RCW 66.24.140 or 66.24.145, that is authorized to serve samples of its own production; or

(c) Facility established by a domestic winery for serving or selling wine pursuant to RCW 66.24.170(4).

(5) "Student" means an individual enrolled in a class 12 or 13 training course.

(6) "Trainer" means an individual employed or authorized by a provider to conduct a training course.

(7) "Training course" means a board-certified mandatory alcohol server training class.

(8) "Training program" means a provider's curriculum administered by a provider or a trainer.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-015 What are the two types of alcohol server training permits?** There are two types of permits for persons who serve ((alcohol for on-premises consumption, or who supervise the sale of alcohol for on-premises consump-

tion)), mix, sell, or who supervise the sale of, alcohol for on-premises consumption.

<p><del>((1) Per RCW 66.20.310, a Class 12 mixologist permit is required for liquor licensees or their employees who:</del></p>	<p><del>(2) Per RCW 66.20.310, a Class 13 server permit is required for persons who:</del></p>
<p><del>(a) Manage a premises licensed to sell alcohol beverages for on-premises consumption;</del></p>	<p><del>(a) Take orders for alcohol beverages to be consumed on-premises;</del></p>
<p><del>(b) Act as a bartender for selling or mixing alcohol beverages which may include spirits, beer, and/or wine for on-premises consumption; and/or</del></p>	<p><del>(b) Deliver alcohol beverages to customers for consumption on-premises; and/or</del></p>
<p><del>(c) Draw beer and/or wine from a tap and/or spirits from a dispensing device at an establishment licensed to sell liquor for on-premises consumption.</del></p>	<p><del>(c) Open and/or pour beer or wine into a customer's glass at the customer's table.</del></p>
<p><del>(d) A Class 12 mixologist permit holder must be at least twenty-one years of age.</del></p>	<p><del>(d) A class 13 server permit holder must be at least eighteen years of age.)</del></p>
<p><del>(e) A Class 12 mixologist permit includes the authority to act as a server, under the Class 13 server permit.</del></p>	
<p><del>(f) See RCW 66.20.310(7) for exceptions for employees of grocery stores that have an on-premises liquor license.</del></p>	

<u>Class 12 permit</u>	<u>Class 13 permit</u>
(1) <u>A class 12 permit holder must be at least twenty-one years of age.</u>	(5) <u>A class 13 permit holder must be at least eighteen years of age.</u>
(2) <u>A class 12 permit is required for any person who:</u>	(6) <u>A class 13 permit is required for any person who:</u>
(a) <u>Manages a premises licensed to sell alcoholic beverages for on-premises consumption;</u>	(a) <u>Takes orders for alcoholic beverages for on-premises consumption;</u>

<u>Class 12 permit</u>	<u>Class 13 permit</u>
(b) <u>Sells, mixes or draws from a dispensing device alcoholic beverages for on-premises consumption; or</u>	(b) <u>Delivers alcoholic beverages to customers for on-premises consumption; or</u>
(c) <u>Supervises a class 13 permit holder.</u>	(c) <u>Opens or pours beer or wine into a customer's glass at a customer's table.</u>
(3) <u>A class 12 permit includes all authorities granted under a class 13 permit.</u>	(7) <u>See RCW 66.20.310 for exceptions for grocery store employees.</u>
(4) <u>See RCW 66.20.310 for exceptions for grocery store employees.</u>	

~~((3))~~ (8) Upon ~~((the))~~ a temporary absence of a ~~((Class 12 mixologist permit holder, a Class 13 server permit holder who is at least twenty one years of age may perform the functions of a Class 12 permit holder until a Class 12 permit holder can arrive to fulfill those duties, but in no event for more than thirty consecutive days))~~ class 12 permit holder, a class 13 permit holder may perform the functions of a class 12 permit holder until a class 12 permit holder arrives to fulfill those duties provided that a class 13 permit holder:

- (a) Is twenty-one years of age or older; and
- (b) Functions as a class 12 permit holder for no more than thirty calendar days per year.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-020 How long are ~~((the))~~ class 12 and 13 permits good for ~~((, and how does a permit holder renew))~~?** (1) Class 12 ~~((mixologist))~~ and ~~((Class))~~ 13 ~~((server))~~ permits are valid for five years. ~~((The permits expire))~~ A class 12 or 13 permit expires on the first day of the month, five years following the month ~~((the person successfully completed the alcohol server education course))~~ a student passes the standardized exam. For example, if a student passes the standardized exam on June 15, 2010, his or her class 12 or 13 permit will expire on July 1, 2015.

(2) ~~((In order to renew the permit, the mixologist or server must attend an alcohol server education course given by a board certified trainer or provider prior to the expiration of the permit.))~~ A permit holder must retake a class 12 or 13 training course and pass the standardized exam to obtain a subsequent class 12 or 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-025 ~~((Do))~~ Does a permit holder ~~((s))~~ have to carry ~~((their))~~ his or her class 12 or 13 permit**

~~((with them))~~? (1) Any time a licensee or an employee ~~((is performing))~~ performs the duties outlined in WAC 314-17-015, ~~((the person))~~ a licensee or an employee must have:

(a) ~~((Their Class 12 mixologist or Class 13 server permit on the premises.))~~ His or her class 12 or 13 permit on a licensed premises; and

(b) One ~~((piece))~~ form of identification (see RCW 66.16.040 for acceptable forms of identification ~~((are outlined in RCW 66.16.040))~~).

(2) Both ~~((the))~~ a class 12 or 13 permit and ~~((the))~~ a form of identification must be available for inspection by any representative of the board, peace officer or law enforcement officer.

(3) ~~((It will be considered a violation of this section for any person to:~~

(a) Falsify a Class 12 mixologist or a Class 13 server permit; or

(b) Keep or possess a Class 12 mixologist permit or a Class 13 server permit contrary to the provisions of this title) A person shall be in violation if he or she falsifies a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.

(4) The name and personal identifying characteristics on a class 12 or 13 permit must match with those on a permit holder's form of identification.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-030 Are employers responsible ~~((to ensure that their employees hold an alcohol server permit))~~ for ensuring that their employees have class 12 or 13 permits?** ~~((All licensees who hold))~~ Yes. Any person who holds a license to sell liquor for on-premises consumption must ensure that any person ~~((that))~~ who engages in the sale or service of liquor, or who supervises such activities, has a current and valid class 12 ~~((mixologist))~~ or ~~((Class))~~ 13 ~~((server))~~ permit within sixty calendar days of the date of hire. See RCW 66.20.310~~((7))~~ for exceptions for grocery stores that have an on-premises liquor license.

(1) ~~((The permit must be in the same name and with the same identifying characteristics as indicated on the permit holder's identification (acceptable forms of identification are outlined in WAC 314-11-025).~~

(2) ~~Per WAC 314-11-040, a person twenty one years of age or older)~~ A class 12 permit holder must be on ~~((the))~~ a licensed premises to supervise the sale, service, and consumption of liquor.

~~((3) The))~~ (2) A class 12 or 13 permit is the sole property of ~~((the))~~ a permit holder.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-035 How are lost class 12 and 13 permits replaced?** To replace a lost ~~((Class 12 mixologist or Class 13 server permit, the))~~ class 12 or 13 permit or to replace a class 12 or 13 permit because of a name change, a permit holder ~~((can))~~ must:

(1) Contact the provider or trainer who issued the class 12 or 13 permit; or

(2) ~~((Submit an affidavit of lost permit on a form provided by the board to the licensing and regulation division with a fee as prescribed by))~~ Complete a class 12 or 13 permit replacement form, and submit that form and the appropriate fee to the board. The board will ~~((cancel the lost permit and issue a replacement))~~ issue a new class 12 or 13 permit, which will have the same expiration date as the original class 12 or 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

~~**WAC 314-17-040 ((Can Class 13 server permit holders upgrade to a Class 12 mixologist permit when they turn twenty-one?))**~~ **May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course?** ~~((Class 12 mixologist permits are only issued to persons twenty-one years of age or older. Therefore, any eighteen, nineteen, or twenty year-old person who successfully completes a Class 12 mixologist class will be issued a Class 13 server permit.~~

~~(1) Upon turning twenty-one years of age, the server may contact the provider or trainer who issued the permit and receive an upgraded Class 12 mixologist))~~ Yes.

(1) An eighteen, nineteen or twenty year-old person may take a class 12 training course and pass the corresponding exam; however, he or she may be issued only a class 13 permit. Upon turning twenty-one years of age, such a person who obtains a class 13 permit after taking and passing a class 12 training course and exam may request that a provider or trainer upgrade his or her class 13 permit to a class 12 permit.

(2) The expiration date of ~~((the permit will remain five years from the date of the original class))~~ an upgraded class 12 permit shall be the same expiration date as the original class 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

~~**WAC 314-17-045 How do I get a class 12 ((mixologist)) or ((a Class)) 13 ((server)) permit in Washington if I was trained in another state?**~~ ~~((1) Per RCW 66.20.320(10); if you have completed an alcohol server education course in another state since July 1, 1993, and the course is also certified in Washington state, you may receive a Class 12 mixologist or a Class 13 server permit in Washington by completing the provider's Washington state supplement to the program. This supplement will cover Washington state liquor laws and regulations. (You can contact the board's licensing and regulation division to find out if the course you completed is certified in Washington.)~~

~~(2) The provider will issue you a Washington state permit, which will expire five years from the first day of the month following the date the original class was taken. (For example, if you completed the program in another state on June 15, 1996, the Washington permit will expire on July 1, 2001-))~~ (1) If a person completes an alcohol server training course in another state and a training course is also certified in the state of Washington, he or she may receive a class 12 or 13 permit in Washington by completing the provider's

board-certified Washington state supplement to the program and passing the standardized exam.

