

**WSR 24-11-002  
PERMANENT RULES  
HEALTH CARE  
FACILITIES AUTHORITY**

[Filed May 1, 2024, 3:06 p.m., effective June 1, 2024]

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

Purpose: The rule changes are administrative in nature and are designed to promote a more effective and efficient means of participating in health care facilities authority meetings, as well as more efficient and effective processing of applications for financial assistance. They also repeal and replace the public records rule in order to comply with the state's model rules that govern the administration of public records.

Citation of Rules Affected by this Order: New WAC 247-12-015, 247-12-025, 247-12-035, 247-12-045, 247-12-055, 247-12-065, 247-12-075 and 247-12-085; repealing WAC 247-12-010, 247-12-020, 247-12-030, 247-12-040, 247-12-050, 247-12-060, 247-12-070, 247-12-080, 247-12-090, 247-12-100 and 247-12-101; and amending WAC 247-02-040, 247-02-050, 247-16-030, 247-16-040, 247-16-050, 247-16-065, 247-16-070, 247-16-090, and 247-16-100.

Statutory Authority for Adoption: Chapter 70.37 RCW.

Adopted under notice filed as WSR 24-04-086 on February 5, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 8, Amended 9, Repealed 11.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 25, 2024.

Donna A. Murr  
Executive Director

**OTS-5078.1**

AMENDATORY SECTION (Amending WSR 79-10-101, filed 9/26/79)

**WAC 247-02-010 Purpose.** The purpose of this chapter shall be to ((ensure compliance by)) provide guidance on the organization, operation, and procedures of the Washington health care facilities authority ((with the provisions of chapter 42.17 RCW (Initiative 276), and chapter 34.04 RCW)).

AMENDATORY SECTION (Amending WSR 79-10-101, filed 9/26/79)

**WAC 247-02-030 Definitions.** (1) "Act" means ((chapter 147, Laws of 1974 1st ex. sess., and)) chapter 70.37 RCW.

(2) "Washington health care facilities authority" and "authority" each mean the corporate and politic public body created by the act and, unless the context indicates otherwise, also refer to the staff and employees of the authority.

The terms defined in the act shall have the same meaning when used in Title 247 WAC.

AMENDATORY SECTION (Amending WSR 81-24-038, filed 11/25/81)

**WAC 247-02-040 Description of organization.** (1) The authority is a public entity established under the provisions of chapter 70.37 RCW, which exercises essential governmental functions.

(2) ((Members. The authority consists of the governor; the lieutenant governor; the insurance commissioner; the chairman of the Washington state hospital commission; and one public member appointed by the governor on the basis of his or her interest or expertise in health care delivery, and confirmed by the senate for a term of four years. If the public office of any of the first four mentioned members is abolished, the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof.

((3))) Officers. The officers of the authority shall be a ((chairman)) chair, who shall be the governor, and a secretary. The secretary shall ((hold office for two years, or)) be elected by a majority vote of the board members and shall continue to hold that office until his or her successor is later elected((, and shall be elected by a majority vote of the members from among themselves)). Whenever a vacancy occurs in the office of secretary, the members of the authority shall elect a successor who shall serve out the remaining term.

((4))) (3) Authority staff: The staff of the authority shall consist of an executive director and such other employees as are determined by the authority as necessary to fulfill its responsibilities and duties. The executive director shall be the chief administrative officer of the authority and subject to its direction. All other staff shall be under his or her supervision and direction. The executive director shall keep a record of the proceedings of the authority and, when required by the authority, shall sign notes, contracts and other instruments. The executive director shall have custody of and be responsible for all moneys and securities of the authority and shall deposit all such moneys forthwith in such banks as the authority may designate from time to time.

((5))) (4) Administrative office: The administrative office of the authority shall be located at ((504 E. 14th, Suite 130)) 410 11th Ave. S.E., Suite 201, Olympia, Washington 98504, which office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted((, and except for business relating to public records, which is governed by WAC 247-12-050))).

((6))) (5) Address for communications: All communications with the authority, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies

of the authority's decisions and other matters, shall be addressed as follows: Washington Health Care Facilities Authority, ((504 E. 14th, Suite 130)) 410 11th Ave. S.E., Suite 201, Olympia, Washington 98504.

AMENDATORY SECTION (Amending WSR 05-11-048, filed 5/13/05, effective 5/13/05)

**WAC 247-02-050 Operations and procedures.** (1) ((Uniform)) Model rules of procedure ((rules)): Practice and procedure in and before the authority are governed by the ((uniform procedural rules)) model rules of procedure codified in ((the Washington Administrative Code, WAC 1-08-005 through 1-08-590)) chapter 10-08 WAC, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority meetings: The meetings of the authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the ((chairman)) chair or a majority of the members of the authority. ((At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving)) The authority shall provide to the members and the public such notice ((to the public)) as may be required by law. ((If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours.)) An executive session may be called by the ((chairman)) chair or by a majority of all members of the authority ((to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110)) as permitted by law.

(3) Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in WAC 247-02-050(7).

(4) ((Chairman's)) Chair's voting rights: The ((chairman)) chair shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(6) Rules of order: The authority shall generally follow Robert's Rules of Order((r)) Newly Revised, in conducting its business meetings.

(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum

of members present at any meeting. All bonds shall be executed in the manner provided in RCW 70.37.050.

(8) Public participation is welcomed in the meetings of the authority ((shall be as follows:)).

(a) ((Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the authority shall so notify the executive director in writing at least forty-eight hours prior to the time of the meeting.))

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.

(iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.) The authority's usual practice shall be to leave time in the agenda of authority meetings for public comment.

(b) The ((chairman)) chair of the authority shall ((have the discretion to)) recognize anyone in the audience who indicates ((in writing)) at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person ((shall be)) are limited to five minutes unless a time extension is granted by the ((chairman)) chair.

**OTS-5079.1**

NEW SECTION

**WAC 247-12-015 Authority and purpose.** (1) RCW 42.56.070(1) requires each agency to make available for inspection and copying non-exempt "public records" in accordance with published rules. The act defines "public record" at RCW 42.56.010(3) to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.010(3) excludes from the definition of "public record" the records of volunteers that are not otherwise required to be retained by the agency and which are held by volunteers who do not serve in an administrative capacity; have not been appointed by the agency to an agency board, commission or internship; and do not have a supervisory role or delegated authority. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures the Washington health care facilities authority (authority) will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the authority and establish processes for both requestors and authori-

ty staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the authority will be guided by the provisions of the act describing its purposes and interpretation.

#### NEW SECTION

**WAC 247-12-025 Agency description—Contact information—Public records officer.** (1) The Washington health care facilities authority (authority) acts as a conduit to allow nonprofit health care providers access to the tax-exempt municipal bond market. The authority's central office is located at 410 11th Avenue S.E., Suite 201, Olympia, Washington 98501.

(2) Any person wishing to request access to public records of the authority, or seeking assistance in making such a request should contact the public records officer of the authority:

Public Records Officer  
Washington Health Care Facilities Authority  
410 11th Avenue S.E.  
Olympia, WA 98501  
Telephone: 360-753-6185  
Fax: 360-586-9168  
E-mail: whcfarecords@whcfa.wa.gov

Information is also available at the authority's website at <http://www.whcfa.wa.gov>.

(3) The public records officer will oversee compliance with the act but another authority staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the authority will provide the "fullest assistance" to requestors; create and maintain for use by the public and authority officials an index to public records of the authority; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the authority.

#### NEW SECTION

**WAC 247-12-035 Availability of public records.** (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the Washington health care facilities authority (authority), Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the offices of the authority. Many public records are also available for inspection and copying on the authority's website at any time, at no cost.

(2) **Organization of records.** The authority will maintain its records in a reasonably organized manner. The authority will take reasonable actions to protect records from damage and disorganization. A requestor shall not take authority records from authority offices without the permission of the public records officer or designee. A variety of records is available on the authority's website at <http://www.whcfa.wa.gov>. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(3) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the authority should make the request in writing on the authority's request form or through an online portal, or by letter, fax, or email addressed to the public records officer at the email address publicly designated by the authority, or by submitting the request in person at Washington health care facilities authority at 410 11th Avenue S.E., Suite 201, Olympia, Washington 98501 and include the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any email address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to RCW 42.56.120, charges for copies are provided in a fee schedule attached hereto; available at 410 11th Avenue S.E., Suite 201, Olympia, Washington 98501 and online at <http://www.whcfa.wa.gov>.

(c) A records request form is available for use by requestors at the office of the public records officer and online at <http://www.whcfa.wa.gov>.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

(e) If requestors refuse to identify themselves or provide sufficient contact information, the agency will respond to the extent feasible and consistent with the law.

NEW SECTION

**WAC 247-12-045 Processing of public records requests—General.**

(1) **Providing "fullest assistance."** The Washington health care facilities authority (authority) is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) The public records officer or designee will evaluate the request according to the nature of the request, volume, and availability of requested records.

(3) **Acknowledging receipt of request.** Following the initial evaluation of the request under subsection (2) of this section, and within five business days<sup>1</sup> of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying including:

(i) If copies are available on the authority's internet website, provide an internet address and link on the website to specific records requested;

(ii) If copies are requested and payment of a deposit for the copies, if any, is made or other terms of payment are agreed upon, send the copies to the requestor;

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available (the public records officer or designee may revise the estimate of when records will be available); or

(c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time the authority will require to respond to the request if it is not clarified.

(i) Such clarification may be requested and provided by telephone, and memorialized in writing;

(ii) If the requestor fails to respond to a request for clarification and the entire request is unclear, the authority need not respond to it. The authority will respond to those portions of a request that are clear; or

(d) Deny the request.

(4) **Consequences of failure to respond.** If the authority does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to determine the reason for the failure to respond.

(5) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(6) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the authority believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief written explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(7) **Inspection of records.**

(a) Consistent with other demands, the authority shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any

document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within 30 days of the authority's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the authority may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(8) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying. Where the authority charges for copies, the requestor must pay for the copies.

(9) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(10) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the authority has completed a reasonable search for the requested records and made any located nonexempt records available for inspection.

(11) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill his or her obligations to inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer will close the request and, unless the agency has already indicated in previous correspondence that the request would be closed under the above circumstances, indicate to the requestor that the authority has closed the request.

(12) **Later discovered documents.** If, after the authority has informed the requestor that it has provided all available records, the authority becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Note: <sup>1</sup>In calculating the five business days, the following are not counted: The day the agency receives the request, Saturdays, Sundays, and holidays. RCW 1.12.040. See also WAC 44-14-03006.

## NEW SECTION

**WAC 247-12-055 Processing of public records requests—Electronic records.** (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the Washington health care facilities authority (authority) and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by RCW 42.56.120, 42.56.130, and WAC 247-12-070. The fee schedule is available at 410 11th Avenue S.E., Suite 201, Olympia, Washington 98501 and <http://www.whcfa.wa.gov>.

(3) **Customized electronic access services.** While not required, and with the consent of the requestor, the authority may decide to provide customized electronic access services and assess charges under RCW 42.56.120 (2)(f). A customized service charge applies only if the authority estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other purposes. The authority may charge a fee consistent with RCW 42.56.120(3) for such customized access. The fee schedule is attached hereto; available at 410 11th Avenue S.E., Suite 201, Olympia, Washington 98501 and online at <http://www.whcfa.wa.gov>.

#### NEW SECTION

**WAC 247-12-065 Exemptions.** (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by Washington health care facilities authority (authority) for inspection and copying:

- Records protected under the attorney-client privilege. (RCW 5.60.060 (2)(a)).
- Certain confidential personal information maintained on borrowers or applicants. See RCW 42.56.230(5) (exempting financial information from disclosure).
- Lists of individuals to be used for commercial purposes (RCW 42.56.070(8)).
- Certain confidential personal information maintained on employees, appointees, or elected officials to the extent disclosure violates the individual's right to privacy (RCW 42.56.230(3)).
- Records relevant to a controversy and protected under the work product doctrine (RCW 42.56.290).

(2) The authority is prohibited by statute from disclosing lists of individuals for commercial purposes.

#### NEW SECTION

**WAC 247-12-075 Costs of providing copies of public records.** (1) **Inspection.** There is no fee for inspecting public records, including

inspecting records on the Washington health care facilities authority (authority) website.

(2) **Statutory default costs.** The authority is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: The authority does not have the resources to conduct a study to determine actual copying costs for all its records; to conduct such a study would interfere with other essential agency functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act including RCW 42.56.120 and other laws. Therefore, in order to implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious and in the public interest for the authority to adopt the state legislature's approved fees and costs for most of the authority records, as authorized in RCW 42.56.120 and as published in the agency's fee schedule.

(3) **Fee schedule.** The fee schedule is attached hereto; available at 410 11th Avenue S.E., Suite 201, Olympia, Washington 98501 and online at <http://www.whcfa.wa.gov>.

<b>Washington Health Care Facilities Authority Public Records Fee Schedule Per the State of Washington's Public Records Act, RCW 42.56.120</b>	
Type of Record	Fee
Photocopy of standard sized (8 1/2 x 11) paper records, or printed paper copies of electronic records.	15 cents per page (each side is one page)
Digital storage media or devices; any container or envelope used to mail copies; postage or delivery charges.	Actual cost
Nonstandard (oversized copies, photographs, etc.)	Actual cost
Records for which other costs are authorized pursuant to laws outside chapter 42.56 RCW. RCW 42.56.130.	Cost varies – per other statutes
Records sent to an outside vendor due to their unusual size or format, or other factors making copying by office unfeasible. Mailing/delivery and container costs also apply.	Actual cost
Data compilations prepared or accessed as a customized service. Cost is in addition to above fees for copies, including mailing/delivery and container costs. RCW 42.56.120(3).	Actual cost
Electronic transmittal of files	5 cents for every four files
Electronic transmittal of records	10 cents per gigabyte
Scanned paper records	10 cents per page (each image is one page)
Records on authority website	No charge
Records inspected in authority offices	No charge
Any other record not described above	Actual cost
<b>Guidelines for Waiving Fees and Arranging for Payment of Public Records</b>	
The authority fee schedule applies to all public records made under chapter 42.56 RCW.	
Fees are automatically waived when the total response is less than \$50.	
The public records officer will produce an invoice and a deadline for payment.	
Payment may be made by check or money order payable to the Washington health care facilities authority.	
The authority has no ability to accept credit or debit card payments.	

(4) **Processing payments.** Before beginning to make the copies or processing a customized service, the public records officer or designee may require a deposit of up to 10 percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remain-

der of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The authority will not charge sales tax when it makes copies of public records.

(5) **Costs of mailing.** The authority may also charge actual costs of mailing, including the cost of the shipping container.

(6) **Payment.** Payment may be made by check or money order to the authority.