(2) A trainer or provider shall issue a class 12 or 13 permit, which will expire five years from the first day of the month following the date an original training course was taken. For example, if you complete a training course on June 15, 2010, your class 12 or 13 permit will expire on July 1, 2015.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

~~**WAC 314-17-050 How ((can a person receive certification as a Class 12 mixologist or Class 13 server permit)) do I become a provider?**~~ ~~((An individual, partnership, corporation, college, educational institute, or other bona fide legal entity may apply to be certified by the board to become a Class 12 mixologist and/or a Class 13 server permit provider.~~

~~(1) In order to get a course certified, the proposed provider must submit the following information to the board's licensing and regulation division:))~~ (1) **Application process, application materials, and briefing.** To become a provider, you must submit an application to the board and brief board staff on the proposed training program. Application materials shall include:

(a) A completed application form provided by the board;  
(b) A copy of the proposed curriculum for the training program (see WAC 314-17-060);

(c) A copy of all audio, video, on-line, and instructional materials that will be used in the ~~((course))~~ training program;

~~(d) A copy of all printed ((materials that will be provided to participants as part of the course; and))~~ or printable (as in the case of an on-line training course) materials that will be provided to a student;

(e) An explanation of the examination procedures necessary to pass ~~((the))~~ a training course;

(f) An explanation of how a student's identity shall be ensured for an on-line training course;

(g) A plan describing how a provider shall assess a trainer's work performance;

(h) A trainer's manual; and

(i) Documentation demonstrating a trainer's qualifications and education to teach a training course in the state of Washington.

~~(2) ((The board's licensing and regulation division will respond to the request for certification within forty-five days of receipt of the material.))~~ The board will respond within forty-five calendar days of receipt of the application materials, at which point the board will either:

(a) Issue ~~((a letter of certification which will be valid for five years, or~~

~~(b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for course certification will be withdrawn.~~

~~(3)(a) Upon certification of the program, the board will provide the standardized exam to be used for all training con-~~

ducted. Trainers may use existing, board-approved exams until January 1, 2005.

(b) With board approval, trainers may provide an additional exam or add questions to the standardized exam, as long as the questions on the standardized exam are not altered and are left in the same order.

(4) The board or its designee may attend any class provided by certified providers and their trainers at no charge, in order to evaluate the course for conformance with this title.

(5) The provider must receive prior approval from the board's licensing and regulation division before making any changes to the course content or method of presentation that has been certified by the board.

(6) Providers who wish to renew their program must submit a complete program to the board's mandatory alcohol server training program manager at least forty-five days prior to expiration of their certification, as outlined in subsection (2) of this rule.

(7) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years)) certification; or

(b) Specify what additions or changes to make to a training program. If additions or changes are not received by the board within thirty calendar days, an application will be withdrawn.

**(3) Temporary certification.** The board may issue temporary certification once an applicant submits an application and briefs board staff.

(a) Temporary certification is valid for up to six months. During this time period, an applicant may adjust a training course outline or method of presentation without prior board approval provided that a training course continues to meet the standards set in WAC 314-17-060.

(b) The board may immediately revoke temporary certification if, in the board's opinion, an applicant fails to comply with a lesson plan as submitted and approved or with any of the requirements of this title.

(c) An applicant who fails to obtain permanent certification during the six-month temporary certification period shall be subject to the discontinuance of business requirements specified in subsection (10) of this section.

(4) The board may consider any information pertaining to a provider's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history, administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a provider's certification.

(5) **Appeal rights.** See WAC 314-17-115.

(6) **Standardized exam.**

(a) Upon certification of a training program, the board will provide a standardized exam to be used for all training courses.

(b) With board approval, a provider or trainer may provide an additional exam or add questions to the standardized exam.

(c) The board or its designee may attend any in-person training course or take any on-line training course at no charge for evaluation purposes.

(7) A provider must receive approval from the board before making any changes to training course content or method of presentation.

**(8) Qualifying and continuing education.**

(a) A provider must ensure that its trainers are qualified to teach a training course in the state of Washington, and that its trainers are current of new Washington state laws and regulations and science and industry advances pertaining to alcohol service. As part of this effort, a trainer must attend a board-provided conference or a provider-sponsored education workshop, or complete an equivalent professional on-line or long distance program, before receiving certification and then at least once every five years thereafter.

(b) At a minimum, an education or continuing-education conference, workshop or program shall address Washington state liquor laws and regulations, mandatory alcohol server training rules and procedures, and legal liabilities for servers.

(c) The board may conduct at least one seminar in each provider-sponsored education workshop performed in the state of Washington.

(d) A provider must obtain documentation that verifies a trainer's completion of an education or continuing-education conference, workshop or program, as well as documentation showing the subjects covered at such conference, workshop or program (see WAC 314-17-085).

(e) A provider must supply a trainer with a trainer's manual. A provider must also revise a manual within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

**(9) Certificate expiration and recertification.** Each certification is valid for up to five years. A provider may be recertified by reapplying at least forty-five days prior to expiration and in accordance with subsections (1) and (2) of this section.

**(10) Discontinuance of business.** When a provider discontinues its training program, a provider must reconcile class 12 and 13 permit form records to the board's satisfaction and return all unused class 12 and 13 permit forms to the board.

**AMENDATORY SECTION** (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-060 What are the course standards ((for Class 12 mixologist and Class 13 server permits)), course content, and other requirements for class 12 or 13 training programs?**

<p>((1) Requirements for a Class 12 mixologist permit course</p>	<p>(a) The course of instruction must be at least three hours in length. The course may be by video or audio-visual presentation together with facilitation by an authorized provider or trainer.</p>
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	<p>(b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <ul style="list-style-type: none"> <li>(i) Recognizing and dealing with intoxicated persons;</li> <li>(ii) How to check identification;</li> <li>(iii) Employment of persons under twenty-one years of age;</li> <li>(iv) Legal hours of liquor sale and service;</li> <li>(v) Prohibited conduct by patrons and employees;</li> <li>(vi) Required signs in liquor licensed establishments;</li> <li>(vii) Minimum lighting requirements; and</li> <li>(viii) Administrative and criminal sanctions against liquor licensees and Class 12 and Class 13 permit holders.</li> </ul>
<p>(2) Requirements for a Class 13 server permit course</p>	<p>(a) The course of instruction must be at least one hour in length. The course may be by video or audio-visual presentation of not less than thirty minutes together with facilitation by an authorized provider or trainer, or a sixty-minute self-teaching video.</p> <p>(b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:</p> <ul style="list-style-type: none"> <li>(i) Recognizing and dealing with intoxicated persons;</li> <li>(ii) How to check identification;</li> <li>(iii) Employment of persons under twenty-one years of age;</li> <li>(iv) Legal hours of liquor sale and service;</li> <li>(v) Prohibited conduct by patrons and employees; and</li> <li>(vi) Administrative and criminal sanctions against licensees and Class 13 server permit holders.</li> </ul>
<p>(3) Requirements and guidelines for both Class 12 mixologist and Class 13 server permit courses</p>	<p>(a) At the beginning of each class, the trainer must give each student:</p> <ul style="list-style-type: none"> <li>(i) An enrollment agreement that clearly states the obligations of the trainer and student, refund policies, and procedures to terminate enrollment;</li> <li>(ii) A statement that says, "If you have questions, comments, or complaints about the program, please call the liquor control board" and includes the appropriate board telephone numbers; and</li> <li>(iii) A notice that students must complete the course in order to take the exam.</li> </ul> <p>(b) Students must complete [a] [the] written examination in the presence of the certified trainer that demonstrates the student is familiar with the liquor laws and rules outlined in subsections (1) and (2) of this rule. During the examination, trainees may not refer to any written or video material or have</p>

	<p>a discussion with another person during the exam (unless the instructor authorizes the student to use an interpreter):</p> <p>(e) Providers or trainers may not suggest that the state of Washington, the board, or any state agency endorses or recommends the provider's program to the exclusion of any other program:))</p>
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Class 12 and 13 training courses shall have the standards and requirements as stipulated in RCW 66.20.320 and in this section.

(1) Subjects. Each class 12 or 13 training course and accompanying workbook shall include:

- (a) Those subjects listed in RCW 66.20.320;
- (b) Washington state liquor laws and regulations;
- (c) Employment of persons under twenty-one years of age;

- (d) Legal hours of liquor sale and service;
- (e) Prohibited conduct by patrons and employees;
- (f) Required signs in liquor-licensed establishments;
- (g) Minimum lighting requirements; and
- (h) Administrative and criminal sanctions against liquor licensees and permit holders, including permit suspension for delinquent child support payment.

(2) Administrative materials. Before beginning a class 12 or 13 training course, each student shall receive:

- (a) An enrollment agreement that clearly states the obligations of a trainer and a student, refund policies, and procedures to terminate enrollment;
- (b) A statement that says, "If you have questions, comments or complaints about the program, please contact the Liquor Control Board," and includes the appropriate board contact information; and
- (c) A notice that students must complete the entire training course before taking the standardized exam.

(3) A provider or trainer is prohibited from stating or implying that the state of Washington, the board or any other state agency endorses or recommends one provider's program over another's program.

(4) Student evaluation of training course. A student evaluation for each in-person or on-line training course is required. A trainer shall provide a separate course evaluation form to each student enrolled in an in-person training course, and a form shall include the board's contact information.

(5) Exams. Exams shall be administered following each class 12 or 13 training course.

- (a) An exam must demonstrate a student's familiarity with all of the subjects listed in subsection (1) of this section.
- (b) A student may not refer to any written, video or on-line material, or have an in-person or on-line discussion with another person, during an exam. However, a trainer may allow a student to use an interpreter.

(c) The standardized exam shall have a minimum passing grade of eighty percent unless otherwise stipulated from the board.

(6) On-line training courses. The board allows class 12 and 13 on-line training courses subject to additional requirements.

(a) A provider must take extra measures to ensure the identity of each student. Mandatory extra measures include

obtaining the log-in and log-off times (see WAC 314-17-085). Other ways to prevent fraudulent test taking may include, but are not limited to:

(i) Allowing a student to access an examination only once per training course;

(ii) Discontinuing an examination if it stays idle for thirty minutes or more or if another program is accessed; or

(iii) Asking each student personal identifying questions.

(b) A trainer shall be available to answer questions during standard business hours via the internet, telephone or some other method.

(7) **Length of class.** Excluding exam time, a class 12 training course shall be at least three hours in length, and a class 13 training course shall be at least one hour in length.

(8) **Presentation method.** The presentation method may be an in-class or on-line video.

(9) **Student workbook.**

(a) A student workbook must contain accurate, current, and complete information.

(b) A provider must update student workbooks and other training course material within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(c) The board may establish additional workbook standards or requirements as the board deems necessary.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-065 How does a provider receive certification for its trainers?** (1) ~~To ((receive board certification for trainers to teach a course approved by the board, the provider must submit a form provided by the board to the board's licensing and regulation division.~~

~~(2) The provider will only contract with trainers who:~~

~~(a) Have a minimum of two years of post-secondary education in one or more of the following fields or a combination of the following fields, or equivalent years of experience)) certify one of its trainers, a provider must complete a form provided by and returned to the board.~~

~~(2) A provider will contract only with a trainer who:~~

~~(a) Has a minimum of two years of post-secondary education in, or equivalent years of work experience in, one or more of the following fields:~~

~~(i) Training;~~

~~(ii) Education;~~

~~(iii) Law;~~

~~(iv) Law enforcement;~~

~~(v) Substance abuse rehabilitation; ((and/or~~

~~(vi) Hospitality industry.~~

~~(b) Hold a Class 12 mixologist permit; and~~

~~(c) Meet the criminal history requirements outlined in WAC 314-17-070.~~

~~(3) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years.~~

~~(4) Prior to receiving certification, the applicant trainer must attend either:~~

~~(a) A board approved train-the-trainer course provided by the MAST provider; or~~

~~(b) A briefing conducted by a liquor control board enforcement officer. Proof of the training must be submitted with the trainer registration form.~~

~~(5) The board's licensing and regulation division will respond to the request for trainer certification within thirty days of receipt of the request. The board will either:~~

~~(a) Issue a letter to the provider and each trainer that authorizes the trainer(s) to teach the approved course (the trainer's authorization expires on the date the provider's certification expires); or~~

~~(b) Send a letter to the provider outlining why an applicant trainer does not meet the qualifications outlined in this title.~~

~~(c) Trainers may not begin training certified alcohol server education courses until they receive their authorization letter from the board.~~

~~(d) Trainers must teach the provider's program as approved and may not change the method of presentation or course content without approval from the provider and the liquor control board's mandatory alcohol server training program manager.~~

~~(6) It is the responsibility of the approved provider to keep the board's licensing and regulation division informed of all current trainers.~~

~~(a) The provider must notify the board's licensing and regulation division within seventy-two hours of the termination of a trainer, or within seventy-two hours of when the provider is notified that a trainer has terminated his/her employment.~~

~~(b) For the hiring of new trainers, the provider can either:~~

~~(i) Notify the board's licensing and regulation division in writing of any new trainers within thirty days of the date of hire; or~~

~~(ii) Provide a list of all current trainers to the board's licensing and regulation division monthly.) or~~

~~(vi) Hospitality industry;~~

~~(b) Holds a class 12 permit;~~

~~(c) Meets the criminal history requirements (see WAC 314-17-070); and~~

~~(d) Meets the continuing education requirements (see WAC 314-17-050).~~

~~(3) The board may consider any information pertaining to a trainer's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history (see WAC 314-17-070), administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a trainer's certification.~~

~~(4) The board will respond to a request for trainer certification within thirty calendar days of receipt of a request, and then will either certify an applicant trainer or explain why an applicant trainer fails to meet the qualifications.~~

~~(5) A trainer may not begin to teach a training course until a trainer receives his or her certification from the board.~~

(6) A trainer must teach a provider's training program in its entirety as approved, and may not change the method of presentation or course content without approval from a provider and the board.

(7) It is the responsibility of a provider to keep the board informed of its current trainers. In this effort, a provider must notify the board within seventy-two hours of the termination of a trainer, or within seventy-two hours of when a provider is notified that a trainer has terminated his or her employment.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?**

(1) The ((board's licensing and regulation division may conduct a criminal history check on a person applying to be an alcohol server education trainer, using the point system below. The application may be denied if the applicant's criminal history totals eight or more points)) board may investigate the criminal history of a person applying for trainer certification. The board may also use a point system and deny an application if an applicant's criminal history totals eight or more points. Points are set as follows:

Description	Time period during which points will be assigned	Points the board will assign
<del>((Gross misdemeanor))</del> <u>Felony conviction</u>	<del>((Three))</del> <u>10</u> years	<del>((5))</del> <u>12</u> points
<del>((Misdemeanor conviction – involving alcohol))</del> <u>Currently under federal or state supervision for a felony conviction</u>	<del>((Three years))</del> <u>n/a</u>	<del>((4))</del> <u>8</u> points
<del>((Misdemeanor conviction – not involving alcohol))</del> <u>Gross misdemeanor conviction</u>	<del>((Three))</del> <u>3</u> years	<del>((3))</del> <u>5</u> points
Driving under the influence conviction	<del>((Three))</del> <u>3</u> years	5 points
<del>((Reckless and/or negligent driving conviction – alcohol-related))</del> <u>Misdemeanor conviction</u>	<del>((Three))</del> <u>3</u> years	<del>((5))</del> <u>4</u> points
<del>((Reckless and/or negligent driving conviction – not alcohol-related))</del> <u>Nondisclosure of any of the above</u>	<del>((Three years))</del> <u>n/a</u>	4 points
<del>((Hit and run, attended – conviction</del>	Three years	5 points
<del>Two to five failures to appear for court conviction</del>	Three years	4 points
<del>Six or more failures to appear for court conviction</del>	Three years	8 points
Felony conviction	Five years	12 points
On parole from a felony	n/a	8 points
Nondisclosure of information requested by the board	n/a	4 points each, PLUS the points of the fact which was not disclosed

Description	Time period during which points will be assigned	Points the board will assign
Misrepresentation of fact to the board	n/a	8 points, PLUS the points of the fact which was not disclosed))

(2) ~~For pending criminal charges that would score eight or more points in the event of conviction, the ((board's licensing and regulation division will hold the trainer's application pending disposition of the matter. If the matter is not resolved within ninety days, the board will withdraw the application.~~

~~(3) A person whose application to become an alcohol server education trainer is denied by the licensing and regulation division due to a criminal history may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). At the board's discretion it may elect to conduct the adjudicative hearing itself or it may assign the matter to the office of administrative hearings)) board shall postpone its approval or denial decision pending disposition of the matter. If the matter remains unresolved after ninety calendar days, the board will withdraw an application.~~

~~(3) Appeal rights. See WAC 314-17-115.~~

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-075 How does a provider ~~((or trainer))~~ get class 12 ~~((mixologist and Class 13 server permits to issue to course participants))~~ or 13 permit forms? ~~((1) Authorized providers and trainers of certified programs may order Class 12 mixologist and Class 13 server training permits from the board's licensing and regulation division, to issue to students who successfully complete an approved course (see WAC 314-17-080(3) regarding eighteen, nineteen, and twenty year old students who complete a Class 12 mixologist course).~~**

~~(2) The permits must be ordered on a form provided by the board. The board will charge a nominal fee in order to cover its costs to produce the permits.)~~ A provider (or a trainer with authorization from a provider) may purchase class 12 or 13 permit forms by submitting an order form to the board.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-080 What ~~((are the age requirements for trainees to receive, and trainers to issue, Class 12 mixologist and Class 13 server permits))~~ should a provider or a trainer do when a class 12 or 13 permit is issued in error?** (1) ~~((Class 12 mixologist permits are only issued to persons twenty one years of age or older. Therefore, any person who is eighteen, nineteen, or twenty years of age who successfully completes a Class 12 mixologist course will be issued a Class 13 server permit.~~

~~(2) Class 13 server permits may only be issued to persons eighteen years of age and older.~~

(3) Upon turning twenty-one years of age, a Class 13 server permit holder may receive an upgraded Class 12 mixologist permit from the provider or trainer who issued the permit. The expiration date of the permit will remain five years from the date of the class.

(4) If a provider or trainer issues a class 12 (~~mixologist~~) permit in error to a (~~person~~) student under twenty-one years of age, (~~the~~) a provider or trainer must (~~take the following steps:~~) initiate corrective actions within one business day of discovery of an error.

(a) Contact (~~the permit holder~~) a student and notify (~~him/her~~) him or her that (~~the~~) a permit was issued in error(~~:~~).

(b) Retrieve the original class 12 (~~mixologist~~) permit from (~~the permit holder; and~~) a student.

(c) Issue (~~the correct~~) a class 13 (~~server~~) permit (~~only after receiving the original Class 12 mixologist permit that was issued in error~~) provided that a student is at least eighteen years of age.

(d) (~~Within thirty days of the date the permit was issued in error, or of being notified by the board of the error, the provider or trainer must:~~

(i)) Provide the tear-off portion of (~~the~~) a corrected class 13 (~~server~~) permit to the (~~board's licensing and regulation division; or~~) board.

(ii)) If unable to contact (~~the permit holder~~) a student and issue a corrected permit, (~~the~~) a provider or trainer (~~can provide the board's licensing and regulation division~~) must provide the board with proof that a certified letter was sent to (~~the trainee~~) a student who received (~~the~~) a class 12 (~~mixologist~~) permit in error.