(7) **Fee waivers.**

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

(i) All of the records responsive to an entire request are paper copies only and the total cost of the entire request is less than \$50; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments; or

(iii) The records responsive to an entire request are a combination of paper copies and digital copies.

(b) If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

NEW SECTION

**WAC 247-12-085 Review of denials of public records.** (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer or designee shall promptly provide the petition and any other relevant information to the agency executive director. The authority will, within two business days following receipt of the petition for review, respond with an estimate of time to consider the matter. Following such review, the executive director will either affirm, reverse, or amend the denial.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the authority denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 247-12-010 Purpose.

WAC 247-12-020 Definitions.

WAC 247-12-030	Public records available.
WAC 247-12-040	Public records officer.
WAC 247-12-050	Office hours.
WAC 247-12-060	Requests for public records.
WAC 247-12-070	Copying.
WAC 247-12-080	Exemptions and denials of requested public records.
WAC 247-12-090	Review of denials of public records requests.
WAC 247-12-100	Protection of public records.
WAC 247-12-101	Records index.

**OTS-5080.1**AMENDATORY SECTION (Amending WSR 81-24-038, filed 11/25/81)

**WAC 247-16-010 Purpose.** The purpose of this chapter shall be to set forth the procedures pursuant to which the authority ((determines these)) receives and acts on requests for the providing of bonds for the financing of health care facilities ((to which the authority will give financial assistance)).

AMENDATORY SECTION (Amending WSR 79-10-101, filed 9/26/79)

**WAC 247-16-020 Definitions.** (1) "Applicant" means a participant which submits an application to the authority.

(2) "Application" means a formal request to the authority for the providing of bonds for the financing of a health care facility ((by the authority)), in a format and containing such information as the authority shall specify in these rules or in the application instructions ((and which is signed and sworn to by a representative designated by formal action of the applicant's governing board or equivalent)).

AMENDATORY SECTION (Amending WSR 81-24-038, filed 11/25/81)

**WAC 247-16-030 Applications for financial assistance.** ((Because the needs of health care facilities in the state vary substantially, no application forms shall be provided by the authority. However, an applicant should furnish the following information to the authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the executive director of the authority:)) In order to meet the unique needs of different types of borrowers, and/or unique financing programs, the authority will develop and modify from time to time, as necessary, the

application forms for financial assistance. Any such application shall contain at least the following information:

(1) Identification of applicant:

(a) Legal name and address of applicant;

(b) Name((s)), title((s)) and telephone number((s)) of ((chief executive officer, chief financial officer and)) person assigned responsibility for liaison with the authority;

(c) ((Names, addresses and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firm (if any);

((d))) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital) ((If private, describe type and ownership of stock, if any; how assets held and by whom; and attach copies of articles of incorporation or similar documentation));

((e))) (d) If applicant is a private ((hospital)) entity, attach copies of articles of incorporation or other similar documentation, and a copy of IRS determination of 501 (c)(3) status;

((f))) (e) Religious or other group affiliation, if any.

(2) Project for which financial assistance is sought (if applicable):

(a) The maximum principal amount ((and)) requested ((terms of repayment for financing sought)) and, if the requested financial assistance will finance multiple projects at separate sites, a breakdown of the maximum principal amount to finance each separate project;

(b) General description of project to be ((accomplished with authority financial assistance)) financed or refinanced;

(c) Current status of planning for project and dates proposed for (i) completion of drawings for project, if ((necessary)) applicable (attach copies if completed); (ii) filing of environmental impact statement, if ((necessary)) applicable; (iii) entry into construction contract; and (iv) completion or occupancy;

(d) ((Recommendations of the appropriate regional health systems agency, and of the state hospital commission, or the current status of their respective reviews;

((e))) Current status of certificate of need for project, if required. If certificate has been issued, attach copy;

((f))) (e) Cost of project (including simple breakdown of costs of general construction, site work, utilities, equipment, land acquisition, architects' and other fees, contingency, interim interest, other);

((g)) Sources of funds for payment of project costs and dates of expected receipt (assistance from authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);

(h) Amount of projected revenues to be derived from project, the sources of such revenues, when expected to begin, and a three-year projection;

((i))) (f) Feasibility studies on project, if any (attach copy if one has been completed);

((j))) (g) Proposed security for authority-issued bonds ((;

((k))) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.

((3) Debt to be refinanced with authority assistance (if applicable));

(a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;

(b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;

(c) Most recent decision and order of the state hospital commission on its annual review of the applicant's budget;

(d) Holder of debt (if ascertainable);

(e) Any negative debt service payment history;

(f) Proposed security for new authority issued debt;

(g) Proposed date schedule for accomplishing debt refinancing)).

((4)) (3) Finances of applicant:

(a) Audited (if audited) financial statements for past three years;

(b) Latest current financial statement;

(c) Current year's budget of revenues, expenses and capital expenditures (;

(d) Projection of revenues, expenses, capital expenditures for next three five years, including revenues and expenses of proposed project (if applicable);

(e) Description of long term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;

(f) Sources of hospital revenues (private patient, medicare, medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years)).

((5)) (4) General:

(a) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;

(b) Brief description of existing ((medical)) health care facilities, including number of beds, number of ((medical)) health care and other staff, categories of ((medical)) health care services offered, and laboratory and research facilities, if any;

(c) ((Brief description of hospital expansion plans, if any, in next ten years;

(d) Brief summary of statistics (last three years, if available) on percentage of bed occupancy and types and numbers of patients cared for (inpatient, outpatient, welfare, etc.);

(e) Estimate of aggregate savings over the life of the proposed financing to be realized by applicant through authority financing by tax-exempt bonds as compared to financing through taxable obligations. Specify interest assumptions on which savings calculations based;

((f)) Describe means applicant proposes to use to ensure that savings from tax-exempt financing ((are passed on to patients of applicant)) the estimated financial benefits resulting from financing its project through the authority, as opposed to obtaining financing other than through the authority, will be used for building, providing and utilization of modern, well-equipped and reasonably priced health care facilities in a manner that will minimize the capital costs of construction, financing and use thereof and thereby the costs to the public for the use of such facilities, and to contribute to improving the quality of health care;

(d) The application shall contain an appropriate legal commitment to indemnify the authority against any expenses or costs incurred by

it in connection with the processing of the applicant's application and the completion of any project or plan and system subsequently approved and undertaken by the authority. (See WAC 247-16-040 regarding authority charges);

(e) The authority or the executive director may require the submission of additional information depending on factors such as the scope, size, and complexity of project;

(f) Application forms are available from the authority and are available on the authority website.

AMENDATORY SECTION (Amending WSR 81-24-038, filed 11/25/81)

**WAC 247-16-040 ((Fees)) Charges.** (1) Authorization to assess charges ((fees)): The authority, pursuant to RCW 70.37.090, shall require applicants to pay ((fees and)) charges to the authority to provide it with funds for investigations, financial feasibility studies, consultants, counsel, expenses of issuance and sale of bonds, and other charges for services provided by the authority in connection with projects undertaken, as well as the operating and administrative expenses of the authority. ((In accordance with this authorization, an applicant shall pay to the authority such fees and charges as are necessary to meet any and all expenses incurred by the authority in connection with the processing of the application of the applicant, together with an annual service fee to defray expenses of the authority in administering and servicing the financing provided to the applicant and other allocable expenses of the authority. The authority shall assess an annual fee of one tenth of one percent of the outstanding and unredeemed bonds of each applicant. The initial annual fee shall be paid to the authority on the date of closing of each tax exempt note or bond issue and in every anniversary date thereafter: Provided, however, That the authority by an adopted motion may set a different fee schedule and may waive all or any part of the annual or application fee.

(2) Fee obligations of the applicants: An applicant shall submit with its application an initial remittance of \$7,500.00, to be credited against the fees and charges imposed or to be imposed by the authority on such applicant pursuant to this section in connection with the processing of an application. The applicant shall pay such fees and charges as they are billed to it from time to time by the authority. These expenses may be reimbursed to the applicants from the bond proceeds if financing is consummated. In addition, the application shall contain an appropriate legal commitment to indemnify the authority against any expenses or costs incurred by it in connection with the processing of the applicant's application and the completion of any project or plan and system subsequently approved and undertaken by the authority, as well as to pay the authority an annual service fee to defray expenses of the authority in administering and servicing the financing provided to the applicant and other allocable expenses of the authority, which annual fee shall be imposed so long as financing is being provided by the authority to the applicant.

(3) Refund of excess fees: The authority will refund any surplus fees paid or deposited by an applicant or participant which exceed the actual application processing expenses and authority determined pro rata administrative and operating costs of the authority.

(4) All the costs and expenses of the authority shall be paid from fees assessed pursuant to this section. No moneys of the state of Washington shall be expended for such purposes.)

(2) Annual charge: The authority shall assess an annual charge of one-tenth of one percent of the outstanding and unredeemed bonds of each applicant. The initial annual charge shall be paid to the authority on the date of closing of each note, lease or bond issue and on every anniversary date thereafter; provided, however, that the authority by an adopted motion may set a reduced schedule of charges and may waive all or any part of the annual charge.

(3) Application charge: An applicant shall submit with its application an initial charge of one-tenth of one percent of the requested borrowing up to a maximum of \$7,500; provided, however, that the authority may by adopted motion waive all or any part of the application charge.

AMENDATORY SECTION (Amending WSR 79-10-101, filed 9/26/79)

**WAC 247-16-050 Processing of application.** An application will be reviewed by the executive director and such authority staff as he or she determines((. Upon completion of authority staff analysis and recommendations, such staff analysis and recommendations and)) for completeness and whether the applicant and the project meets the definitions of "health care facility," "participant," and "project" as those terms are used in chapter 70.37 RCW. Upon determination by authority staff that the application is complete and meets statutory definitions, the application shall be presented to the authority for appropriate action.

AMENDATORY SECTION (Amending WSR 81-24-038, filed 11/25/81)

**WAC 247-16-060 Priorities regarding applicant funding.** The authority will process health care facility applications ((for assis-tance)) in the order of their date of receipt. The date of receipt shall be the date ((the health care facility)) a completed application together with the application ((fee)) charge is received by the authority at its Olympia office.

The authority reserves the right to change priorities and scheduling when the authority determines that a "first come, first served" priority scheduling is detrimental to the sale of another health care facility's bond issue or ((when conditions of health and safety or public benefit require a different priority)) otherwise not in the public interest.

NEW SECTION

**WAC 247-16-065 Authority acceptance of applications.** Upon de-termination by authority staff that the application is complete and that the project and applicant meet the statutory definitions for "health care facility," "participant," and "project," the authority shall meet to review and consider the staff review and recommendations

regarding the application. The authority may accept, reject, or conditionally accept an application. Action regarding the application shall be determined based upon application completeness, and whether the proposed borrower and project are eligible for financing under chapter 70.37 RCW. Acceptance of the application begins the process of structuring the proposed bond issue and does not obligate the authority to issue bonds for the project or applicant.

AMENDATORY SECTION (Amending WSR 81-24-038, filed 11/25/81)

**WAC 247-16-070 Authority action on ((applications)) resolutions.**

(1) The authority shall meet to review and consider the staff analysis and recommendations ((and)) regarding the ((application)) adoption of a resolution.

(2) The authority may ((approve an application and)) adopt a resolution authorizing the issuance of bonds for the requested financing where it determines:

(a) ((It is necessary or advisable for the benefit of the public health for the authority to provide financing for the proposed project;)) The applicant may reasonably be expected to achieve successful completion of the health care facilities to be financed by the authority;

(b) The applicant ((can reasonably be expected to achieve successful completion of the health care facilities to be financed by the authority)) and the project meet the definitions of "health care facility," "participant," and "project" as those terms are used in chapter 70.37 RCW;

(c) The proposed project and the issuance of bonds by the authority for such project are economically feasible and can be undertaken on terms economically satisfactory to the authority;

(d) The proposed ((health care facility, if completed as described in the application, will carry out the purposes and policies of the act;

(e) The applicant has satisfied the authority that substantially all of the savings realized by the applicant from the availability of financing through tax-exempt bonds, as contrasted to financing through taxable debt, will be passed on by the applicant to its patients;

(f) The applicant has reasonably satisfied the requirements of the act and these regulations; and

(g) Other criteria that the authority has determined are appropriate factors in its decision-making process have been met.

(3) The authority may approve an application and a bond resolution on a conditional basis where the criteria of WAC 247-16-070(2) have been met and pending satisfaction of such other conditions or requirements as the authority shall determine to be reasonable and necessary in order to carry out the purposes, policies and requirements of the act and these regulations. The applicant shall be notified in writing of such conditions or requirements, which may include, but need not be limited to, the amendment of an application or proposed bond resolution in order to meet the availability of funds, changes in costs, or other purposes or circumstances which may enhance the ability of the authority or the applicant to complete the project or better serve the purposes and policies of the act. Upon the satisfaction of such additional conditions or requirements, the application shall be deemed approved pursuant to WAC 247-16-070(2).

(4) The authority may also deny an application; in such event, it shall notify the applicant of such action, specifying in writing the reasons for its denial.) project does not require a certificate of need, or such certificate of need has been received; and

(e) The participant has satisfied the authority that the estimated financial benefits resulting from financing its project with authority bonds, as opposed to obtaining financing other than through authority bonds, will be used for building, providing and utilization of modern, well equipped and reasonably priced health care facilities in a manner that will minimize the capital cost of construction, financing and use thereof and thereby the cost to the public for the use of such facilities, and will contribute to improving the quality of health care.

AMENDATORY SECTION (Amending WSR 81-24-038, filed 11/25/81)

**WAC 247-16-090 Selection of investment banking firms as underwriters.** (1) The applicants may select an investment banking firm or firms as senior managing underwriter or co-senior managing underwriters for its proposed financing, subject to review and approval by the authority. In every instance, the senior manager selected must be able to demonstrate a familiarity, competence and experience in the structuring and sale of health care facility bonds. ((The applicant shall notify the authority in writing of its proposed senior manager selection fifteen days prior to the date it intends to enter into a formal contractual agreement. The authority will notify the applicant of its acceptance or rejection of the applicant's senior manager selection no later than ten days after receipt of the applicant's notification. If rejected, the authority will set forth the reasons for rejection, and)) If the authority rejects the applicant's requested senior manager or co-senior managers, the applicant will then propose another senior manager or co-senior managers, subject to authority approval in the same manner.

(2) To provide balanced management knowledge and sale distribution and to assure the most ((realistic)) favorable bond terms and interest, the authority reserves the right to name investment banking firms as co-managers of any authority bond issue(s). ((The authority will not name an investment banking firm or firms as a co-managing underwriter or co-managing underwriters on bond issues of less than \$10 million unless the authority determines that special circumstances so require.)) On issues of ((more than \$10 million)) \$20,000,000 or more, the authority ((will)) may name a co-manager or co-managers ((for each issue)). The authority will also review the division of the management fee ((in each instance where a co-manager is named. While the authority will actually select the co-managers, it will consider recommendations from the applicant as to the selection of any co-manager or co-managers.