(5) (2) If a provider or trainer issues a class 13 (~~server~~) permit in error to a (~~person~~) student under eighteen years of age, (~~the~~) a provider or trainer must (~~take the following steps:~~) initiate corrective actions within one business day of discovery of the error.

(a) Contact (~~the permit holder~~) a student and notify (~~him/her~~) him or her that (~~the~~) a class 13 permit was issued in error.

(b) Retrieve (~~the original~~) a class 13 (~~server~~) permit from (~~the permit holder~~) a student.

(i)) If unable to contact (~~the permit holder~~) a student and retrieve (~~the~~) an invalid class 13 permit, (~~the~~) a provider or trainer must provide the (~~board's licensing and regulation division~~) board with proof that a certified letter was sent to (~~the trainee informing the trainee the~~) a student informing him or her that a class 13 permit was issued in error and that serving liquor with (~~the~~) an unauthorized permit may be cause for a criminal citation.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-085 What records (~~does the~~) must a provider or trainer (~~need to provide~~) submit to the board or keep on file?** (1) A (~~list of the individuals receiving the class 12 or class 13 permits must be forwarded to the board's licensing and regulation division within three calendar days of the completion of the class.~~

(2) Within thirty days of all training classes, the provider or trainer must give all class participants who successfully pass the exam their permit and submit the tear-off portion of the permit form, completed in full, for all Class 12 and/or Class 13 permits issued to the board's licensing and regulation division.

(3) ~~The following information must be kept at the trainer's place of business, available for inspection and copying by board employees, for a period of five years:~~

(a) ~~Copies of all Class 12 and/or Class 13 permits issued by the provider or authorized trainers (electronic records may be kept in lieu of hard copies of the permit forms for those programs using an automatic upload process); and~~

(b) ~~All course presentation information, including the location, date, and time of every class given, together with the names of the trainer and names of students that attended each class.~~

(4) ~~The provider or trainer must provide the following information to the board or its designee upon request:~~

(a) ~~Advance notice of any classes that have been pre-scheduled; and~~

(b) ~~Copies of program publications, brochures, pamphlets, scripts, or any other advertising materials related to the alcohol server training course~~) provider (or a trainer on a provider's behalf) shall submit a list of students receiving class 12 or 13 permits, along with additional training course information, to the board within thirty calendar days of completion of each training course. Training course information shall be submitted using a format supplied or stipulated by the board.

(2) Within thirty calendar days of a student completing a class 12 or 13 training course and passing the standardized exam, a provider (or a trainer on a provider's behalf) must:

(a) Issue a class 12 or 13 permit to a student; and

(b) Submit a session roster showing each student's name and assigned permit number in a format supplied by the board; and

(c) Submit the tear-off portion of a fully completed class 12 or 13 permit form to the board.

(3) A provider must keep certain records and information at its place of business for a period of five years. Records and information must be available for board inspection, and they shall include:

(a) A session roster showing the student information and assigned permit number of each student who successfully completes an on-line or in-person training course, and the date and time of completion;

(b) The permit number for any voided permit;

(c) All presentation information for each training course;

(d) Each student's examination answers; and

(e) The log-in and log-off times.

(4) A provider (or a trainer on a provider's behalf) must provide the following information to the board upon request:

(a) Advance notice of any prescheduled training courses;

(b) Copies of program publications, brochures, pamphlets, scripts or any other advertising materials related to a training course; and

(c) Documentation that verifies a trainer's attendance at a continuing education conference or workshop (see WAC 314-17-050).

(5) The board may stipulate which format or program a provider may use for recordkeeping.

**(6) Securing records and information.**

All training course records that contain information about a student must be secured and maintained in accordance with industry standards at a minimum.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-090 Prohibited conduct by providers and trainers.** No provider or trainer ~~((will:~~

(1) Make any material false or misleading statement to induce or prevent board actions;

(2) Falsify, alter, or tamper with alcohol server training permits or records;

(3) Prohibit or interfere with on-site observations by the board or its staff, or fail to assist the board or its staff) shall:

(1) Make any false material statement or misleading statement to induce or prevent board action;

(2) Falsify, alter or tamper with any material or records associated with a training program, training course or class 12 or 13 permit; or

(3) Prohibit or interfere with on-site observation by the board or fail to assist the board in scheduling ~~((these))~~ an observation~~((s)).~~

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-095 ~~((Is the provider responsible for the acts of its trainers?))~~ What must a provider do when a trainer violates a liquor law or regulation?** (1) The board may hold a provider responsible ~~((for any act or omission of the provider's program personnel, authorized trainers, or representatives that violates any law or rule affecting provider privileges.~~

(1) If a provider discovers a trainer has not complied with a provision of the alcohol server training requirements, the provider must contact the board's mandatory alcohol server training manager within five calendar days.

(2) The provider must submit an action plan to the board's mandatory alcohol server training program manager within ten calendar days. The action plan must include corrective action that will be taken to ensure compliance with liquor control board laws and rules) when any of its trainers, authorized personnel or representatives violate any state liquor law or regulation affecting provider privileges whether through a specific action or through an act of omission.

(2) When a trainer fails to comply with a provision of the alcohol server education program requirements, a provider must:

(a) Correct a violation immediately;

(b) Notify the board of discovery as soon as possible, but no later than five calendar days following discovery; and

(c) Create an action plan to prevent further violations and submit that plan to the board within ten calendar days of discovery.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-100 What are the penalties ~~((if))~~ when a provider or a trainer violates a liquor law or regulation?** ~~((Following are the penalties for a provider or trainer that violates any of the provisions of RCW 66.20.300 through 66.20.350 or any of the requirements of chapter 314-17 WAC (except for providers with temporary certification, see WAC 314-17-055(4)).))~~ The board may suspend or revoke a provider or trainer certification if a provider or a trainer violates any of the provisions of RCW 66.20.300 through 66.20.350 or of chapter 314-17 WAC or if the board determines that immediate suspension or revocation is in the public interest. The board may also penalize a provider or trainer as follows:

(1) First violation	<p>(a) <del>((The provider or trainer will receive a notice of intended suspension/revocation))</del> <u>A provider or a trainer will receive a notice of intended suspension or revocation of the board's certification or authorization.</u></p> <p>(b) <del>((This notice will give the provider and/or trainer thirty days to correct any violations.))</del> <u>A provider or a trainer will correct any violation as soon as possible, but no later than thirty calendar days following receipt of a notice of intended suspension or revocation.</u></p> <p>(c) <del>If ((the)) a violation or problem is rectified, no further action will be taken.</del></p>
(2) First violation <del>((not resolved and/or))</del> <u>unresolved or second violation occurs within a three-year period</u>	<p>(a) <del>The board will suspend ((its approval and certification of the provider and/or trainer))</del> <u>a provider's or a trainer's certification</u> for up to six months.</p> <p>(b) A monetary penalty of up to five hundred dollars may be imposed in lieu of suspension.</p> <p>(c) Prior to lifting <del>((the))</del> a suspension or accepting a monetary penalty, <del>((the))</del> a provider <del>((and/or))</del> a trainer must correct the problem(s) <del>((which))</del> <u>that caused ((the)) a proposed suspension.</u></p>
(3) Successive violations within a <del>((two-year))</del> <u>three-year period</u>	The board may cancel or suspend the approval <del>((and)),</del> certification <u>or both,</u> of <del>((the))</del> a provider <del>((and/or))</del> a trainer for up to five years.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-105 What are the penalties ((#)) when a permit holder violates a liquor law or ((rule)) regulation?**  
 (((+))) Penalties assessed for violations within a three-year period will normally be as follows:

<b>Violation Type</b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd Violation</b>	<b>4th Violation</b>
AFTER HOURS: Selling, serving((;)) or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC 314-11-070.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit ((permit))
DISORDERLY CONDUCT: Disorderly conduct by ((the)) a licensee or employee, or allowing patrons to engage in disorderly conduct. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
FALSIFICATION OF PERMIT: Falsifying a class 12 or ((class)) 13 permit or possessing a class 12 or ((class)) 13 permit contrary to this title. See RCW 66.20.310 ((2)) and WAC 314-17-025.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC 314-11-035.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
LEWD CONDUCT: Allowing lewd conduct on the licensed premises. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MISCELLANEOUS: Violation of other retail liquor laws or ((rules)) regulations.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC 314-11-020((+)).	5-day permit suspension OR \$200 monetary option	10-day permit suspension OR \$400 monetary option	30-day permit suspension OR \$((600)) 500 monetary option	Revocation of permit
MINORS: Allowing a person((s)) under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC 314-11-020((2)).	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OTHER VIOLATION OF LAWS: Conviction of liquor laws, ((DUI)) driving under the influence or felony.	5-day permit suspension OR \$100 monetary option	Revocation of permit		
PERMIT: Failure to produce permit ((and/or ID)) or identification upon request. See RCW 66.20.310((2)) and 66.20.180.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-110 ((Can)) May the board impose sanctions or penalties other than those ((indicated)) described in WAC 314-17-105?** (1) Based on aggravating or mitigating circumstances, the board may impose a different penalty or suspension than the standard penalties and suspensions ((outlined)) described in WAC 314-17-105.

(2) Examples of aggravating and mitigating circumstances include, but are not limited to:

(a) Examples of aggravating circumstances <u>that may cause a more severe penalty:</u>	(b) Examples of mitigating circumstances <u>that may allow a less severe penalty:</u>
<ul style="list-style-type: none"> <li>• Patron's identification not checked;</li> <li>• Noncooperation with or ((obstructing)) <u>obstruction of any law enforcement officer;</u></li> <li>• Permit holder did not call law enforcement officer when requested by a customer or a board employee.</li> </ul>	<ul style="list-style-type: none"> <li>• Permit holder checked one of the acceptable forms of identification ((per)) <u>see RCW 66.16.040;</u></li> <li>• Cooperation with law enforcement officer(s);</li> <li>• Permit holder used a licensee certification card (see RCW 66.20.190).</li> </ul>

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-115 ((Can a Class 12 or Class 13 permit holder work on a licensed premises while his/her permit is suspended?)) Appeal rights.** ((1) During a suspension period, permit holders may work on a liquor licensed premises provided they are not involved in any way in the sale or service of alcohol.