In each instance, the applicant will be given a written notification fifteen days prior to the authority's actual designation of an investment banking firm or firms as a co-manager on a particular bond issue)) and the allocation of bonds and the takedown.

AMENDATORY SECTION (Amending WSR 81-24-038, filed 11/25/81)

**WAC 247-16-100 Feasibility studies and selection of a feasibility consultant.** (1) The authority ((shall maintain a list of management and accounting firms which it deems qualified to conduct feasibility studies for the applicants. The applicant's selection of a firm from the approved list shall constitute authority approval. In the event an applicant wishes to select a firm not on the approved list, the authority will review the proposed firm's qualifications on a case-by-case basis, based on its familiarity, competence, and experience in health care)) may require the applicant to deliver a feasibility study on the project.

(2) The applicant may select management and accounting firms to conduct feasibility studies, subject to authority approval. The applicant shall not enter into any contractual agreement with a management or accounting firm ((not on the approved list)) until ((written)) approval has been granted by the authority.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 247-16-035

Applications for equipment financing assistance.

**WSR 24-11-011  
PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 3, 2024, 3:30 p.m., effective June 3, 2024]

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

Purpose: The department of social and health services is amending WAC 388-437-0001 Disaster food stamp program. These housekeeping amendments correct the name of the program from "food stamp" to "supplemental nutritional assistance" without changing the effect of the rule.

Citation of Rules Affected by this Order: Amending WAC 388-437-0001.

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

Adopted under notice filed as WSR 24-03-155 on January 23, 2024.

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

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 3, 2024.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5013.2**

**Chapter 388-437 WAC  
EMERGENCY FOOD ASSISTANCE ((FOR FOOD STAMPS))**

AMENDATORY SECTION (Amending WSR 05-23-028, filed 11/8/05, effective 12/9/05)

**WAC 388-437-0001 Disaster ((food stamp)) supplemental nutrition assistance program.** (1) In the event of a disaster, the department works with the United States Department of Agriculture, Food and Nutrition ((Services)) Service (FNS) to change some requirements for the Washington Basic Food program and help ensure that people in a disaster area have access to food. This is known as the disaster ((food stamp)) supplemental nutrition assistance program.

(2) If the President of the United States has declared a portion of the state as a federal disaster area, we ask FNS to allow use of the disaster ((~~food stamp~~)) supplemental nutrition assistance program for the areas impacted by the disaster. Both of the following conditions must be met:

- (a) People's normal access to buy food has been disrupted; and
- (b) These commercial channels have since been restored with reasonable access and sufficient food supplies as determined by FNS.

(3) The department will implement any disaster ((~~food stamp~~)) supplemental nutrition assistance program as approved by FNS.

**WSR 24-11-015  
PERMANENT RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed May 6, 2024, 11:47 a.m., effective June 1, 2024]

Effective Date of Rule: June 1, 2024.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule implements chapter 199, Laws of 2023. Because the law goes into effect on June 1, 2024, the rule will go into effect on the same day.

Purpose: Implementing public safety employees' retirement plan membership for public safety telecommunicators.

Citation of Rules Affected by this Order: Amending WAC 415-106-105 and 415-106-110.

Statutory Authority for Adoption: RCW 41.50.050; and chapter 199, Laws of 2023.

Adopted under notice filed as WSR 24-07-081 on March 18, 2024.

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

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 6, 2024.

Tracy Guerin  
Director

**OTS-5216.2**

AMENDATORY SECTION (Amending WSR 22-13-091, filed 6/13/22, effective 7/14/22)

**WAC 415-106-105 May I join PSERS if my duties qualify for PSERS membership, but my employer is not specifically listed in ((WAC 415-106-010)) RCW 41.37.010?** You do not qualify for membership unless your ((department or agency)) employer is specifically listed in ((WAC 415-106-010)) RCW 41.37.010, even if your employer employs one or more elected or appointed officials who are PSERS members.

AMENDATORY SECTION (Amending WSR 22-13-091, filed 6/13/22, effective 7/14/22)

**WAC 415-106-110 If I am a member of PERS, may I change my membership to PSERS?** You may have the right to change your retirement system membership from PERS to PSERS according to the requirements in this section.

(1) You may change retirement system membership from PERS to PSERS if:

(a) You were a member of either PERS Plan 2 or Plan 3 before July 1, 2006; and

(b) On July 1, 2006, you meet the requirements for membership in RCW 41.37.010; and

(c) You submit a properly completed election form to your employer between July 1, 2006, and September 30, 2006.

(2) You may also change retirement system membership from PERS to PSERS if:

(a) You were a member of either PERS Plan 2 or Plan 3 before January 1, 2019; and

(b) On January 1, 2019, you met the requirements for membership in RCW 41.37.010; and

(c) You submit a properly completed election form to your employer between January 1, 2019, and March 1, 2019.

(3) You may also change retirement system membership from PERS to PSERS if:

(a) You were a member of either PERS Plan 2 or Plan 3 before June 1, 2024; and

(b) On June 1, 2024, you met the requirements for membership in RCW 41.37.010 (19)(f); and

(c) You submit a properly completed election form to your employer between June 1, 2024, and September 1, 2024.

(4) Your change in membership is prospective only.

((+4)) (5) You will become a dual member of PSERS and PERS. All service credit and compensation previously reported in PERS will remain in PERS. Your retirement benefits will be governed by the dual member "portability" provisions in chapters 41.54 RCW and 415-113 WAC.

((+5)) (6) If you meet the conditions in subsection (1) ((or)), (2), or (3) of this section and do not elect PSERS membership during the election window, you cannot become a member of PSERS while you continue employment with the same employer; however, if you terminate your employment with that employer after the election window begins, and subsequently become employed in a PSERS eligible position, you will be mandated into PSERS membership.

**WSR 24-11-018  
PERMANENT RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed May 6, 2024, 4:38 p.m., effective June 6, 2024]

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

Purpose: Purchasing service credit; substitute teachers and school employees. Making necessary changes so that Plan 3 members of the teachers' retirement system and school employees' retirement system who are substitute teachers or school employees can submit requests to purchase service credit by phone or email.

Citation of Rules Affected by this Order: Amending WAC 415-110-685 and 415-112-140.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 24-07-069 on March 15, 2024.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 6, 2024.

Tracy Guerin  
Director

## **OTS-5160.1**

**AMENDATORY SECTION** (Amending WSR 22-13-091, filed 6/13/22, effective 7/14/22)

**WAC 415-110-685 Am I eligible for membership and service credit as a classified substitute employee?** You may be eligible to apply for membership and receive service credit for time worked as a classified substitute employee that occurred on or after July 27, 2003.

(1) If you have never been a member of the school employees' retirement system (SERS), you may establish membership in Plan 2 or Plan 3 if you worked as a classified employee for 70 or more hours per month during at least five months within a single school year period of September 1st through August 31st. Your membership will begin when your first optional bill to purchase substitute teaching service credit is paid in full.

(2) If you have already established membership in SERS Plan 3, or if you have established membership in SERS Plan 2 and have not withdrawn your contributions, you may apply to the department for service credit as described in subsection (4) of this section, for any compen-

sated employment as a classified substitute employee that occurs after your first month of established service credit. You may apply for service credit for compensated employment as a classified substitute employee that occurred prior to your first month of established service credit if it meets the requirements for membership as described in subsection (1) of this section.

(3) If you previously established membership in SERS Plan 2 and withdrew your contributions, you may reestablish your membership by purchasing service credit if you worked as a classified substitute employee for 70 or more hours per month during at least five months within a single school year period of September 1st through August 31st.

(4) To apply, you must submit a classified substitute's application for service credit.

(a) Applications must be submitted no earlier than September 1st following the end of the school year in which you worked.

(b) If you are establishing membership in SERS for the first time, you must also submit a member information form to indicate your selection of Plan 2 or Plan 3.

(c) If you are an established Plan 3 member, you ((must)) may also submit a member information form to indicate your contribution rate and investment options. If you request a bill for your time as a substitute without completing a form, your contribution rate and investment option will be made at the default rate and investment option.

(d) If you are purchasing service credit for the 2003-04 school year, you must also submit quarterly reports to DRS along with your application for service credit. Quarterly reports must show the exact hours worked and compensation earned each month, and must be signed by the employer.

(5) To receive classified substitute employee's service credit, you must pay the appropriate member contributions.

(a) Upon receipt of your application materials, the department will determine the amount of service credit you are eligible to purchase and will provide an optional bill for the amount due. Your service credit will be applied when the bill is paid in full.

(b) You have six months following the end of the school year in which you worked to pay the member contributions interest-free. Interest will begin to accrue on the first day of the seventh month following the end of the school year. The school year ends on August 31st for Plans 2 and 3.

(i) SERS Plan 2. If payment is received after the six month interest-free period, the amount due will include interest on both the member and employer contributions.

(ii) SERS Plan 3. If payment is received after the six month interest-free period, the amount due will include interest on the Plan 3 employer contributions.

(6) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Classified employee" - RCW 41.35.010.
- (b) "Member" - RCW 41.35.010.
- (c) "Service" - RCW 41.35.010.
- (d) "Substitute employee" - RCW 41.35.010.

**OTS-5161.1**

AMENDATORY SECTION (Amending WSR 17-02-032, filed 12/28/16, effective 1/28/17)

**WAC 415-112-140 Am I eligible for membership and service credit as a substitute teacher?** (1) If you have never been a member of the teachers' retirement system (TRS), you may establish membership in Plan 2 or Plan 3 if you worked as a teacher for seventy or more hours per month during at least five months within a single school year period of September 1st through August 31st, during the 1991-92 school year or later. You may apply for membership for work prior to the 1991-92 school year if it meets the membership requirements in effect when the work was performed. Your membership will begin when your first optional bill to purchase substitute teaching service credit is paid in full.

(2) If you have already established membership and have not withdrawn your contributions, you may be eligible to purchase service credit for working as a substitute teacher.

(a) TRS Plan 1. If you are a Plan 1 member, you may apply to the department for service credit as a substitute teacher for any school year during which you worked a minimum of twenty full-time days between July 1st and June 30th.

(b) TRS Plan 2 or Plan 3. If you are a Plan 2 or Plan 3 member, you may apply to the department for service credit as described in subsection (4) of this section, for any compensated employment as a substitute teacher that occurs after your first month of established service credit. You may apply for service credit for compensated employment as a substitute teacher that occurred prior to your first month of established service credit if it meets the requirements for membership as described in subsection (1) of this section.

(3) If you previously established membership and withdrew your contributions, you may purchase service credit as a substitute teacher if you meet the criteria in this subsection.

(a) TRS Plan 1. You may reestablish membership in TRS Plan 1 if you worked as a substitute teacher for the equivalent of ninety full-time days within a single school year period of July 1st through June 30th.

(b) TRS Plan 2. You may reestablish membership in TRS Plan 2 if you worked as a substitute teacher as described in subsection (1) of this section.

(c) TRS Plan 3. If you are a Plan 3 member and withdrew your contributions, you may apply to the department for service credit for any compensated employment as a substitute teacher that occurred after your first month of established service credit. You may apply for service credit for compensated employment as a substitute teacher that occurred prior to your first month of established service credit if it meets the requirements for membership as described in subsection (1) of this section.

(4) To apply, you must submit a substitute teacher's application for service credit.

(a) Applications must be submitted no earlier than the end of your plan's school year in which you worked. The school year ends on June 30th for Plan 1, and August 31st for Plans 2 and 3.

(b) If you are establishing membership in TRS for the first time, you must also submit a member information form to indicate your selection of Plan 2 or Plan 3.

(c) If you are an established Plan 3 member, you ((must)) may also submit a member information form to indicate your contribution rate

and investment options. If you request a bill for your time as a substitute without completing a form, your contribution rate and investment option will be made at the default rate and investment option.

(d) If you are purchasing service credit for a period prior to the 2004-05 school year, or for work performed for a higher education employer or for the Washington state center for childhood deafness and hearing loss or the school for the blind, you must also submit quarterly reports to DRS along with your application for service credit. Quarterly reports must show the exact hours worked and compensation earned each month, and must be signed by the employer.

(5) To receive substitute teacher's service credit, you must pay the appropriate member contributions.

(a) Upon receipt of your application materials, the department will determine the amount of service credit you are eligible to purchase and will provide an optional bill for the amount due. Your service credit will be applied when the bill is paid in full.

(b) You have six months following the end of the school year in which you worked to pay the member contributions interest-free. Interest will begin to accrue on the first day of the seventh month following the end of the school year. The school year ends on June 30th for Plan 1, and August 31st for Plans 2 and 3.

(i) TRS Plan 1 or Plan 2. If payment is received after the six month interest-free period, the amount due will include interest on both the Plan 1 or Plan 2 member and employer contributions.

(ii) TRS Plan 3. If payment is received after the six month interest-free period, the amount due will include interest on the Plan 3 employer contributions.

(6) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Member" - RCW 41.32.010(25).

(b) "Service" - RCW 41.32.010(43).

(c) "Substitute teacher" - RCW 41.32.010(48).

**WSR 24-11-019  
PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 7, 2024, 8:33 a.m., effective August 1, 2024]

Effective Date of Rule: August 1, 2024.

Purpose: The department of social and health services (department) is repealing WAC 388-450-0115 Does the department allocate the income of a financially responsible person who is excluded from the assistance unit? and 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien?

The department is adopting amendments to WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit?, 388-450-0050 How does your participation in the community jobs (CJ) program affect your cash assistance and basic food benefits?, 388-450-0105 Allocating the income of a financially responsible person included in the assistance unit, 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status?, 388-450-0112 Does the department allocate the income of an ABD cash client to legal dependents?, 388-450-0113 Does the department allocate income of a housing and essential needs (HEN) referral recipient to legal dependents?, 388-450-0130 Does the department allocate the income of a nonapplying spouse to a caretaker relative?, 388-450-0137 Does the department allocate income of an ineligible spouse to an ABD cash client?, 388-450-0138 Does the department allocate income of an ineligible spouse to a housing and essential needs (HEN) referral recipient?, 388-450-0170 Does the department provide an earned income deduction as an incentive for persons who receive TANF/SFA to work?, 388-450-0177 Does the department offer an income deduction for the ABD cash program as an incentive for clients to work?, 388-450-0178 Does the department offer an income deduction for housing and essential needs (HEN) referral applicants and recipients as an incentive to work?, 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA?, 388-486-0005 Unmarried pregnant or parenting minors—Required living arrangements, and 388-486-0010 Unmarried pregnant or parenting minors—Required school attendance.

Effective August 1, 2024, these amendments incorporate changes to earned income disregards for cash assistance programs, per 2SHB 1447 (chapter 418, Laws of 2023). As applicable, these amendments make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Citation of Rules Affected by this Order: Repealing WAC 388-450-0115 and 388-450-0116; and amending WAC 388-408-0020, 380-450-0050 [388-450-0050], 388-450-0105, 388-450-0106, 388-450-0112, 388-450-0113, 388-450-0130, 388-450-0137, 388-450-0138, 388-450-0170, 388-450-0177, 388-450-0178, 388-478-0035, 388-486-0005, and 388-486-0010.

Statutory Authority for Adoption: RCW 41.05.021, 49.46.120, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.655, 74.04.770, 74.04.0052, 74.08.025, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, 74.09.035, 74.09.530, and 74.62.030.

Adopted under notice filed as WSR 24-07-077 on March 18, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 15, Repealed 2.

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 15, Repealed 2.

Date Adopted: May 7, 2024.

Katherine I. Vasquez  
Rules Coordinator

## SHS-5023.2

AMENDATORY SECTION (Amending WSR 10-12-095, filed 6/1/10, effective 7/2/10)

**WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit (AU)?** Some people cannot be in an AU for TANF or SFA. This section describes who cannot be in your TANF or SFA AU and how this will affect your benefits.

(1) We do not include the following people in your TANF or SFA AU:

(a) A minor parent or child who has been placed in Title IV-E, state, or locally-funded foster care unless the placement is a temporary absence under WAC 388-454-0015;

(b) An adult parent in a two-parent household when:

(i) The other parent is unmarried and under the age of ((eighteen)) 18; and

(ii) We decide ((that)) your living arrangement is not appropriate under WAC 388-486-0005.

(c) A court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* (in the place of a parent) if they are not a relative of one of the children in the AU as defined under WAC 388-454-0010; or

(d) Someone who gets SSI benefits.

(2) If someone ((that)) lives with you who cannot be in the AU:

(a) We ((do not)) count them as a member of the AU when we determine the AU's ((payment standard)) household size for income deductions; and

(b) We do not count their income unless:

(i) They are financially responsible for a member of the AU under WAC 388-450-0095 through 388-450-0130((-)); or

(ii) They are a child who does not meet the exclusions in WAC 388-450-0070.

AMENDATORY SECTION (Amending WSR 15-17-090, filed 8/18/15, effective 10/1/15)

**WAC 388-450-0050 How does your participation in the community jobs ((CJ)) program affect your cash assistance and basic food benefits?** (1) There are two different types of income in the community jobs program. They are:

(a) Subsidized, where your wages are paid from TANF or SFA funds; and

(b) Unsubsidized, where your wages are paid entirely by your employer.

(2) We figure your total monthly subsidized or unsubsidized income by:

(a) Estimating the number of hours you, your case manager, and the ((CJ)) community jobs contractor expect you to work for the month; and

(b) Multiplying the number of hours by the federal, state, or local minimum wage, whichever is higher.

(3) Because you are expected to participate and meet the requirements of ((CJ)) community jobs, once we determine what your total monthly income is expected to be, we do not change your TANF grant if your actual hours are more or less than anticipated.

(4) We treat the total income we expect you to get each month from your ((CJ)) community jobs position as:

(a) Earned income for cash assistance, except we do not count any of the ((CJ)) community jobs income for the first month you receive your paycheck.

(b) Earned income for basic food for all months.

(5) If your anticipated subsidized income is more than your grant amount, your cash grant is suspended. This means ((that)) you are still considered a TANF/SFA recipient, but you do not get a grant.

(a) Your grant can be suspended up to a maximum of nine months.

(b) You can keep participating in ((CJ)) community jobs even though your grant is suspended, as long as you would be eligible for a grant if we did not count your subsidized income.

(c) The months your grant is suspended do not count toward your ((sixty)) 60-month lifetime limit.

(6) If your unsubsidized income ((, after we subtract half of what you have earned is greater than your grant)) is greater than your grant after we apply the earned income deductions outlined in WAC 388-450-0170, your TANF/SFA case will close. This happens because your income is over the maximum you are allowed. You will still be able to participate in the ((CJ)) community jobs program for up to a total of nine months.

(7) If your income from other sources alone, not counting ((CJ)) community jobs income makes you ineligible for a cash grant, we terminate your grant and end your participation in ((CJ)) community jobs.

AMENDATORY SECTION (Amending WSR 13-18-007, filed 8/22/13, effective 10/1/13)

**WAC 388-450-0105 Allocating the income of ((a)) financially responsible ((person)) persons included in the assistance unit.** This section applies to TANF/SFA, PWA, and RCA. If you are included in the assistance unit, are financially responsible for someone and are dis-

qualified or ineligible, as defined in WAC 388-450-0100, your income is available to meet the needs of the assistance unit. To figure out how much we count, we take the following steps: ((The income of a financially responsible person included in the assistance unit is countable to meet the needs of the assistance unit after the income is reduced by the following:

(1) Any applicable earned income incentive and work expense or deduction for the financially responsible person in the assistance unit, if that person is employed;

(2) The payment standard amount for the ineligible assistance unit members living in the home; and

(3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.))

(1) We start by totaling earned income, as defined in WAC 388-450-0030, and applying the earned income deductions outlined in WAC 388-450-0170.

(2) We add the unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020 and 388-478-0027):

(a) One that includes both eligible assistance unit members and those who cannot get assistance; and

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

(4) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(5) We subtract any employment-related child care expenses you had prior to approval.

(6) Whatever is left is countable income and subtracted from the grant.

AMENDATORY SECTION (Amending WSR 13-18-007, filed 8/22/13, effective 10/1/13)

**WAC 388-450-0106 How does the department count ((my)) income if someone ((in my family)) cannot get assistance because of their ((alien)) immigration status?** This section applies to TANF/SFA, PWA, and RCA.

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

(1) We start by ((only counting fifty percent of your)) totaling earned income, as defined in WAC 388-450-0030, and applying the earned income deductions outlined in WAC 388-450-0170 (()).

(2) We add all ((~~of your~~)) the unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020 and 388-478-0027):

- (a) One that includes both eligible assistance unit members and those who cannot get assistance ((~~because of their alien status~~)); and
- (b) One that includes only the eligible assistance unit members who can get assistance.

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

((5))) We subtract any court or administratively ordered child support ((~~you pay~~)) paid for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

((6)) (5) We subtract any employment-related child care expenses you ((~~have~~)) had prior to approval.

((7)) (6) ((~~Then, we count~~)) Whatever is left ((as unearned)) is countable income and subtracted from the grant.

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

**WAC 388-450-0112 Does the department allocate the income of an ABD cash client to legal dependents?** This section applies to the aged, blind, or disabled (ABD) cash assistance program.

(1) The income of an ABD cash client is reduced by the following:

(a) The ABD cash earned income ((~~disregard~~)) deductions as specified in WAC 388-450-0177; and

(b) ((~~An~~)) The amount ((not to exceed the department's)) of both current and back child support the ABD cash client is paying each month under a court or administrative order. The amount cannot be more than the need standard ((~~of need for court or administratively ordered current or back support for legal dependents~~)) in WAC 388-478-0015 for the number of dependents.

(2) When ((a)) an ABD cash client in a medical institution, alcohol or drug treatment center, congregate care facility or adult family home has income, the income is countable to meet the client's needs after the income is reduced by the following:

(a) The payment standard amount for the nonapplying spouse and legal dependents living in the home; and

(b) The standard of assistance the client is eligible for while in an alternative care facility.

AMENDATORY SECTION (Amending WSR 13-24-044, filed 11/26/13, effective 1/1/14)

**WAC 388-450-0113 Does the department allocate income of a housing and essential needs (HEN) referral ((recipient)) client to legal dependents?** This section applies to referrals to the housing and essential needs (HEN) program.

(1) The income of a HEN referral ((recipient)) client is reduced by the following:

(a) The HEN referral earned income ((disregard)) deductions as specified in WAC 388-450-0178; and

(b) The amount of both current and((for)) back child support ((that)) the ((recipient)) HEN referral client is paying each month under a court or administrative order. ((If the monthly child support payment is greater than the department's standard of need, income is instead reduced by the department's standard of need.)) The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(2) When a HEN referral ((recipient)) client in a medical institution, alcohol or drug treatment center, congregate care facility or adult family home has income, the income is countable to meet the ((recipient's)) client's needs after the income is reduced by the following:

(a) The HEN referral program income limit for the nonapplying spouse and legal dependents living in the home; and

(b) The standard of assistance the client is eligible for while residing in the alternative care facility.

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

**WAC 388-450-0130 Does the department allocate the income of a nonapplying spouse to a caretaker relative?** This section applies to TANF/SFA, PWA, and RCA programs.

((1)) The community income of the nonapplying spouse and applying spouse is combined. See WAC 388-450-0005 to determine what income is available as community income. To figure out how much we count, we take the following steps:

((2)) Subtract a one person payment standard as specified in WAC 388-478-0020.

((3)) The remainder is allocated to the caretaker relative.)

(1) We start by totaling earned income, as defined in WAC 388-450-0030, and applying the earned income disregards outlined in WAC 388-450-0170.

(2) We add all the unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020 and 388-478-0027):

(a) One that includes both eligible assistance unit members and those who cannot get assistance; and

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

(4) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(5) We subtract any employment-related child care expenses you had prior to approval.

(6) Whatever is left is countable income and subtracted from the grant.

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

**WAC 388-450-0137 Does the department allocate income of an ineligible spouse to an ABD cash client?** This section applies to the aged, blind, or disabled (ABD) cash assistance program.

(1) ((When an ABD cash client is married and lives with the non-applying spouse, the following income is available to the client:

(a) The remainder of the client's wages, retirement benefits or separate property after reducing the income by:

((i) The ABD cash work incentive deduction, as specified in WAC 388-450-0177; and

((ii) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

((b) The remainder of the nonapplying spouse's wages, retirement benefits and separate property after reducing the income by:

((i) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents; and

((ii) The payment standard amount as specified under WAC 388-478-0033 which includes ineligible assistance unit members.

((c) One-half of all other community income, as provided in WAC 388-450-0005.)) The community income of the ineligible spouse and applying spouse is combined. See WAC 388-450-0005 to determine what income is available as community income. To figure out how much income we count, we take the following steps:

((a) We start by totaling earned income, as defined in WAC 388-450-0030, and subtract the earned income deductions outlined in WAC 388-450-0177;

((b) We add all the unearned income, as defined in WAC 388-450-0025;

((c) We subtract the difference between the two person and one person payment standards (payment standards can be found in WAC 388-478-0033)).

((2) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot exceed the standard of need in WAC 388-478-0015 for the number of dependents.

((3) Then, we compare the remaining income after deductions in subsections (1) and (2) of this section to the income limits defined in WAC 388-478-0090.

AMENDATORY SECTION (Amending WSR 13-24-044, filed 11/26/13, effective 1/1/14)

**WAC 388-450-0138 Does the department allocate income of an ineligible spouse to a housing and essential needs (HEN) referral ((recipient)) client?** This section applies to referrals to the housing and essential needs (HEN) program.

(1) When a HEN referral ((recipient)) client is married and lives with their ((nonapplying)) ineligible spouse, we take the following ((income is considered available to the client)) steps to figure out how much income we count:

- (a) ((The remainder of the recipient's wages, retirement benefits and other income after reducing the total income by:  
(i) The HEN referral work incentive deduction, as specified in WAC 388-450-0178; and  
(ii) The amount of current and/or back child support that the recipient is paying each month under a court or administrative order. If the monthly child support payment is greater than the department's standard of need, income is instead reduced by the department's standard of need.  
(b) The remainder of the nonapplying spouse's wages, retirement benefits and other income after reducing the total income by:  
(i) An amount not to exceed the department's standard of need for court ordered or administratively ordered current or back child support for legal dependents; and  
(ii) The HEN referral income limit amount as specified under WAC 388-478-0090 which includes ineligible assistance unit members.  
(c) One half of all other community income.)) We start by totaling earned income, as defined in WAC 388-450-0030, and subtract the earned income deduction, as defined in WAC 388-450-0178;  
(b) We add all the unearned income, as defined in WAC 388-450-0025;  
(c) We subtract the difference between the two person and one person payment standards (payment standards can be found in WAC 388-478-0033).  
(2) We subtract any court or administratively ordered child support paid for legal dependents. This includes both current and back support. The amount cannot exceed the standard of need in WAC 388-478-0015 for the number of dependents.  
(3) Then, we compare the remaining income after deductions in subsections (1) and (2) of this section to the income limits defined in WAC 388-478-0090.

AMENDATORY SECTION (Amending WSR 15-02-006, filed 12/26/14, effective 1/26/15)

**WAC 388-450-0170 Does the department provide an earned income deduction ((as an incentive)) for ((persons who)) households that receive TANF/SFA, RCA, and PWA to work? ((This section applies to TANF/SFA, RCA and PWA.))**

- (1) If ((a client works)) an individual is working, the department only counts some of the income to determine eligibility and benefit level.  
(2) We start by deducting the first \$500 of the total household's earned income.  
(3) We ((only count fifty percent)) then subtract 50% of ((your)) the remaining monthly gross earned income. ((We do this to encourage you to work.))  
((3))) (4) If you pay for care before we approve your benefits, we subtract the amount you ((pay)) paid for those dependent children or incapacitated adults who get cash assistance with you.  
(a) The amount we subtract is:  
(i) Prorated according to the date you are eligible for benefits;  
(ii) Cannot be more than your gross monthly income; and  
(iii) Cannot exceed the following for each dependent child or incapacitated adult:

## Dependent Care Maximum Deductions

Hours Worked Per Month	Child <u>Under</u> Two Years of Age ((& Under))	Child ((Over)) Two Years of Age and Older or Incapacitated Adult
0 - 40	\$ 50.00	\$ 43.75
41 - 80	\$ 100.00	\$ 87.50
81 - 120	\$ 150.00	\$ 131.25
121 or More	\$ 200.00	\$ 175.00

(b) In order to get this deduction:

- (i) The person providing the care must be someone other than the parent or stepparent of the child or incapacitated adult; and
- (ii) You must verify the expense.

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

**WAC 388-450-0177 Does the department ((offer)) provide an earned income deduction for the ABD cash program ((as an incentive for clients to work))?** The department gives a deduction to people who receive income from work while receiving aged, blind, or disabled cash assistance. The deduction applies to aged, blind, or disabled cash benefits only. We allow the following income deduction when we determine the amount of your benefits:

We ((only count fifty percent of your monthly gross earned income. We do this to encourage you to work.)) deduct the first \$500 of gross monthly earnings and then one-half of remaining earnings.

AMENDATORY SECTION (Amending WSR 13-24-044, filed 11/26/13, effective 1/1/14)

**WAC 388-450-0178 Does the department ((offer)) provide an earned income deduction for housing and essential needs (HEN) referral applicants and recipients ((as an incentive to work))?** We give a deduction to housing and essential needs (HEN) referral applicants and recipients who receive income from work. The deduction applies to eligibility for referral to the HEN program only. We allow the following income deduction when we determine your eligibility for referral to the HEN program:

We ((only count fifty percent of your monthly gross earned income. We do this to encourage work.)) deduct the first \$500 of gross monthly earnings and then one-half of remaining earnings.