(2) No permit is required to be a cashier, receptionist, cook, or custodian.) Any person whose class 12 or 13 permit, trainer certification or provider certification is denied, revoked or suspended may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). The board may conduct an adjudicative hearing itself or refer the matter to the office of administrative hearings.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 314-17-055 Temporary certification as a provider.

**WSR 10-06-123  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed March 3, 2010, 12:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-01-034 on December 7, 2009.

Title of Rule and Other Identifying Information: Wildlife interaction rules, chapter 232-36 WAC.

Hearing Location(s): Best Western Icicle Inn, 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on April 9-10, 2010, at 8:00 a.m.

Date of Intended Adoption: May 7, 2010.

Submit Written Comments to: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2162, by Wednesday, March 24, 2010.

Assistance for Persons with Disabilities: Contact Susan Yeager by April 5, 2010, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this new chapter is to implement legislation passed in 2009 establishing by rule the conditions and criteria for compensation for property damage from wildlife.

Reasons Supporting Proposal: The new chapter establishes the criteria for landowners to get compensation and services from the state for wildlife damage, increases property owner flexibility, encourages the use of preventative measures, and clarifies priorities and assistance available to address property damage.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

**1. Description of the Reporting, Record-Keeping, and Other Compliance Requirements of the Proposed Rule:** Anyone filing a claim with the Washington department of fish and wildlife (WDFW) for cash compensation for commercial crop damage caused by wild deer or elk must:

- Notify the department within seventy-two hours of discovery of crop damage and at least seventy-two hours prior to harvest of the claimed crop;
- Submit a complete, written claim within sixty days of when the damage stops;

- File one claim per year. Operations involving multiple partners must designate a "primary grower" to receive payment from the department;
- Sign the claim form declaration, affirming that the information provided is factual and truthful per the certification set out in RCW 9A.72.085; and
- Provide:
  - A copy of applicant's Schedule F of Form 1040, Form 1120, or other applicable forms filed with the Internal Revenue Service indicating the applicant's gross sales or harvested value of commercial crops for the previous tax year;
  - The assessment method used consistent with WAC 232-36-120, valuation of property damage;
  - Proof of ownership of claimed commercial crops or contractual lease of claimed commercial crops consistent with department procedural requirements for submission of documents;
  - Written documentation of approved methodology used to assess and determine final crop loss and value;
  - Records documenting average yield on claimed crop and parcel, certified yield reports, production reports and certified third-party weight certificates completed at the time weighed for claimed year, and other applicable documents that support yield loss and current market price. Current market price will be determined less transportation and cleaning costs when applicable;
  - A declaration signed under penalty of perjury as provided in RCW 9A.72.085, indicating that the applicant is eligible for the claim, meets eligibility requirements listed under this section, and that all claim evaluation and assessment information in the claim application is to the best knowledge of the claimant true and accurate;
  - A copy of the insurance policy and payment on the commercial crop where loss is claimed; and
  - A copy of application for other sources of loss compensation and any payment or denial documentation.

Anyone filing a claim with WDFW for cash compensation for livestock losses caused by wild bear, cougar, or wolves must:

- Notify the department within twelve hours of discovery of livestock attack;
- Provide access to department staff or designees to investigate the cause of death or injury to livestock;
- Request a damage claim application from the department's Olympia office within ten days of a loss;
- Submit a complete, written claim to the department within sixty days of an attack on commercial livestock;
- Sign the claim form declaration, affirming that the information provided is factual and truthful; and
- Provide:
  - A copy of applicant's Schedule F of Form 1040, Form 1120, or other applicable forms filed with the Internal Revenue Service indicating the applicant's gross sales or value of commercial livestock for the previous tax year;

- Proof of legal ownership or contractual lease of claimed livestock;
- Records documenting livestock value based on current market price;
- A declaration signed under penalty of perjury indicating that the applicant is eligible for the claim, meets eligibility requirements listed under this section, and all claim evaluation and assessment information in the claim application is to the best knowledge of the claimant true and accurate;
- A copy of any insurance policy covering livestock loss claimed; and
- A copy of applications for other sources of loss compensation and any payment or denial documentation.

Wildlife control operators (WCOs) must:

- Complete the WCO certification course;
- Pay \$50 per certification;
- Be at least eighteen years old;
- Have the equipment, knowledge, and ability to control the wildlife species causing the conflict;
- Be legally eligible to possess a firearm and be without a felony or domestic-violence conviction;
- Not have a gross-misdemeanor fish and wildlife conviction within the past five years; and
- Submit a complete annual report of all control activity on or before the 15th day of January each year.

**2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements:** Applicants for claims of commercial crop damage are responsible for hiring assessors to establish the amount (quantity) of the damage and the value of the damage. Applicants for claims of livestock losses must pay WDFW and/or federal officials to assess the amount and value of commercial livestock loss.

Owners of commercial crops and commercial livestock may need to hire WCOs to try to employ preventive nonlethal and lethal means to prevent damage. Owners of commercial crops and commercial livestock may need to hire professional fence installers to help install fencing materials provided by WDFW to keep wildlife out of crops and away from commercial livestock. Some small businesses may need to hire bookkeepers or accountants to assist with required paperwork.

**3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** This is hard to estimate because some businesses may not have to hire bookkeepers, accountants, WCOs, or fence installers because they can do this work themselves. Some small businesses may have friends or family who are qualified crop adjusters licensed by both the state and federal government, so these businesses won't have to pay for crop assessment or may get a discount.

Assuming, however, that a small business must pay for all of these things, costs may average the following:

- Crop assessment: \$70/hr. for 3-4 hours.
- Bookkeepers/Accountants: \$70-\$100/hr. for 3-4 hours.
- WCOs: These range from \$50-\$100 hr., to \$50-\$500 per job.

- Fencing: \$14/ft. for installation; average fence is 10-ft. tall and 3/4-1 mile long.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** No. The intent of these rules is to help businesses avoid crop and livestock losses in the first place, and compensate them if they take appropriate steps but experience losses anyway. If businesses follow the procedures in these rules, they should not lose sales or revenue.

**5. Cost of Compliance for the Ten Percent of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules, Using One or More of the Following as a Basis for Comparing Costs:**

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

Larger commercial growers will experience more costs than smaller growers for things like fence installation, crop assessment, WCOs, and bookkeeping/accounting, but the reason for this is that they have a larger land mass, more trees or plants, or more livestock. Their cost per hour of labor or per one hundred dollar[s] of sales has little correlation to the costs of complying with these rules, especially since these rules are designed to help businesses avoid crop and livestock losses.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses, or Reasonable Justification for Not Doing So:** The department works closely with commercial crop and livestock growers to deter wildlife that cause damage so that the growers experience fewer losses. Costs that growers incur as a result of these rules are reasonable, considering the benefits. For example, WDFW provides fencing to commercial growers who request it, which is very costly. Therefore, it is reasonable to require the grower to install the fence himself/herself, or pay to have someone else do it, if the fencing will keep wildlife out of the crops and prevent damage.

**7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule:** The department has collaborated on an ongoing basis with commercial growers and livestock owners to develop rules that are fair to everyone but that also help to deter abuses. WDFW will notify commercial growers and livestock owners of the opportunity to comment on these rules and to continue collaborating on changes.

**8. A List of Industries That Will Be Required to Comply with the Rule:** Growers of commercial crops and livestock; and wildlife control operators.

A copy of the statement may be obtained by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail [lori.preuss@dfw.wa.gov](mailto:lori.preuss@dfw.wa.gov).

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

March 3, 2010  
Lori Preuss  
Rules Coordinator

## Chapter 232-36 WAC

### WILDLIFE INTERACTION REGULATIONS

#### NEW SECTION

**WAC 232-36-010 Introduction.** The Washington department of fish and wildlife's (department) primary responsibility is to preserve, protect, perpetuate, and manage the fish and wildlife species of the state (RCW 77.04.012). The department promotes conservation of fish and wildlife, while providing fishing, hunting, fish and wildlife viewing, and other outdoor recreational opportunities compatible with healthy, diverse, and sustainable fish and wildlife populations. (RCW 77.04.012, 77.04.020, and 77.04.055.)

#### NEW SECTION

**WAC 232-36-020 Purpose.** Public support for the recovery and management of healthy wildlife populations is an important aspect of wildlife conservation. Support for wildlife can diminish with negative interactions and damage to private property. The intent of the department is to provide technical advice and assist property owners to prevent and mitigate damages caused by wildlife. Compensation may be necessary in situations where preventative measures are not successful or when circumstances, outside the control of the private property owner, impede resolution of negative wildlife interactions.

#### NEW SECTION

**WAC 232-36-030 Definitions.** Definitions used in rules of the fish and wildlife commission are defined in RCW 77.08.010 and the definitions for wildlife interactions are defined in RCW 77.36.010. In addition, unless otherwise provided, the following definitions are applicable to this chapter:

"Act of damaging" means that private property is in the process of being damaged by wildlife and the wildlife are on the private property containing commercial crops, pasture, or livestock.

"Big game" means those animals listed in RCW 77.08.-030.

"Claim" means an application to the department for compensation under this chapter.

"Claimant" means owner of commercial crop or livestock who has filed a wildlife damage claim for cash compensation.

"Commercial crop" means a commercially raised horticultural and/or agricultural product and includes the growing or harvested product, but does not include livestock, forest land, or rangeland. For the purposes of this chapter, Christmas trees and managed pasture grown using agricultural methods (e.g., planted, fertilized, irrigated), and all parts of horticultural trees shall be considered a commercial crop and shall be eligible for cash compensation.

"Commercial livestock" means cattle, sheep, and horses held or raised by a person for sale.

"Compensation" means a cash payment, materials, or service.

"Completed written claim" means all information required on department crop or livestock damage claim form is supplied and complete to include all supplemental information and certifications required to process the claim.

"Damage" means economic losses caused by wildlife interactions.

"Damage claim assessment" means department approved methods to evaluate crop loss and value caused by deer or elk damage to commercial crop or livestock losses and value caused by bear, cougar, or wolves.

"Eligible farmer" means owner satisfies the definition of eligible farmer pursuant to RCW 82.08.855 (4)(b)(i) through (iv).

"Emergent" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, or fowl.

"Game animal" means wild animals that shall not be hunted except as authorized by the commission.

"Immediate family member" means spouse, state registered domestic partner, brother, sister, grandparent, parent, child, or grandchild.

"Immediate threat of physical harm" means animal to human bodily contact is imminent; the game animal is in close proximity to the human; and the animal is in attack posture/mode.

"Owner" means a person who has a legal right to commercial crops, commercial livestock, or other private property that was damaged during a wildlife interaction.

"Physical act of attacking" means actual or imminent animal to human physical contact.

"Public hunting" means owner satisfies public hunting defined in WAC 232-36-300.

"Wild animal" means those species of the class Mammalia whose members exist in Washington in a wild state.

"Wildlife interaction" means the negative interaction and the resultant damage between wildlife and commercial crops, commercial livestock, or other property.

#### NEW SECTION

**WAC 232-36-040 Wildlife/human interaction and conflict resolution for private property damage other than commercial crop and livestock.** The department is the primary source for property owners seeking to determine legal and effective remedies for addressing wildlife interactions. Protection of property using nonlethal techniques is the primary response encouraged by the department. Harassment and/or lethal removal may also be important techniques to protect human safety or to protect property. The following criteria describe the compensation available to protect property that does not qualify under commercial crop or livestock damage:

(1) Unless specifically appropriated by the legislature, cash compensation will not be provided to property owners by the department.

(2) Compensation will be prioritized in the following order:

(a) Property prioritization:

(i) Private property that is primarily designed for public use, where there is a human safety risk not addressed by other entities.

(ii) Private property that directly contributes to commercial crop or livestock production.

(iii) Private property used for other business purposes.

(iv) Public property.

(v) Residential property.

(vi) Recreational property.

(b) Species prioritization:

(i) Damages caused by wildlife listed as endangered, threatened, sensitive, or categories of concern by the state or federal government.

(ii) Damages caused by big game animals.

(iii) Other federal and state protected species.

(iv) Other wildlife species except unclassified species and predatory birds.

(3) The department may make agreements with private landowners to prevent property damage which may include the use of:

(a) Best management practices to reduce risk of private property damage;

(b) Scare or hazing materials;

(c) Fencing materials;

(d) Volunteers referred by the department for hazing, fence repair, etc; and

(e) Lethal removal options.

(4) Private property owners must utilize nonlethal abatement techniques prior to requesting other compensation from the department or before utilizing lethal techniques as required in WAC 232-36-050.

(a) Use of nonlethal techniques must be documented consistent with procedures and requirements established by the department.

(b) Evidence of damage (e.g., photographs) must be provided by the property owner.

(c) Property owner must comply with reporting requirements of the department.

(5) Wildlife may not be captured and transported or relocated off the owner's property (parcel where damage occurred) unless:

(a) Authorized by rule of the commission; or

(b) By written permit from the department and the owner of the damaged private property.

(c) Property is in compliance with department rules, permits, and reporting requirements.

(6) The department will establish written procedures for assisting private property owners using the criteria and priorities provided in this rule. The procedures will include enlistment of partners and volunteers through agreements, permits, and incentives to help mitigate wildlife interactions.

#### NEW SECTION

**WAC 232-36-050 Killing wildlife for personal safety or for causing private property damage.** The fish and wildlife commission is authorized to classify wildlife as game, endangered, protected, or as a predatory bird consistent with RCW 77.08.010 and 77.12.020. The commission is also authorized, pursuant to RCW 77.36.030, to establish the lim-

itations and conditions on killing or trapping wildlife that is threatening human safety or causing property damage.

The conditions for killing wildlife vary, based primarily on the classification of the wildlife species, the imminent nature of the threat to personal safety or damage to private property, the type of private property damage, and the preventive and nonlethal methods employed by the person prior to the safety or damage event. Additional conditions defined by the department may also be important depending on individual situations. Killing wildlife for personal safety or to address private property damage is subject to all other state and federal laws including, but not limited to, Titles 77 RCW and 232 WAC.

(1) Killing wildlife for personal safety.

(a) It is permissible to kill wild animals engaged in the physical act of attacking a person.

(b) It is permissible to kill game animals posing an immediate threat of physical harm to a person.

(2) Killing wildlife causing damage to a commercial crop or commercial livestock.

(a) It is permissible to kill unclassified wildlife, predatory birds, and big game animals that are in the act of damaging commercial crops or livestock, under the following conditions:

(i) Unclassified wildlife and predatory birds (defined in RCW 77.12.020) that are in the act of damaging commercial crops or livestock may be killed with the express permission of the owner at any time on private property, to protect commercial crops or livestock.

(ii) An individual (one) big game animal may be killed while it is in the act of damaging commercial crops or livestock if the owner has a valid, written damage prevention agreement with the department.

(iii) Multiple big game animals may be killed while they are in the act of damaging commercial crops or livestock if the owner is issued a kill permit by the department.

(iv) A damage prevention agreement or kill permit must include: An approved checklist of the reasonable preventative and nonlethal means that must be employed; a description of the properties where lethal removal is allowed; the species and sex of the animal that may be killed; the terms of the agreement/permit; the dates when lethal removal is authorized; who may kill the animal(s) and other conditions developed within department procedural documents.

(b) It is unlawful to kill protected species (as defined in WAC 232-12-011) or endangered species (as defined in WAC 232-12-014) unless authorized by commission rule or with a permit from the department with the following additional requirements:

(i) Federally listed threatened or endangered species will require federal permits or federal authority, in addition to a state permit.

(ii) All migratory birds are federally protected and may require a federal permit or federal authority, in addition to a state permit.

(3) Killing wildlife causing damage or killing wildlife to prevent private property damage.

(a) Unclassified wildlife, predatory birds (as defined in RCW 77.12.020), and eastern gray squirrels may be killed with the express permission of the property owner at any

time, to prevent private property damage on private real property.

(b) Subject to subsection (7) of this section, the following list of wildlife species may be killed with the express permission of the owner, when causing damage to private property: Raccoon, fox, bobcat, beaver, muskrat, mink, river otter, weasel, hare, and cottontail rabbits.

(c) The department may make agreements with landowners to prevent private property damage by wildlife. The agreements may include special hunting season permits such as: Landowner damage prevention permits, spring black bear hunting permits, permits issued through the landowner hunting permit program, kill permits, and Master Hunter permits.

(d) Landowners are encouraged to allow general season hunters during established hunting seasons on their property to help minimize damage potential and concerns.

(4) Wildlife control operators may assist property owners under the conditions of their permit, as established in WAC 232-36-060.

(5) Tribal members may assist property owners under the conditions of valid comanagement agreements between tribes with off-reservation hunting rights and the department. Tribes must be in compliance with the agreements including, but not limited to, adhering to reporting requirements and harvest restrictions.

(6) Hunting licenses and tags are not required to kill wildlife under this section, except for subsection (3)(c) and (d) of this section; and tribal members operating under subsection (5) of this section are required to meet tribal hunting license, tag, and permit requirements.

(7) Except as specifically provided in a permit from the department or rule of the commission, people taking wildlife under this rule are subject to the laws and rules of the state including, but not limited to, those found in Title 77 RCW and Titles 220 and 232 WAC. Wildlife taken under this rule remains the property of the state and may be disposed of in the manner and under the conditions that follow:

(a) Wildlife taken under subsections (1) and (2)(b) of this section must be reported to the department within twenty-four hours, and the animal and all parts must be provided to the department or its designees.

(b) Wildlife taken under subsection (2)(a)(i) and (ii) of this section becomes the property of the private landowner and may be lawfully disposed consistent with state laws and rules including, but not limited to, Titles 77 RCW and 232 WAC.

(c) Wildlife taken under subsection (2)(a)(iii) of this section must be disposed of consistent with the conditions identified under the permit.

(d) Wildlife taken under subsection (3) of this section may be lawfully possessed by the owner, licensee, and/or permit holder. Possession of wildlife taken by tribal members is subject to the laws of their tribe and must be consistent with their agreement with the state.

#### NEW SECTION

**WAC 232-36-060 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions.** When the department deter-

mines that a wildlife interaction can be controlled by persons, political subdivisions of this state, or the United States, the director or his/her designee may issue wildlife control operator (WCO) permits for control of said wildlife.