AMENDATORY SECTION (Amending WSR 23-23-054, filed 11/8/23, effective 1/1/24)

**WAC 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA?** To be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), refugee cash as-

sistance (RCA), or pregnant women assistance (PWA), a family's gross earned income must be below the following levels (()), which includes the \$500 family earnings deduction:

Number of family members	Maximum earned income level	Number of family members	Maximum monthly earned income level
1	\$((900)) <u>1,400</u>	6	\$((2,180)) <u>2,680</u>
2	((1,140)) <u>1,640</u>	7	((2,516)) <u>3,016</u>
3	((1,412)) <u>1,912</u>	8	((2,784)) <u>3,284</u>
4	((1,666)) <u>2,166</u>	9	((3,058)) <u>3,558</u>
5	((1,918)) <u>2,418</u>	10 or more	((3,324)) <u>3,824</u>

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

**WAC 388-486-0005 Unmarried pregnant or parenting minors—Required living arrangement.** (1) This rule affects only the minor's eligibility for cash assistance. It does not affect the eligibility of the minor parent's child for a cash grant.

(2) The following definitions apply to terms used in this section:

(a) "Unmarried" means a person who has never been married or whose marriage has been annulled. It does not include a person who has been divorced or widowed.

(b) "Minor" means a person younger than ((eighteen)) 18 years of age.

(c) "Legal guardian" means a court-appointed legal guardian or court-appointed permanent custodian.

(d) "Relative" is a person who is related to the pregnant or parenting minor as defined under RCW 74.15.020((+4))).

(3) An unmarried pregnant or parenting minor is not eligible for TANF, SFA, or PWA unless the person:

(a) Has been emancipated by a court; or  
(b) Lives in a home approved by the department and has a protective payee.

(4) The home of a minor's parent, legal guardian, or adult relative may be approved unless:

(a) The minor has no living parent, legal guardian, or adult relative that can be located or those persons do not want the minor to live with them;

(b) The minor or the minor's child is being or has been seriously harmed either physically, emotionally, or sexually in the home of the parent, legal guardian, or adult relative;

(c) Substantial evidence exists of an act or failure to act by the parent, legal guardian, or adult relative that presents imminent or serious harm to the minor or the minor's child if they lived there; or

(d) The department determines that it is in the best interest of the minor or the minor's child to waive the requirement of living in the home of a parent, legal guardian, or adult relative.

(5) If the home of a minor's parent, legal guardian, or adult relative is not available or suitable, one of the following alternatives may be approved:

(a) A facility or home licensed under chapter 74.15 RCW that provides a supportive and supervised living arrangement requiring residents to learn parenting skills;

(b) A maternity home;

(c) Other adult-supervised living arrangement; or

(d) The minor's current or proposed living arrangement, if the department determines it is appropriate.

(6) A home that includes the other natural parent of the minor's child or unborn child is never approved if:

(a) The minor is under age ((sixteen)) 16; and

(b) The other parent is ((eighteen)) 18 or older and meets the age criteria for rape of a child as set forth in RCW 9A.44.073, 9A.44.076, and 9A.44.079.

(7) The income of a minor parent found ineligible under this section is treated according to WAC 388-450-0100 and ((388-450-0115)) 388-450-0105 when determining the eligibility and benefit level of the minor parent's child.

**AMENDATORY SECTION** (Amending WSR 13-24-043, filed 11/26/13, effective 1/1/14)

**WAC 388-486-0010 Unmarried pregnant or parenting minors—Required school attendance.** (1) This rule affects only the minor's eligibility for cash assistance. It does not affect the eligibility of the minor parent's child for a cash grant.

(2) To be eligible for TANF or SFA, an unmarried pregnant or parenting minor who has not completed high school or a high school equivalency certificate program must participate in educational activities leading to the attainment of a high school diploma or high school equivalency certificate.

(3) The minor must meet the standard for satisfactory attendance set by the school or program in which the minor is enrolled.

(4) An unmarried minor is exempt from this rule if the minor has:

(a) Been emancipated by a court; or

(b) A child who is less than ((twelve)) 12 weeks old.

(5) The income of a minor parent found ineligible under this section is treated according to WAC 388-450-0100 and ((388-450-0115)) 388-450-0105 when determining the eligibility and benefit level of the minor parent's child.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 388-450-0115     Does the department allocate the income of a financially responsible person who is excluded from the assistance unit?
- WAC 388-450-0116     How does the department count my income if I cannot get assistance because I am an alien?

**WSR 24-11-029  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 23-18—Filed May 7, 2024, 1:06 p.m., effective June 7, 2024]

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

**Purpose:** Amendments to the WAC listed below were presented by Washington department of fish and wildlife (WDFW) staff on March 26, 2024, and approved by the WDFW director on April 2, 2024. The purpose of the rule changes is to maintain or establish recreational hunting seasons, bag limits, and geographic boundary descriptions with WDFW's legislative mandate to provide sustainable recreational hunting opportunities for all citizens.

**Citation of Rules Affected by this Order:** Repealing WAC 220-411-050; and amending WAC 220-400-050, 220-410-050, 220-412-100, 220-413-100, 220-414-060, 220-414-100, 220-415-010, 220-415-020, 220-415-030, 220-415-040, 220-415-050, 220-415-060, 220-415-070, 220-415-120, 220-415-130, 220-416-010, 220-416-060, and 220-417-030.

**Statutory Authority for Adoption:** RCW 77.04.012, 77.04.020, 77.04.055, 77.08.030, 77.08.045, 77.12.047, 77.12.722, 77.12.800, 77.15.190, 77.32.320, 77.32.530, and 77.32.535.

**Other Authority:** RCW 77.04.012, 77.04.020, 77.04.055, 77.08.030, 77.08.045, 77.12.047, 77.12.722, 77.12.800, 77.15.190, 77.32.320, 77.32.530, and 77.32.535.

Adopted under notice filed as WSR 24-05-082 on February 21, 2024.

**Changes Other than Editing from Proposed to Adopted Version:** WAC 220-414-080 Hunting—Hunter orange and hunter pink clothing requirements, this proposed rule was not approved by the director and will not be adopted.

WAC 220-414-100 Crossbow requirements, a portion of this rule was not approved and adopted by the director. The use of crossbows by seniors during archery season was not approved; this language was omitted from the proposal and not adopted in the final WAC.

WAC 220-415-020 2021-2023 Deer general seasons and definitions, WDFW made minor clerical changes to late archery general season dates to ensure consistent year-to-year general season timing.

WAC 220-415-030 2023 Deer special permits, due to recently implemented access restrictions associated with the Lopez Island 2nd deer special permit, reduction in permit levels was warranted. WDFW staff reduced the deer category special hunt permits from 150 to 130.

WAC 220-415-060 2023 Elk special permits, WDFW removed the creation of the elk special hunt permit named "Rattlesnake Mountain" after federal permitting for the access to the associated land was no longer anticipated by the 2024 season.

WDFW made minor clerical changes to a small number of special hunt dates to ensure consistent year-to-year season timing (e.g., to ensure consistent timing with corresponding general seasons) or to correct incorrect hunt dates (e.g., when a hunt's dates did not reflect the current license year).

WAC 220-415-120 2023 Bighorn sheep seasons, permit quotas, and areas, the Chelan Butte adult ewe special hunt was moved from the adult ewe category to the youth category to ensure youth opportunity.

WAC 220-415-130 2023 Mountain goat seasons, permit quotas, and areas. Adjusted the hunt dates for the Goat Rocks west and east hunts. In 2023, the season for two special permits was pushed from September 1 to October 1 to accommodate a department-planned mountain goat cap-

ture. The capture was canceled with no plans to reinitiate, hence a need to revert the opening date to past dates. This is a clerical change that we missed during the initial edits and changed after the CR-102 was filed.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 18, Repealed 1.

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

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

Date Adopted: March 26, 2024.

Kelly Susewind  
Director

**OTS-5192.1**

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

**WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.**

(1) It is unlawful to possess river otter, cougar, lynx, or bobcat taken in Washington without a department identification seal which has been attached to the raw pelt, on or off the carcass, prior to the pelt sealing deadline.

(2) The raw pelt of a bobcat or river otter must be presented to an authorized department employee, or authorized individual under permit with the department, for sealing, and the associated harvest report must be submitted to the department by April 20th after the close of the appropriate hunting or trapping season in which it was killed.

Any person who takes a bobcat must present a cleaned and air-dried complete lower jaw (both sides), in such a manner that the canine tooth can be extracted for aging, to an authorized department employee at the time of sealing before a pelt seal will be issued.

(3) Any person who takes a cougar without the use of dogs must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. Any person who takes a cougar with the use of dogs must notify the department within 24 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be presented to an authorized department employee for sealing within five days of the notification of kill.

Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(4) It is unlawful to transport or cause the transport out of Washington a raw pelt of river otter, cougar, lynx, or bobcat taken in Washington without a department seal attached to the pelt.

(5) The raw pelt of a river otter, cougar, lynx, or bobcat taken outside Washington and imported into the state must be identified by a tag, seal or permit consistent with federal, state or country of origin laws and be accompanied by an invoice, declaration or permit specifying the number of pelts in the shipment.

(6) It is unlawful to possess an unlocked, broken, or otherwise open department seal for river otter, cougar, lynx, or bobcat unless the seal wire or band has been cut through and removed from a pelt that has been received and invoiced by a licensed taxidermist or fur dealer for processing or removed from a pelt that has been processed, except that individuals authorized by the department to seal pelts may possess open, unbroken seals.

#### OTS-5193.1

AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

**WAC 220-410-050 Game management units (GMUs) boundary descriptions—Region five.**

**GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):** Beginning at the intersection of Interstate Hwy (I)-5 and State Route (SR) 6; W on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser (Weyco) 7000 line; W and N on Weyco 7000 line to Weyco 7400 line; N on Weyco 7400 line to Weyco 7050 line; NE on Weyco 7050 line to Weyco 7000 line; NW and N on Weyco 7000 line to the Weyco 7800 line; N on Weyco 7800 line to Weyco 7800 F line; NE on Weyco 7800 F line to Weyco 720 line; E on Weyco 720 line to Weyco 723 line; NW on Weyco 723 line to the Weyco C line; NE on Weyco C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy (US) 12 at the town of Oakville; E on US 12 to I-5; S on I-5 to SR 6 and point of beginning.

**GMU 503-RANDLE (Lewis County):**

Beginning at the intersection of US Hwy (US) 12 and the Rayonier 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US 12 to State Route (SR) 131; S on SR 131 to Cispus Rd; E on Cispus Rd to Spears Rd; W on Spears Rd to SR 131; S on SR 131 to US Forest Service (USFS) Rd 25; to US Forest Service (USFS) Rd 25; S on the USFS Rd 25 to the Cispus River; W on the Cispus River to Rayonier 271 line; S on the Rayonier 271 line to the Rayonier 300 line; W on the Rayonier 300 line to the Rayonier 100 line (Kosmos Haul Rd); N on the Rayonier 100 line to US 12 and the point of beginning.

**GMU 504-STELLA (Cowlitz County):**

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to State Route (SR) 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper (IP) 1000 line; N on IP 1000 line to IP 1050 line; E on IP 1050 line to IP 2200 line; E and S on IP 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser (Weyco) 9312 line; E on Weyco 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Hwy (PH) 10 Rd; E along the Public Hwy (PH) 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

**GMU 505-MOSSYROCK (Lewis County):**

Beginning on Interstate Hwy (I)-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy (US) 12 bridge; NE on US 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rayonier 100 Mainline (Kosmos Haul Rd); N on the Rayonier 100 Mainline to US 12; W on US 12 to Davis Lake Rd; N and W on Davis Lake Rd to Main St at town of Morton; W on Main St to SR 508; W on SR 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

**GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):**

Beginning at State Route (SR) 6 and 3rd St S at the town of Pe Ell; S on 3rd St S to Muller Rd; S on Muller Rd to Weyerhaeuser (Weyco) 1000 line; S on Weyco 1000 line to Weyco 1800 line; S on Weyco 1800 line to Weyco 500 line; SE on Weyco 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyco 5000 line; N on Weyco 5000 line (Deep River main line) to Weyco 5800 line; NE on Weyco 5800 line to power transmission line (Section 21, T11N, R8W); E, NE, then N on the power transmission line to the Trap Creek A Line; E and N on the Trap Creek A Line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

**GMU 510-STORMKING (Lewis County):**

Beginning on US Hwy (US) 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service (USFS) Rd 47; N on USFS Rd 47 to USFS Rd 85; W and N on USFS Rd 85 to USFS Rd 52; N on USFS Rd 52 to the Nisqually River; W down the Nisqually River to State Route (SR) 7; S on SR 7 to Main St at town of

Morton; E on Main St to Davis Lake Rd; E on Davis Lake Rd to US 12; E on US 12 to the Silver Creek bridge and point of beginning.

**GMU 513-SOUTH RAINIER (Lewis County) :**

Beginning on US Hwy (US) 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service (USFS) Rd 47; N on USFS Rd 47 to USFS Rd 85; W and N on USFS Rd 85 to USFS Rd 52; W and N on USFS Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the USFS Trail 2000 (Pacific Crest National Scenic Trail); S along the USFS Trail 2000 to US 12; W on US 12 to the Silver Creek bridge and point of beginning.

**GMU 516-PACKWOOD (Lewis and Skamania counties) :**

Beginning at US Hwy (US) 12 and US Forest Service (USFS) Trail 2000 (Pacific Crest National Scenic Trail) at White Pass; S on USFS Trail 2000 to the Yakama Indian Reservation border; S on the Yakama Indian Reservation border to USFS Trail 2000; S on USFS Trail 2000 to USFS Trail 98 at Sheep Lake; W on USFS Trail 98 to USFS Rd 2160 at Walupt Lake; W on USFS Rd 2160 to USFS Rd 21; S and W on USFS Rd 21 to USFS Rd 23; S on USFS Rd 23 to USFS Trail 263; S and W on USFS 263 to USFS Trail 261; S on USFS Trail 261 to USFS Trail 1; W on USFS Trail 1 to USFS Rd 99; W on USFS Rd 99 to USFS Rd 26; N on USFS Rd 26 to USFS Rd 2612; W on USFS Rd 2612 to USFS Trail 217; N and W on USFS Trail 217 to Weyerhaeuser (Weyco) 2600 line; W on Weyco 2600 line to Weyco 2658 line; N on Weyco 2658 line to Rayonier (Campbell Group) 430 line; N on Rayonier 430 line to the Rayonier Mainline 400 line; N and E on Rayonier Mainline 400 line to Rayonier 300 line; E on Rayonier 300 line to Rayonier 271 line; N on Rayonier 271 line to the Cispus River; E on the Cispus River to USFS Rd 25; N on USFS Rd 25 to State Route (SR) 131; N on SR 131 to Spears Rd; E on Spears Rd to Cispus Rd; W on Cispus Rd to SR 131; N on SR 131 to US 12; E on US 12 to the USFS Trail 2000 at White Pass and beginning.

**GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties) :**

Beginning at the bridge at intersection of Interstate Hwy (I)-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser (Weyco) 4400 line; N along Weyco 4400 line to Weyco 2421 line; N along Weyco 2421 line to Weyco 2400 line; NW along Weyco 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service (USFS) Rd 2612; E on USFS Rd 2612 to USFS Trail 217; N and W on USFS Trail 217 to Weyco 2600 line; W on Weyco 2600 line to Weyco 2658 line; N on Weyco 2658 line to Rayonier 430 line; N on Rayonier 430 line to Rayonier 400 Mainline; N and E on Rayonier 400 Mainline to Rayonier 100 Mainline; N on Rayonier 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy (US) 12; SW on US 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

**GMU 522-LOO-WIT (Cowlitz and Skamania counties) :**

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser (Weyco) 3020 line; NW along Weyco 3020 line to Weyco 3000 line; E along Weyco 3000 line to US Forest Service (USFS) Trail 216G; SE along USFS Trail 216G to USFS Trail 216; S on USFS Trail 216 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's southern edge; E along the Mt. St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; SE down Ape Canyon Creek to USFS Trail 225 (Smith Creek Trail); N and NW on USFS Trail 225 to USFS Rd 99; NE along USFS Rd 99 to USFS Rd 26; N on USFS Rd 26 to USFS Trail 1 (Boundary Trail); W on USFS Trail 1 to USFS Trail 214 (Whittier Trail); N on USFS Trail 214 to USFS Trail 211 (Lakes Trail); W on USFS Trail 211 to USFS Trail 211, USFS Trail 230 (Coldwater Trail) junction; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; W and S on USFS property boundary to State Route 504 near the center of Section 35, T10N, R4E; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

**GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):**

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the State Route (SR) 504 bridge over Hoffstadt Creek; E on SR 504 to US Forest Service (USFS) property boundary near the center of Section 35, T10N, R4E; E and N on USFS property boundary to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; E to Minnie Peak; SW to USFS Trail 211 (Lakes Trail) and USFS Trail 230 (Coldwater Trail) junction; E on USFS Trail 211 (Lakes Trail) to USFS Trail 214 (Whittier Trail); S on USFS Trail 214 to USFS Trail 1 (Boundary Trail); E on USFS Trail 1 to USFS Rd 26; N on USFS Rd 26 to USFS Rd 2612; W on USFS Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

**GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):**

Beginning at Stevens Rd and State Route (SR) 6, south of the town of Doty; E on SR 6 to Interstate Hwy (I)-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser (Weyco) 9312 line; W on Weyco 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper (IP) 2200 line; N and W on IP 2200 line to IP 1050 line; W on IP 1050 line to IP 1000 line; S on IP 1000 line to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 to Weyco 500 line at Camp 2; NW on Weyco 500 line to Weyco 1800 line; N on Weyco 1800 line to Weyco 1000 line; N on Weyco 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

**GMU 550-COWEEMAN (Cowlitz County) :**

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser (Weyco) 4100 line; E on Weyco 4100 line to Weyco 4950 line; S and E on Weyco 4950 line to Weyco 235 line; SE on Weyco 235 line to Weyco 200 line; W on Weyco 200 line to Weyco 240 line; SE on Weyco 240 line to Weyco 243 line; E on Weyco 243 line to Weyco 135A line; S on Weyco 135A line to Weyco 135 line; E on Weyco 135 line to Weyco 134 line; SW on Weyco 134 line to Weyco 133 line; SW on Weyco 133 line to Weyco 130 line; SW on Weyco 130 line to Weyco 1680 line; W on Weyco 1680 line to Weyco 1600 line; SE on Weyco 1600 line to Weyco 1400 line; W on Weyco 1400 line to Weyco 1420 line which is the Kalama/Ceweeman Summit; SE on Weyco 1420 line to Weyco 1426 line; W on Weyco 1426 line to Weyco 1428 line; SW on Weyco 1428 line to Weyco 1429 line which turns into Weyco 6400 line; SW down Weyco 6400 line to Weyco 6000 line; E on Weyco 6000 line to Weyco 6450 line; SE for approximately one mile on Weyco 6450 line (crossing the Kalama River) to Weyco 6452 line; SE on Weyco 6452 line to Dubois Rd; SE on Dubois Rd to State Route (SR) 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

**GMU 554-YALE (Cowlitz and Clark counties) :**

Beginning on State Route (SR) 503 at its crossing of Cape Horn Creek; E and NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to SR 503 bridge crossing; S and W along SR 503 to NE 221st Ave; N about 1/4 mile on NE 221st Ave to NE Cedar Creek Rd; W along NE Cedar Creek Rd to NE Pup Creek Rd; N on NE Pup Creek Rd to NE Buncombe Hollow Rd; N about 1/4 mile on NE Buncombe Hollow Rd to power transmission line; S and W on the power transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

**GMU 556-TOUTLE (Cowlitz County) :**

Beginning on the intersection of State Route (SR) 503 (Lewis River Rd) and US Forest Service (USFS) Rd 81 (Merrill Lake Rd); N on USFS Rd 81 to Weyerhaeuser (Weyco) 7200 line; NW on Weyco 7200 line to Weyco 7400 line; N on Weyco 7400 line to Weyco 5500 line; E and N on Weyco 5500 line to Weyco 5670 line; N and E on Weyco 5670 line to Weyco 5660 line; N on Weyco 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to USFS Trail 216; N on USFS Trail 216 to USFS Trail 216G; NW on USFS Trail 216G to Weyco 3000 line; W on Weyco 3000 line to Weyco 3020 line; SE on Weyco 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyco 2400 line; S on Weyco 2400 line to Weyco 2421 line; S on Weyco 2421 line to Weyco 4400 line; S and W along Weyco 4400 line to Johnson

Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyco 4100 line; E on Weyco 4100 line to the Weyco 4950 line; S and E on Weyco 4950 line to Weyco 235 line; SE on Weyco 235 line to Weyco 200 line; W on Weyco 200 line to Weyco 240 line; SE on Weyco 240 line to Weyco 243 line; E on Weyco 243 line to Weyco 135A line; S on Weyco 135A line to Weyco 135 line; E on Weyco 135 line to Weyco 134 line; SW on Weyco 134 line to Weyco 133 line; SW on Weyco 133 line to Weyco 130 line; SW on Weyco 130 line to Weyco 1680 line; W on Weyco 1680 line to Weyco 1600 line; SE on Weyco 1600 line to Weyco 1400 line; W on Weyco 1400 line to Weyco 1420 line which is the Kalama/Ceweeman Summit; SE on Weyco 1420 line to Weyco 1426 line; W on Weyco 1426 line to Weyco 1428 line; SW on Weyco 1428 line to Weyco 1429 line; SW on Weyco 1429 line to Weyco 6400 line; SW on Weyco 6400 line to Weyco 6000 line; E on Weyco 6000 line to Weyco 6450 line; SE for approximately one mile on Weyco 6450 line (crossing the Kalama River) to Weyco 6452 line; SE on Weyco 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E and NE on SR 503 to USFS Rd 81 and point of beginning.

**GMU 560-LEWIS RIVER (Cowlitz, Skamania, Klickitat, Yakima, and Lewis counties):**

Beginning on State Route (SR) 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service (USFS) Rd 82 (Mount Adams Recreational Area Rd); N on USFS Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to USFS Trail 2000 (Pacific Crest National Scenic Trail) in Section 3, T11N, R11E; S on USFS Trail 2000 to USFS Trail 98 at Sheep Lake; W on USFS Trail 98 to USFS Rd 2160 at Walupt Lake; W on USFS Rd 2160 to USFS Rd 21; S and W on USFS Rd 21 to USFS Rd 23; S on USFS Rd 23 to USFS Trail 263; S and W on USFS Trail 263 to USFS Trail 261; S on USFS Trail 261 to USFS Trail 1; W on USFS Trail 1 to USFS Rd 99; S and W on USFS Rd 99 to USFS Trail 225 (Smith Creek Trail); S on USFS Trail 225 to Ape Canyon Creek; N and W up Ape Canyon Creek to Mt. St. Helens crater's eastern edge; W along Mt. St. Helens crater's southern edge to headwaters of S Fork Toutle River; W along S Fork Toutle River to Weyerhaeuser (Weyco) 5660 line; S along Weyco 5660 line to Weyco 5670 line; S and W on Weyco 5670 line to Weyco 5500 line; S and W on Weyco 5500 line to Weyco 7400 line; S and E on Weyco 7400 line to Weyco 7200 line; S and E on Weyco 7200 line to USFS Rd 81; S on USFS Rd 81 to SR 503; N and E on SR 503 to Dog Creek; S down Dog Creek to the N shore of Yale Reservoir; E along N shore of Yale Reservoir to N Fork Lewis River; E up the Lewis River to Swift Dam and Swift Reservoir; E along the N shore of Swift Reservoir to N Fork Lewis River; E up N Fork Lewis River to USFS Rd 90 Bridge (Eagle Cliff); E on USFS Rd 90 to USFS Rd 51 (Curly Creek Rd); SE on USFS Rd 51 to USFS Rd 30; NE on USFS Rd 30 to USFS Rd 24; SE on USFS Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

**GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):**

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork

of the Lewis River in the northeast corner of Section 4, T5N, R2E to NE Buncombe Hollow Rd; S on NE Buncombe Hollow Rd to NE Pup Creek Rd; S on NE Pup Creek Rd to NE Cedar Creek Rd; E on NE Cedar Creek Rd to NE 221st Ave; S along NE 221st Ave to SR 503, to NE Amboy Rd; S on NE Amboy Rd to W Yacolt Rd; E on W Yacolt Rd to N Railroad Ave; SE on N Railroad Ave, which becomes S Railroad Ave; SE on S Railroad Ave which becomes NE Railroad Ave; SE on NE Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to NE 197th Ave; S on NE 197th Ave to NE 279th St; W on NE 279th St to NE 182nd Ave; S on NE 182nd Ave to NE 259th St; E on NE 259th St to NE 220th Ave; S on NE 220th Ave which turns into NE Cresap Rd; SE on NE Cresap Rd which turns into NE 222nd Ave; S on NE 222nd Ave to NE Allworth Rd; E on NE Allworth Rd to NE 232nd Ave; S on NE 232nd Ave to NE 237th St; E on NE 237th St which turns into NE 240th Ave; S on NE 240th Ave to NE Berry Rd; NE on NE Berry Rd to the DNR L-1410 Rd; SE on DNR L-1410 Rd to the DNR L-1400 Rd; W on DNR L-1400 Rd which turns into NE Rawson Rd; W on NE Rawson Rd to NE Powell Rd; SW on NE Powell Rd to NE 212th Ave; S on NE 212th Ave to NE 109th St; E on NE 109th St to NE 222nd Ave; S on NE 222nd Ave to NE 83rd St; W on NE 83rd St to NE 217th Ave; S on NE 217th Ave to NE 68th St; E on NE 68th St to NE 232nd Ave; S on NE 232nd Ave to NE 54th St; E on NE 54th St to NE 237th Ave; S on NE 237th Ave to NE 53rd St; E on NE 53rd St which turns into NE Bradford Rd then back into NE 53rd St to NE 292nd Ave; S on NE 292nd Ave to NE Ireland Rd; E on NE Ireland Rd to NE Stauffer Rd; E then SW on NE Stauffer Rd to NE 292nd Ave; S on NE 292nd Ave which turns into NE Reilly Rd; SW on NE Reilly Rd to NE Blair Rd; SE on NE Blair Rd to NE Zeek Rd; E on NE Zeek Rd which turns into NE 10th St; E on NE 10th St which turns into NE 312th Ave; S on NE 312th Ave to NE 9th St; E on NE 9th St to NE 322nd Ave; N on NE 322nd Ave which turns into NE Ammeter Rd; NE on NE Ammeter Rd approximately 1/8 mile to the power transmission lines; E along the northern margin of the power transmission lines to NE Hughes Rd; N on NE Hughes Rd which turns into NE 392nd Ave; N on NE 392nd Ave to NE 28th St; E on NE 28th St to NE Miller Rd; NE on NE Miller Rd which turns into NE 39th St; E on NE 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to Canyon Creek Rd; SE on Canyon Creek Rd to Salmon Falls Rd; S on Salmon Falls Rd to State Route (SR) 14; E on SR 14 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

**GMU 568-WASHOUGAL (Clark and Skamania counties):**

Beginning on the Lewis River at State Route (SR) 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE and E up Canyon Creek to US Forest Service (USFS) Rd 54; E on USFS Rd 54 to USFS Rd 53; S on USFS Rd 53 to USFS Rd 4205 (Gumboot Rd); S on USFS Rd 4205 to USFS Rd 42 (Green Fork Rd); SW on USFS Rd 42 to USFS Rd 41 at Sunset Falls; E on USFS Rd 41 to Hemlock Rd; E on Hemlock Rd to the Hemlock Rd bridge over the Wind River; SE down the Wind River to the Columbia River; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Wind River); N on Cape Horn Rd to SR 14; W on SR 14 to Salmon Falls Rd; N on Salmon Falls Rd to Canyon Creek Rd; NW on Canyon Creek Rd to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to NE 39th St; W on NE 39th

St which turns into NE Miller Rd; SW on NE Miller Rd to NE 28th St; W on NE 28th St to NE 392nd Ave; S on NE 392nd Ave which turns into NE Hughes Rd; S on NE Hughes Rd approximately 1/8 mile to the power transmission lines; W along the northern margin of the power transmission lines to NE Ammeter Rd; SW on NE Ammeter Rd which turns into NE 322nd Ave; S on NE 322nd Ave to NE 9th St; W on NE 9th St to NE 312th Ave; N on NE 312th Ave which turns into NE 10th St; W on NE 10th St which turns into NE Zeek Rd; W on NE Zeek Rd to NE Blair Rd; NW on NE Blair Rd to NE Reilly Rd; NE on NE Reilly Rd which turns into NE 292nd Ave; E on NE 292nd Ave to NE Stauffer Rd; NE then NW on NE Stauffer Rd to NE Ireland Rd; W on NE Ireland Rd to NE 292nd Ave; N on NE 292nd Ave to NE 53rd St; W on NE 53rd St which turns into NE Bradford Rd then turns into NE 53rd St again to NE 237th Ave; N on 237th Ave to NE 232nd Ave; N on NE 232nd Ave to NE 68th St; W on NE 68th St to NE 217th Ave; N on NE 217th Ave to NE 83rd St; E on NE 83rd St to NE 222nd Ave; N on NE 222nd Ave to NE 109th St; W on NE 109th St to NE 212th Ave; N on NE 212th Ave to NE Powell Rd; NE on NE Powell Rd to NE Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to NE Berry Rd; W then SW on NE Berry Rd to NE 240th Ave; N on NE 240th Ave which turns into NE 237th St; W on NE 237th St to NE 232nd Ave; N on NE 232nd Ave to NE Allworth Rd; W on NE Allworth Rd to NE 222nd Ave; N on NE 222nd Ave which turns into NE Cresap Rd which turns into NE 220th Ave to NE 259th St; W on NE 259th St to NE 182nd Ave; N on NE 182nd Ave to NE 279th St; E on NE 279th St to NE 197th Ave; N on NE 197th Ave to NE Basket Flats Rd; E on NE Basket Flats Rd to NE Hantwick Rd; N then NW on NE Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to NE Railroad Ave; NW on NE Railroad Ave, which turns into S Railroad Ave then N Railroad Ave in the town of Yacolt, to W Yacolt Rd; W on W Yacolt Rd to NE Amboy Rd; N on NE Amboy Rd to NE 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

**GMU 572-SIOUXON (Skamania and Clark counties):**

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service (USFS) Rd 90 at the Eagle Cliff bridge; E on USFS Rd 90 to USFS Rd 51 (Curly Creek Rd); SE on USFS Rd 51 to USFS Rd 30 (Wind River Rd); N on USFS Rd 30 to USFS Rd 24 (Twin Butte Rd); S on USFS Rd 24 to USFS Rd 60 (Carson Guler Rd); SW on USFS Rd 60 to USFS Rd 65; SW on USFS Rd 65 to USFS Rd 6517 (Warren Gap Rd); W on USFS Rd 6517 to the Wind River Rd; S on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to USFS Rd 41 (Sunset-Hemlock Rd); W on the USFS Rd 41 to USFS Road 42 (Green Fork Rd) at Sunset Falls; NE on USFS Rd 42 to USFS Rd 4205 (Gumboot Rd); N on USFS Rd 4205 to USFS Rd 53; NW on USFS Rd 53 to USFS Rd 54; W on USFS Rd 54 to Canyon Creek; W and NW down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

**GMU 574-WIND RIVER (Skamania and Klickitat counties):**

Beginning at the town of Trout Lake; S on State Route (SR) 141 to the SR 141 bridge over the White Salmon River Bridge at Husum; S on the White Salmon River to the Columbia River; W down the Columbia River to the mouth of Wind River (including all islands in the Columbia River that are both north of the Washington state line and between the White Salmon River and Wind River); NW up the Wind River to the Hemlock Rd bridge; E on Hemlock Rd to Wind River Rd; N on Wind River Rd to US Forest Service (USFS) Rd 6517 (Warren Gap Rd); E on USFS Rd 6517 to

USFS Rd 65 (Panther Creek Rd); N on USFS Rd 65 to USFS Rd 60; NE on USFS Rd 60 to USFS Rd 24 (also called Carson-Gular Rd); E on USFS Rd 24 to SR 141; NE on SR 141 to the town of Trout Lake and the point of beginning.

**GMU 578-WEST KLICKITAT (Klickitat and Yakima counties):**

Beginning at the mouth of the White Salmon River on the Columbia River; N up the White Salmon River to the State Route (SR) 141 bridge over the White Salmon River at Husum; N on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service (USFS) Rd 82 (Mount Adams Recreational Area Rd); N on USFS Rd 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the White Salmon River).

**OTS-5190.1**

**AMENDATORY SECTION** (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

**WAC 220-412-100 Landowner hunting permits.** (1) A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

(2) It is unlawful to participate in a landowner hunting permit (LHP) hunt without a landowner LHP permit from the landowner **or** a public LHP permit from the department for the species covered under the landowner's contract and possess an unfilled tag for said species. A violation of this section is punishable under RCW 77.15.410.

(3) **Acceptance Guidelines**

(a) LHP contracts must provide one or both of the hunting opportunities listed below for the public via landowner permits and public permits:

- Hunting opportunity that otherwise would not exist.
- Hunting opportunity that helps resolve chronic crop damage problems that have been documented by WDFW.

(b) WDFW may deny LHP applications that do not provide substantial public access benefit beyond the allotted WDFW public permit opportunity.

• For the purposes of this program, "substantial public benefit" will be defined as access for the general public to the property outside of the designated LHP permit season, for any of the following activities: General season or special permit hunting access for deer,

elk, bear, cougar, sheep, goat, moose, upland game birds, turkey, waterfowl, dove or other nonhunting activities such as wildlife viewing or fishing. At a minimum, the LHP property should attempt to allow access for at least two types of recreational opportunity outside of the designated LHP permit seasons for deer and elk. Each LHP agreement must demonstrate a substantial public benefit to the citizens of the state and the wildlife resources of the area. For further information regarding public benefit, please refer to the standard operating procedure.

(c) Lands in a single LHP must have a minimum huntable acreage of 1,000 acres.

- Lands that are contiguous can span GMU boundaries.
- Lands that are not contiguous have to reside within the same GMU.

(d) Only 2 LHP contracts will be active at the same time in each WDFW district (Appendix B). If an LHP crosses district boundaries, the LHP will be considered to be in the district containing the majority of the land and/or hunting opportunity.

(e) WDFW will prioritize LHP applications that score the highest using the scoring matrix (Criteria - Appendix D in the standard operating procedure). In addition to LHP hunts, "no-fee" general public access opportunity is strongly encouraged (e.g., general deer, elk, turkey, upland hunting, or other opportunities as stated in (b) of this subsection). Special accommodations for hunters with disabilities, youth, seniors, and designated master hunters are also strongly encouraged, as well as "no-fee" access for special permit holders (e.g., elk, bear, moose and bighorn sheep).

(f) To ensure predictability for landowners, hunters, and WDFW, all landowners who enter into an LHP contract in April are required to abide by the conditions of the LHP contract for the term of the contract. Any changes in property ownership, total acreage or management practices on the land(s) enrolled in the LHP will require an amendment to the contract. WDFW reserves the right to alter conditions to the contract if an amendment is required. It is the responsibility of the landowner to inform the proper WDFW regional staff of any changes. Not providing accurate information may result in the termination of the contract.

(g) Landowners may only be involved in one LHP statewide.

**(4) Program Guidelines**

(a) Policy C-6002 divides hunting on LHP cooperators lands into public and landowner permit opportunities. Public opportunity is defined as permits that are drawn through the WDFW permit drawing system or are drawn through a public raffle. Landowner opportunity is defined as those permits allocated to and distributed by the LHP cooperators.

(b) No LHP permits for elk will be issued in those GMUs where branch-antlered bull elk hunting is by quality or bull elk special permits only.

(c) No LHP permits for deer will be issued in those GMUs where antlered deer hunting is by quality or buck deer special permits only.

(d) Landowners may sell access associated with the landowner portion of the permits, but then must waive the right to all claims for wildlife damage that may occur on their lands. Selling access may also affect landowner liability as described in RCW 4.24.200 and 4.24.210. It is the responsibility of the landowner to ensure they are protected against liability claims.

(e) WDFW will draw permits for public hunting opportunity through the licensing permit drawing system or through a public raffle. Public raffles must be conducted according to state laws and regulations including, but not limited to, WAC 220-412-050 and as outlined in the commission policy C-6002.

(f) Access to LHP property and associated hunting will be free of charge for individuals who draw a public LHP permit. Hunting opportunity (i.e., location, length of time, season of the hunt and hunting area) must be equivalent for public permit holders and landowner permit holders. Landowners not meeting this requirement will have their LHP contract voided. Landowners in an LHP may be required to provide evidence verifying equitability between both the public and landowner permits.

(g) Lands in an LHP contract will be identified on the WDFW website, along with other private and public hunting lands. The operator or WDFW may create additional detailed maps to better inform the public. Any additional maps or materials may also be posted on the WDFW website.

(h) LHP boundaries will be posted with WDFW approved signs in accordance with boundary posting requirements section of the standard operating procedure.

(i) LHP properties may not have fences that alter or prevent the natural movement of wildlife.

(j) All LHP permits are only valid within the identified LHP property boundaries. Any wildlife harvested outside the boundaries of the LHP using an LHP permit will be considered a "closed season" violation. LHP permits are not valid on private or public in-holdings that are not included in the LHP contract.

(k) Any cost to implement the program, other than costs typically covered by WDFW (e.g., WDFW staff time and LHP signage), will be the responsibility of the landowner.

(l) Damage prevention permits authorized under WAC 220-440-060 will be issued to LHP cooperators only if WDFW deems it necessary to control damage.

(m) All LHP contracts will be tied to the three-year season setting cycle.

(n) LHP permits will be allocated annually. WDFW regional staff will provide permit recommendations to the private lands section manager by November of each year.

(o) A cooperator who does not comply with their LHP contract may have their contract voided by the department. If their contract is voided, they will not be able to reapply until the next application cycle and forfeit any remaining permits to WDFW. If a contract is voided, the LHP property may be enrolled in another WDFW access program without having to wait until the next LHP application cycle.

(p) WDFW at its discretion may deny any LHP application for biological or social reasons.

(q) LHPs shall not be authorized in areas where other access opportunities may be jeopardized.

(r) Due to the limited availability of habitat funding, LHP properties will not be prioritized for any funding available to the private lands access program for the purposes of habitat enhancement, restoration or other habitat related activities. This does not include federal programs, where WDFW staff provide technical assistance.

Annual reports (Appendix C) will be required for all LHP properties. The annual report form will be mailed to the landowners with their LHP permits each year. Reports are due back to the private lands

section manager no later than May 1st of the following year. Failing to mail/send completed annual reports may result in a delay in issuing permits the following hunting season. Chronic failure to submit reports will lead to voiding of the LHP contract.

(5) (a) **Buckrun**

(i) Buckrun is located in Grant County, near the town of Wilson Creek.

(ii) Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one-day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out with the landowner or their designee on hunt day. Hunts are scheduled on a first-come basis by calling 509-345-2577 in advance.

(b) **Buckrun landowner hunting permits**

(i) Buckrun's manager will distribute Buckrun's landowner hunting permits. Buckrun may charge an access fee for these permits, but not for winning raffle permits. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun's properties. Contact the manager at 509-345-2577 for additional information.

(ii) **Deer Seasons for the landowner portion of LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tailed Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Oct. 25 - Dec. 31	Any deer	Buckrun

(c) **Buckrun public hunting permits**

(i) Hunters must apply to the Washington department of fish and wildlife for Buckrun's special hunting permits. Only hunters possessing a modern firearm deer tag are eligible for these special permits. All hunters must check in and out with the landowner or their designee. Hunts must be scheduled in advance by calling 509-345-2577.

(ii) **Deer Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless	Buckrun

(6) (a) **Silver Dollar Association**

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation.

(b) **Silver Dollar Association landowner hunting permits**

(i) The Silver Dollar Association's manager will distribute the association's landowner hunting permits. The association may charge an access fee for these permits.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	((24)) <u>30</u>	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

(c) **Silver Dollar Association public hunting permits**

(i) Hunters must apply to the department for the Silver Dollar Association's special hunting permits.

## (ii) Elk Seasons for the public portion of the LHP permits:

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	((8)) <u>11</u>	EF	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	EF	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	EF	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

## (7) (a) Blackrock Ranches

Blackrock Ranches is located in Yakima County west of the Hanford Reservation.

## (b) Blackrock Ranches landowner hunting permits

(i) Blackrock Ranches' manager will distribute the ranches' landowner hunting permits. Blackrock Ranches may charge an access fee for these permits.

## (ii) Elk Seasons for the landowner portion of the LHP permits:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	8	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	2	Aug. 1 - March 31	Antlerless	Blackrock Ranches

## (c) Blackrock Ranches public hunting permits

(i) Hunters must apply to the department for Blackrock Ranches' special hunting permits. To apply, hunters must have an eastside elk tag.

## (ii) Elk Seasons for the public portion of the LHP permits:

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	2	EF	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

## (8) (a) Columbia Plateau Wildlife Management Association

(i) The Columbia Plateau Wildlife Management Association (CPWMA) landowner hunting permit area is located in Spokane County (GMU 130) near Turnbull National Wildlife Refuge.

(ii) Landowner permit hunts are primarily small ranch hunts but are managed for a quality experience by keeping the number of hunters in the field low.

## (b) Columbia Plateau Wildlife Management Association landowner hunting permits

(i) CPWMA's manager will distribute the association's landowner hunting permits. CPWMA will not charge an access fee for raffle permit winners. Only hunters possessing an elk tag are eligible for permits on CPWMA's properties. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled

hunting dates. Successful applicants will receive a packet of information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's website at [www.cpwma.org](http://www.cpwma.org) or contact the hunt manager at 509-263-4616. Holders of landowner permits selected through raffle, including ((9)) 12 antlerless elk and ((2)) 3 any bull elk permits, are eligible to purchase second elk tags that may only be used on lands included in the CPWMA LHP.

**(ii) Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA	((1)) <u>2</u>	Jan. 1 - Mar. 31	Antlerless	CPWMA
CPWMA	1	Jan. 1 - Mar. 31	Any Bull	CPWMA
CPWMA Raffle 1	((3)) <u>4</u>	Jan. 1-31	Antlerless	CPWMA
CPWMA Raffle 2	((3)) <u>4</u>	Feb. 1-28	Antlerless	CPWMA
CPWMA Raffle 3	((3)) <u>4</u>	Mar. 1-31	Antlerless	CPWMA
CPWMA Raffle 4	((2)) <u>3</u>	Jan. 1 - Mar. 31	Any Bull	CPWMA

**(c) Columbia Plateau Wildlife Management Association public hunting permits**

(i) Hunters must apply to the department for CPWMA's special hunting permits. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of required information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's website at [www.cpwma.org](http://www.cpwma.org) or contact the hunt manager at 509-263-4616.

**(ii) Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA 1	1	Jan. 1 - Mar. 31	Any Bull	CPWMA

**(9) (a) Centralia Mine**

(i) Centralia Mine landowner hunting permit area is located in Lewis and Thurston counties (GMU 667) on the Centralia Mine near Centralia.

(ii) The Centralia Mine is owned by TransAlta and is a federally mandated, closed access area. Hunters must be escorted by TranAlta employees to access the property. Public hunters that are drawn for permits are escorted to hunt areas on the mine by employees with TransAlta that volunteer their time.

**(b) Centralia Mine landowner hunting permits**

(i) TransAlta staff will distribute the Centralia Mine landowner hunting permits including to TransAlta staff that volunteer as guides for state disabled, senior and youth permit elk hunts. TransAlta volunteers using their permits will attempt to target limping cows to assist with Treponeme Associated Hoof Disease control.