- (1) Wildlife control operators shall:
  - (a) Be at least eighteen years of age;
  - (b) Have completed the WCO certification course;
  - (c) Have the equipment, knowledge, and ability to control the wildlife species causing conflict or property damage;
  - (d) Be legally eligible to possess a firearm and without a felony or domestic violence conviction including, but not limited to, chapter 9.41 RCW unless firearm possession rights have been restored; and
  - (e) Not have a gross misdemeanor fish and wildlife conviction within the last five years.
- (2) The enrollment fee for certification training/education provided by the department after July 1, 2010, shall be fifty dollars (RCW 77.12.184). This enrollment fee is waived for participants seeking certification, but do not charge a fee for their services.
- (3) Depending on certifications authorized by the department, wildlife control operators may use live traps to capture any animal causing an animal problem as that term is defined in chapter 77.15 RCW.
- (4) Depending on certification, wildlife control operators may only use body gripping traps in compliance with RCW 77.15.194.
- (5) Wildlife trapped under the authority of a wildlife control operator permit may not be released or disposed of without written consent of the property owner where the wildlife is to be released.
- (6) Wildlife control operators must submit a complete annual report of all control activity on the form supplied by the department. The report must be received or postmarked on or before the fifteenth day of January. Failure to submit a report may result in certification permit being revoked and future certifications suspended.
- (7) Wildlife control operator permits shall be revoked and future permits denied by the director or issuing authority when, in the judgment of the department:
  - (a) Information contained in the application was inaccurate or false;
  - (b) The permittee or person controlling wildlife fails to comply with department statutes or rules; or
  - (c) The person violates a trapping or other wildlife law.
- (8) If the certification permit is denied or revoked, the department shall provide the applicant, in writing, a statement of the specific reason(s) for the denial or revocation. The applicant may request an appeal in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days from the mailing date of the denial and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.
- (9) Wildlife control certification permits are valid for three years.
- (10) It is unlawful to trap, harass, or otherwise control wildlife on the property of another for a fee or other consideration without a wildlife control certification permit.

(11) The department may develop additional conditions and procedures to include training requirements from wildlife control operators consistent with this rule.

#### NEW SECTION

**WAC 232-36-100 Payment for commercial crop damage—Limitations.** Owners, who have worked with the department to prevent deer and elk damage, but continue to experience losses, may be eligible to file a damage claim and receive cash compensation from money appropriated by the legislature. Damages payable under this section are limited to the lost or diminished value of a commercial crop, whether growing or harvested, and shall be paid only to the owner of the crop at the time of damage, without assignment. Cash compensation for claims from deer and elk damage shall not include damage to other real or personal property, including other vegetation or animals, lost profits, consequential damages, or any other damages. The department is authorized to pay up to ten thousand dollars to the owner per claim.

Claims for cash compensation will be denied when:

- (1) The claim is for a noncommercial crop;
- (2) The owner of the commercial crop does not meet the definition of "eligible farmer" in RCW 82.08.855 (4)(b)(i) through (iv);
- (3) The loss estimate is less than one thousand dollars;
- (4) No claim will be processed unless the owner provides the department with an approved checklist of the preventative and nonlethal means that have been employed, and the owner has complied with the terms and conditions of his or her agreement(s) with the department;
- (5) An owner or lessee has accepted noncash compensation to offset crop damage in lieu of cash. Acceptance of noncash compensation will constitute full and final payment for crop damages within the growing season of the damaged crop;
- (6) Damages to the commercial crops claimed are covered by insurance or are eligible for payment from other entities. Any portion of the actual damage not covered by others is eligible for compensation from the department;
- (7) The property where the damage occurred was not open to public hunting consistent with WAC 232-36-300 for the species causing the damage, unless, as determined by the department, the property is inconsistent with hunting or hunting would not address the damage problem. This includes all properties owned or leased by the owner adjacent to, contiguous to, or in the vicinity of the property where crop damage occurred;
- (8) The crop is grown or stored on public property;
- (9) The owner or lessee fails to provide on-site access to the department or designee for inspection and investigation of alleged damage or to verify eligibility for a claim;
- (10) The owner has not provided a completed written claim form and all other required information, or met required timelines prescribed within WAC 232-36-110;
- (11) The owner fails to sign a statement affirming that the facts and supporting documents are truthful to the best of the owner's knowledge;

(12) The owner or designee has harvested commercial crops without an investigation completed under the direction of the department; or

(13) The department has expended all funds appropriated for payment of such claims for the current fiscal year.

#### NEW SECTION

**WAC 232-36-110 Application for cash compensation for commercial crop damage—Procedure.** Pursuant to this section, the department may distribute money appropriated by the legislature to pay commercial crop damage caused by wild deer or elk in the amount of up to ten thousand dollars per claim, unless following an appeal the department is ordered to pay more (see RCW 77.36.130(2)). The department shall develop claim procedures and application forms consistent with this section for cash compensation of commercial crop damage. Partnerships with other public and private organizations to assist with completion of applications, assessment of damage, and to provide funding for compensation are encouraged.

##### Filing a claim:

(1) Owners who have worked with the department to prevent deer or elk damage, yet who still experience loss and meet eligibility requirements, may file a claim for cash compensation.

(2) The claimant must notify the department within seventy-two hours of discovery of crop damage and at least seventy-two hours prior to harvest of the claimed crop.

(3) A complete, written claim must be submitted to the department within sixty days of when the damage stops.

(4) Owners may only file one claim per year. Multiple partners in a farming operation are considered one owner. Operations involving multiple partners must designate a "primary grower" to receive payment from the department.

(5) The claim form declaration must be signed, affirming that the information provided is factual and truthful per the certification set out in RCW 9A.72.085, before the department will process the claim.

(6) In addition to a completed claim form, an applicant must provide:

(a) A copy of applicant's Schedule F of Form 1040, Form 1120, or other applicable forms filed with the Internal Revenue Service indicating the applicant's gross sales or harvested value of commercial crops for the previous tax year.

(b) The assessment method used consistent with WAC 232-36-120, valuation of property damage.

(c) Applicant must provide proof of ownership of claimed commercial crops or contractual lease of claimed commercial crops consistent with department procedural requirements for submission of documents.

(d) Written documentation of approved methodology used to assess and determine final crop loss and value.

(e) Applicant must provide records documenting average yield on claimed crop and parcel, certified yield reports, production reports and certified third-party weight certificates completed at the time weighed for claimed year, and other applicable documents that support yield loss and current market price. Current market price will be determined less transportation and cleaning costs when applicable.

(f) Declaration signed under penalty of perjury as provided in RCW 9A.72.085, indicating that the applicant is eligible for the claim, meets eligibility requirements listed under this section, and that all claim evaluation and assessment information in the claim application is to the best knowledge of the claimant true and accurate.

(g) Copy of the insurance policy and payment on the commercial crop where loss is claimed.

(h) Copy of application for other sources of loss compensation and any payment or denial documentation.

##### Damage claim assessment:

(7) Damage claim assessment of amount and value of commercial crop loss is the primary responsibility of the claimant. A crop damage evaluation and assessment must be conducted by a licensed crop insurance adjustor:

(a) The owner must submit a damage claim assessment prepared by a crop insurance adjustor licensed by both the state of Washington and the federal government.

(b) If requested, the department will provide the claimant with a list of known adjustors. Adjustor fees will be the sole responsibility of the owner.

(c) The department or its designee may evaluate the damage claim assessment provided by the owner of a damaged crop or may conduct a separate assessment to verify crop loss and value.

(8) Disagreement between the claimant and the department over the crop loss value may be settled through an adjudicative proceeding.

##### Settlement of claims:

(9) Subject to money appropriated to pay commercial crop damage, undisputed claims will be paid, less a five hundred dollar deductible. The deductible will only be applied once in three consecutive years per owner if the damage is on the same type of commercial crop or on the same parcel of land.

(10) Compensation paid by the department, in addition to any other compensation received by the claimant, may not exceed the total value of the assessed crop loss.

(11) The owner will be notified by the department upon completion of the evaluation and has sixty days to accept or appeal the department's offer for settlement of the claim, or the claim is considered satisfied and not subject to appeal.

(12) The department shall prioritize payment for commercial crop damage in the order the claims were received or upon final adjudication of an appeal. If the department is unable to make a payment for commercial crop damage during the first fiscal year of a biennium, the claim shall be held over until the following fiscal year when funds become available. Claims that are carried over will take first priority and receive payment before any new claims are paid. Claims will not be carried from one biennium to the next.

#### NEW SECTION

**WAC 232-36-120 Valuation methods for crop damage assessment.** Several methods may be used to determine the extent of a crop damaged by deer and elk and the lost value of the crop resulting from the damage. Assessment methods used by qualified crop adjustors licensed by both the state and federal government will be accepted by the department.

ment. Evaluation of crop losses must consider other impacts to crop production, including fertilization, irrigation, precipitation, weather, timing of planting or harvest, and weed control. The following methods are listed in preferred order based on reliability:

(1) Amount consumed - relies on wildlife-proof enclosures in the field; clipping similar sized plots inside and outside of enclosures; then comparing yields.

(2) Amount of stored crops consumed or damaged - determine the bales or pounds of stored crops consumed or destroyed; then determine replacement value.

(3) Replacement value of horticultural trees lost as a result of damage; partial loss due to damage can be estimated per tree based on the percentage destroyed.

(4) Damage vs. undamaged areas - using random sampling methods to compare the yields of damaged to undamaged portions of a field or two similar fields can provide an estimate of loss. Comparing similar fields assumes the fields are truly "similar" (soil type, aspect, slope, irrigation, fertilization, stand age, etc.).

(5) Animal use - count the number of animals causing damage and the number of days they were present; then estimate the percentage of daily intake provided by the crop (generally less than fifty percent), and the amount of waste, trampling, or trailing; the result should also consider the timing of the damage and potential recovery of the vegetation prior to crop harvest.

(6) Decrease from average yield - historic yields can be used for comparison; the difference between average yield and current yield may shed light on the extent of damage; changing weather or crop growing conditions from one year to the next make this technique less reliable.

The department or its designee will review and evaluate the damage claim assessment and valuation method submitted by the owner of a damaged crop and may conduct a separate assessment to verify crop loss and value.

#### NEW SECTION

**WAC 232-36-200 Payment for commercial livestock damage—Limitations.** Owners, who have worked with the department to prevent depredation, but continue to experience losses, or experience unforeseen losses may be eligible to file a damage claim and receive cash compensation. Cash compensation will only be provided to livestock owners by the department when specifically appropriated by the legislature. Damages payable under this section are limited to the lost or diminished value of commercial livestock caused by wild bears, cougars, or wolves and shall be paid only to the owner of the livestock at the time of damage, without assignment. Cash compensation for livestock losses from bears, cougars, and wolves shall not include damage to other real or personal property including other vegetation or animals, lost profits, consequential damages, or any other damages including veterinarian services. The department is authorized to pay up to two hundred dollars per sheep and one thousand five hundred dollars per head of cattle or per horse and no more than ten thousand dollars to the commercial livestock owner per claim.

Claims for cash compensation will be denied when:

(1) Funds for livestock compensation have not been specifically appropriated by the legislature;

(2) The claim is for livestock other than sheep, cattle, or horses;

(3) The owner of the commercial livestock does not meet the definition of "eligible farmer" in RCW 82.08.855 (4)(b)(i) through (iv);

(4) The loss estimate is less than five hundred dollars;

(5) The owner fails to provide the department with an approved checklist of the preventative and nonlethal means that have been employed or the owner failed to comply with the terms and conditions of their agreement(s) with the department;

(6) The owner has accepted noncash compensation to offset livestock losses in lieu of cash. Acceptance of noncash compensation will constitute full and final payment for livestock losses within a fiscal year;

(7) Damages to the commercial livestock claimed are covered by insurance or are eligible for payment from other entities. Except, any portion of the damage not covered by others is eligible for filing a claim with the department;

(8) The property where the damage occurred is not open to public hunting as defined in WAC 232-36-300, unless, as determined by the department the property is inconsistent with hunting or where public hunting would not help mitigate the damage. This includes all properties owned or leased by owner adjacent to or contiguous with the property where livestock damage occurred;

(9) The owner fails to provide on-site access to the department or designee for inspection and investigation of alleged attack or to verify eligibility for claim;

(10) The owner has not provided a completed written claim form and provided all required information or met required timelines prescribed within this chapter;

(11) No claim will be processed if the owner fails to sign a statement affirming facts and supporting documents are truthful to the best of the owner's knowledge;

(12) The owner or designee has salvaged or rendered the carcass or allowed it to be scavenged without an investigation completed under the direction of the department; or

(13) The department has expended all funds appropriated for payment of such claims for the current fiscal year.

#### NEW SECTION

**WAC 232-36-210 Application for cash compensation for commercial livestock damage—Procedure.** Pursuant to this section, the department may distribute money specifically appropriated by the legislature to pay commercial livestock losses caused by wild bear, cougar, or wolves in the amount of up to ten thousand dollars per claim unless, following an appeal, the department is ordered to pay more (see RCW 77.36.130(2)). The department shall develop claim procedures and application forms consistent with this section for cash compensation of commercial livestock losses. Partnerships with other public and private organizations to assist with completion of applications and assessment of losses and to provide funding for compensation are encouraged.

Filing a claim:

(1) Owners who have worked with the department to prevent livestock depredation, yet still experience loss or losses that occur under emergent situations may file a claim for cash compensation if they meet eligibility requirements.

(2) Claimant must notify the department within twelve hours of discovery of livestock attack.

(3) Damage claim assessment of amount and value of commercial livestock loss is the primary responsibility of the claimant.

(4) Assessment of loss will be conducted by the department:

(a) The owner must provide access to department staff or designees to investigate the cause of death or injury to livestock.

(b) Federal officials may be responsible for the investigation when it is suspected that the attack was by federally listed species.

(5) Claimant must request a damage claim application from the department's Olympia office within ten days of a loss.

(6) A complete, written claim must be submitted to the department within sixty days of an attack on commercial livestock.

(7) The claim form declaration must be signed affirming that the information provided is factual and truthful before the department will process a claim.

(8) In addition to a completed claim form, applicant must provide:

(a) A copy of applicant's Schedule F of Form 1040, Form 1120, or other applicable forms filed with the Internal Revenue Service indicating the applicant's gross sales or value of commercial livestock for the previous tax year.

(b) Claimant must provide proof of legal ownership or contractual lease of claimed livestock.

(c) Claimant must provide records documenting livestock value based on current market price.

(d) Declaration signed under penalty of perjury that applicant is eligible for claim, meets eligibility requirements listed under this section and all claim evaluation and assessment information in claim application is to the best knowledge of claimant true and accurate.

(e) Copy of any insurance policy covering livestock loss claimed.

(f) Copy of application for other sources of loss compensation and any payment or denial documentation.

Settlement of claims:

(9) Subject to money appropriated to pay for commercial livestock losses, undisputed claims will be paid less a five hundred dollars deductible. The deductible will only be applied once in three consecutive years per livestock owner.

(10) Compensation paid by the department, in addition to any other compensation, may not exceed the total value of the assessed livestock loss.

(11) Upon completion of the evaluation, the department will notify the owner of its decision to either deny the claim or make a settlement offer (order). The owner has sixty days from the date received to accept the department's offer for settlement of the claim or to submit an appeal of the order. The response must be in writing and the signed document

may be mailed or submitted by fax or e-mail. If no written acceptance or request for appeal is received, the offer is considered rejected and not subject to appeal.

(12) The department shall prioritize payment for commercial livestock losses in the order the claims were received or upon final adjudication of an appeal. If the department is unable to make a payment for commercial livestock losses during the first fiscal year of a biennium, the claim shall be held over until the following fiscal year when funds become available. Claims that are carried over will take first priority and receive payment before any new claims are paid. Claims will not be carried from one biennium to the next.

NEW SECTION

**WAC 232-36-300 Public hunting requirements.** "Public hunting" generally means that land is open for licensed hunters. The intent of the provision in this chapter is to allow hunting at an appropriate time, manner, and level to help prevent damage.

As specified in WAC 232-36-100 and 232-36-200, cash compensation will only be paid when the property where the damage occurred is open to public hunting. Public hunting is defined as:

(1) The landowner opens the property on which the damage or loss is claimed for general access to all licensed hunters; or

(2) The landowner has entered into and complied with any agreement with the department covering the land(s) on which the damage is claimed. Access agreements shall require that:

(a) The land is open to general access to licensed hunters; or

(b) The landowner allows the department to select a limited number of hunters who are authorized to access the land; or

(c) The landowner and the department determine how hunters will be selected and authorized to hunt on the landowner's property in order to effectively prevent damage.

NEW SECTION

**WAC 232-36-400 Commercial crop or livestock damage claim—Dispute resolution.** Claims where the owner has met all claim eligibility criteria and procedures, but ultimately rejects the written settlement offer (order) for crop or livestock loss and/or value assessment, the provisions of this section shall apply:

Informal resolution:

(1) If the owner rejects the property loss or value assessment and would like to discuss a negotiated settlement, they can request a meeting by notifying the department in writing within ten days of receiving the settlement offer or claim denial (order).

(2) A department representative and the owner or designee(s) will meet and attempt to come to mutual resolution.

(3) Monetary compensation or noncash compensation, mutually agreed upon by both the department and owner, shall be binding and constitute full and final payment for claim.

(4) If parties cannot agree upon damages, the owner may elect to apply for an adjudicative proceeding pursuant to chapter 34.05 RCW.

Adjudicative proceeding:

(5) If the owner wishes to appeal the claim denial or the department settlement offer (order), the owner may request an adjudicative proceeding consistent with chapter 34.05 RCW within sixty days of receiving the original order.

(6) The request must comply with the following:

(a) The request must be in writing and the signed document may be mailed or submitted by fax or e-mail;

(b) It must clearly identify the order being contested (or attach a copy of the order);

(c) It must state the grounds on which the order is being contested and include the specific facts of the order that are relevant to the appeal; and

(d) The request must identify the relief being requested from the proceeding (e.g., modifying specific provisions of the order).

(7) The proceeding may only result in the reversal or modification of an order when the preponderance of evidence shows:

(a) The order was not authorized by law or rule;

(b) A fact stated in the order is materially incorrect;

(c) The award amount offered is inconsistent with applicable and accepted procedures, rule, and/or law; or

(d) Material information or evidence was made available by the owner at the time of the damage assessment, but was not considered in the order.

(8) The burden of proof is on the appellant (owner) to show that they are eligible for a claim and that the damage assessment is reliable (see RCW 77.36.130(4)).

(9) Findings of the hearings officer are subject to the annual funding limits appropriated by the legislature and payment rules (WAC 232-36-110(12) and 232-36-210(9)) of the commission.

#### NEW SECTION

**WAC 232-36-500 Unlawful taking or possession of wildlife for personal safety or causing property damage—Penalties.** (1) Except as authorized by WAC 232-36-050(7), the unlawful trapping, killing, or possession of wildlife is punishable under Title 77 RCW including, but not limited to, the following:

(a) RCW 77.15.120 for endangered wildlife;

(b) RCW 77.15.130 for protected wildlife;

(c) RCW 77.15.140 for unclassified wildlife;

(d) RCW 77.15.170 for wildlife wastage;

(e) RCW 77.15.290 for transportation of wildlife;

(f) RCW 77.15.400 for wild birds;

(g) RCW 77.15.410 for big game;

(h) RCW 77.15.420 for illegally taken or possessed wildlife; and

(i) RCW 77.15.430 for wild animals.

(2) A person trapping or killing wildlife who fails to notify the department pursuant to WAC 232-36-050 may be in violation of an infraction pursuant to RCW 77.15.160.

#### NEW SECTION

**WAC 232-36-510 Failure to provide completed forms or submit required documents or reports.** (1) Failure to provide reports or abide by the conditions of agreements or permits stipulated in this chapter is an infraction pursuant to RCW 77.15.160.

(2) A person who provides false or misleading information required by this chapter may be in violation of RCW 9A.76.175 or 40.16.030.