**(ii) Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Centralia Mine	5	Sept. 1 - Dec. 31	Antlerless	Centralia Mine

**(c) Centralia Mine public hunting permits**

(i) Hunters must apply to the department for Centralia Mine special hunting permits. To apply, hunters must have the required license/transport tag who are 65 years and older at some point during the license year for the senior hunts or be registered with the department as a hunter with a disability for the disabled hunts or meet the qualifications for youth hunting for the youth hunt. Due to landscape conditions, all hunters, regardless of tag type, are required to use a rifle during these hunts. Successful applicants will be contacted by TransAlta to arrange their hunt date and will receive a packet of logistical information from TransAlta about the hunt.

**(ii) Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Centralia Mine	5	Sept. 1 - Oct. 15*	Senior only, Antlerless	Centralia Mine
Centralia Mine	5	Sept. 1 - Oct. 15*	Disabled only, Antlerless	Centralia Mine
Centralia Mine	1	Sept. 1 - Oct. 15*	Youth only, Any Bull	Centralia Mine

\*Individuals selected for these hunts will be granted a single weekend within the listed time frame. Coordination with the hunt manager is required when selecting specific weekend dates.

## OTS-5185.1

**AMENDATORY SECTION** (Amending WSR 23-23-045, filed 11/6/23, effective 12/7/23)

**WAC 220-413-100 Mandatory report of hunting activity.** (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag and permit acquired, by January 31st or within 10 days after the close of an eligible hunt, whichever date is later.

(b) Reports must be made using the department's authorized internet hunter reporting system, department-authorized mobile application, or by telephone.

(c) A hunter who fails to report hunting activity, for each tag and permit acquired, by the reporting deadline is in violation of reporting requirements.

(d) Compliance will be credited for each transport tag and permit acquired.

(2) As an incentive for prompt reporting, all hunters who report by midnight January 10th or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag and permit acquired.

(3) A hunter who fails to report hunting activity by the reporting deadline for deer, elk, bear, or turkey tags and permits acquired the previous year will be required to pay a \$10 administrative fee at

the time a new license that includes deer, elk, bear, or turkey tags is issued.

(4) All hunters who purchase a paper or electronic migratory bird authorization must report their hunting activity for each paper or electronic harvest record card issued.

(a) Hunters must report harvest information from band-tailed pigeon harvest record cards by September 30<sup>th</sup> following the season for which the harvest card was issued. Hunters must report harvest information from brant, sea duck, and harlequin duck permit harvest record cards by February 15<sup>th</sup> following the season for which the harvest card was issued. Hunters must report harvest information from snow goose (Goose Management Area 1), and SW Canada goose (Goose Management Area 2 Coast and Inland) harvest record cards by March 20<sup>th</sup> following the season for which the harvest card was issued.

(b) Hunters must report migratory bird hunting activity at the department's authorized internet hunter reporting system internet site listed on the harvest record card((<sup>7</sup>)) or on the department-authorized mobile application ((~~or by mailing all harvest record cards to the department at: P.O. Box 43141, Olympia, WA 98504~~)).

(c) Any hunter who fails to report, for each harvest record card acquired, by the reporting deadlines is in violation of reporting requirements.

(d) Compliance will be credited for each harvest record card acquired.

(5) A hunter who fails to report hunting activity by the reporting deadlines for band-tailed pigeon, brant, harlequin duck permit, sea duck, snow goose, or SW Canada goose harvest record card acquired in the previous hunting season must pay a \$10 administrative fee at the time a new migratory bird authorization and harvest record card is issued.

(6) A hunter may only be required to pay a maximum of one \$10 administrative fee for all game species reporting violations during a license year.

#### OTS-5194.1

AMENDATORY SECTION (Amending WSR 22-13-110, filed 6/15/22, effective 7/16/22)

**WAC 220-414-060 Muzzleloading firearms.** (1) Definitions.

(a) Muzzleloader: A firearm that is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in all muzzleloading firearms. The term load refers to the powder charge and projectile and both must be loaded from the muzzle.

(b) A muzzleloading firearm shall be considered loaded if a powder charge and a projectile, either shot or single projectile are in the barrel and the barrel or breech is capped or primed.

(2) It is unlawful to hunt wildlife using a muzzleloading firearm that does not meet the following specifications:

(a) A muzzleloading shotgun or rifle must have a single or double barrel, rifled or smooth-bored.

(b) A muzzleloading shotgun or rifle used for deer must be .40 caliber or larger. Buckshot size #1 or larger may be used in a smoothbore of .60 caliber or larger for deer.

(c) A muzzleloading shotgun, rifle, or handgun used for all other big game must be .45 caliber or larger.

(d) Persons lawfully hunting small game with a double barrel, muzzleloading shotgun may keep both barrels loaded.

(e) A muzzleloading handgun must have a single or double barrel of at least eight inches, must be rifled, and must be capable of being loaded with 45 grains or more of black powder or black powder substitute per the manufacturer's recommendations.

(f) A muzzleloading handgun used for big game must be .45 caliber or larger.

(g) A handgun designed to be used with black powder, including black powder percussion revolvers, can be used to hunt forest grouse, cottontail rabbits, and snowshoe hares.

(3) In addition to the above requirements, it is unlawful to participate (hunt) in a muzzleloading hunting season using a firearm that does not meet the following specifications for a muzzleloader. However, a modern handgun may be carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during a big game hunting season for muzzleloading firearms.

(a) Ignition is to be wheel lock, matchlock, flintlock, or percussion. Primers designed to be used in modern cartridges are legal.

(b) Sights must be open, peep, ((or)) of other open sight design, or scopes not exceeding 1x magnification. Fiber optic sights are legal. Telescopic sights ((or sights containing glass)) are prohibited.

(c) It is unlawful to have any electrical aiming device ((or equipment)) attached to a muzzleloading firearm while hunting except for red-dot or similar electronically powered scopes not exceeding 1x magnification.

(d) Those persons lawfully hunting big game with a double barrel muzzleloader may only keep one barrel loaded.

(4) Muzzleloading firearms used during a modern firearm season are not required to meet ignition, sight, or double barrel restrictions.

(5) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

## OTS-5196.2

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-414-100 Crossbow requirements.** (1) The following provisions apply to hunting with a crossbow:

(a) It is unlawful to hunt big game with a crossbow outside of a modern firearm or muzzleloader season.

(b) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.

(c) It is unlawful to hunt big game animals with any arrow or bolt weighing less than 350 grains.

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed.

(f) It is unlawful to discharge a crossbow from a vehicle or from, across, or along the maintained portion of a public highway.

(g) It is unlawful to hunt wildlife with a crossbow during an archery season.

(2) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

## OTS-5197.1

AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

**WAC 220-415-010 Deer area descriptions.** The following areas are defined as deer areas:

**Deer Area No. 1008 West Wenaha (Columbia County):** That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

**Deer Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties):** That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

**Deer Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Deer Area No. 1031 Parker Lake (Pend Oreille County):** That area within GMU 117 south of Ruby Creek Rd (USFS Road 2489), north of Tacoma Creek Rd (USFS Road 2389), and west of Bonneville Power Administration power lines. The Parker Lake Deer Area is a protected area for the U.S. Air Force Military Survival Training Program that allows some limited access for special permit hunting.

**Deer Area No. 1035 Highway 395 Corridor (Stevens County):** That portion of GMU 121 beginning at the intersection of US Highway (Hwy) 395 (State Route 20) and State Route (SR) 25: S on SR 25 to Old Kettle Rd; E on Old Kettle Rd to Mingo Mountain Rd; S on Mingo Mountain Rd to Greenwood Loop Rd; E on Greenwood Loop Rd to the bridge over the Colville River; S on the Colville River to the bridge over Gold Creek Loop/Valley Westside Rd; W and S on Valley Westside Rd to the Orin-Rice Rd; E on Orin-Rice Rd to Haller Creek Rd; S on Haller Creek Rd to Skidmore Rd; E and S on Skidmore Rd to Arden Hill Rd; E on Arden Hill Rd to Townsend-Sackman Rd; S on Townsend-Sackman Rd to Twelve Mile Rd; S on Twelve Mile Rd to Marble Valley Basin Rd; S on Marble Valley Basin Rd to Zimmer Rd; S on Zimmer Rd to Blue Creek West Rd; E on Blue Creek West Rd to Dry Creek Rd; S on Dry Creek Rd to Duncan Rd; E on Duncan Rd to Tetro Rd; S on Tetro Rd to Heine Rd; E and S on Heine Rd to Farm-to-Market Rd; S on Farm-to-Market Rd to Newton Rd (also known

as Rickers Lane); E on Newton Rd to US Hwy 395; N on US Hwy 395 to McLean Rd and Twelve Mile Rd (also known as Old Arden Hwy); N on McLean Rd and Twelve Mile Rd to US Hwy 395; N on US Hwy 395 to Old Arden Hwy (again); N on Old Arden Hwy to US Hwy 395; N on US Hwy 395, through the town of Colville, then W on US Hwy 395 (SR 20) to SR 25 and the point of beginning.

**Deer Area No. 2010 Benge (Adams and Whitman counties):** That part of GMU 284 beginning at the town of Washtucna; north on SR 261 to Weber Road; east on Weber Road to Benzel Road; north on Benzel Road to Wellsandt Road; east on Wellsandt Road to Hills Road; south on Hills Road to Urquhart Road; east on Urquhart Road to Harder Road, East on Harder Road to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to George Knott Road; south on George Knott Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Washtucna and the point of beginning.

**Deer Area No. 2011 Lakeview (Grant County):** That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Norton Canyon Road; north on Norton Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

**Deer Area No. 2012 Methow Valley (Okanogan County):** All private land in the Methow Watershed located outside the external boundary of the Okanogan National Forest and north of the following boundary: Starting where the Libby Creek Road (County road 1049) intersects the Okanogan National Forest boundary; east on road 1049 to State Hwy 153; north on Hwy 153 to the Old Carlton Road; east on the Old Carlton Road to the Texas Creek Road (County road 1543); east on the Texas Creek Road to the Vintin Road (County road 1552); northeast on the Vintin Road to the Okanogan National Forest boundary.

**Deer Area No. 2013 North Okanogan (Okanogan County):** Restricted to private land only located within the following boundary: Beginning in Tonasket at the junction of Havillah Rd and Hwy 97; NE on Havillah Rd to Dry Gulch Extension Rd; N to Dry Gulch Rd; N on Dry Gulch Rd to Oroville-Chesaw Rd; W on Oroville-Chesaw Rd to Molson Rd; N on Molson Rd to Nine Mile Rd; N and W on Nine Mile Rd to the Canadian border at the old Sidley Town Site; W along the border to the east shore of Lake Osoyoos; S around Lake Osoyoos to the Okanogan River; S along the east bank of the Okanogan River to the Tonasket Fourth Street Bridge; E on Fourth Street to Hwy 97; N on Hwy 97 to point of beginning.

**Deer Area No. 2014 Central Okanogan (Okanogan County):** Restricted to private land only located within the following boundary: Beginning in Tonasket on the Okanogan River at the Fourth Street Bridge; S along Hwy 7 to Pine Creek Rd; W along Pine Creek Rd to Horse Spring Coulee Rd; W and N on Horse Spring Coulee Rd to Beeman Rd; W on Beeman Rd to North Lemanasky Rd; S along North Lemanasky Rd to Pine Creek Rd; S on Pine Creek Rd to Hagood Cut-off Rd; S on Hagood Cut-off Rd to South Pine Creek Rd; E on South Pine Creek Rd to Hwy 97; S on Hwy 97 to Town of Riverside North Main Street junction; SE on North Main Street to

Tunk Valley Rd and the Okanogan River Bridge; E on Tunk Creek Rd to Chewiliken Valley Rd; NE along Chewiliken Valley Rd to Talkire Lake Rd; N on Talkire Lake Rd to Hwy 20; W on Hwy 20 to the junction of Hwy 20 and Hwy 97; N on Hwy 97 to Fourth Street; W on Fourth Street to point of beginning.

**Deer Area No. 2015 Omak (Okanogan County):** Restricted to private land only located within the following boundary: Beginning at Hwy 97 and Riverside Cut-off road; west on Riverside Cut-off Rd to Conconully Road; south on Conconully Rd to Danker Cut-off road; west on Danker Cut-off road to Salmon Creek Rd; north on Salmon Creek Rd to Spring Coulee Rd; south on Spring Coulee Rd to B&O Road North Rd; southwest on B&O North Rd to Hwy 20; east on Hwy 20 to B&O Rd; south on B&O Rd to the Town of Malott and the bridge over the Okanogan River; north along the west bank of the Okanogan River to the Town of Riverside and the Tunk Valley road bridge; west on Tunk Valley road to State Street in Riverside; south on State Street to 2nd Street; west on 2nd Street to Hwy 97 and the point of beginning.

**Deer Area No. 2016 Conconully (Okanogan County):** Restricted to private land only located within the following boundary: Beginning at the Conconully town limit at the south edge of Town and the east shore of Conconully Reservoir; south along the east shore of the reservoir to Salmon Creek; south along the east bank of Salmon Creek to Salmon Creek road at the old Ruby Town site; south on Salmon Creek road to Green Lake road; northeast on Green Lake road to Conconully road; north on Conconully road to the south limit of the Town of Conconully and the point of beginning.

**Deer Area No. 2017 Lake Chelan North (Chelan County):** Restricted to private land only located within the following boundary: Beginning at the confluence of Purtteman Creek (Purtteman Gulch) and Lake Chelan; NE along Purtteman Creek to Boyd Road; E on Boyd Road to Purtteman Creek Road; N on Purtteman Creek Road to the USFS boundary; W along the USFS boundary to Canyon Ranch Road (Joe Creek); SE on Canyon Ranch Road to Grade Creek Road; SE on Grade Creek Road to Lower Joe Creek Road; SE on Lower Joe Creek Road to Emerson Acres Road; west on Emerson Acres Road to Lake Chelan; S along the north shore of Lake Chelan to the point of beginning.

**Deer Area No. 3071 Whitcomb (Benton County):** That part of GMU 373 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3072 Paterson (Benton County):** That part of GMU 373 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

**Deer Area No. 3088 High Prairie (Klickitat County):** That portion of GMU 388 (Grayback) that is south of SR 142.

**Deer Area No. 3334 Ellensburg (Kittitas County):** Beginning at the confluence of the Yakima River and Wilson Creek, north up Wilson Creek to the John Wayne Pioneer Trail, west and north on the John Wayne Pioneer Trail to State Hwy 10, north and west on State Hwy 10 to the Thorp Highway, south and east on the Thorp Highway to the Yakima River (Thorp Highway Bridge), south and upstream on the Yakima River to the confluence of Taneum Creek and the Yakima River, south and west up Taneum Creek to the South Branch Canal, south and east on the South Branch Canal and South Branch Extension Canal to Umtanum Road, north on Umtanum Road to Lower Riverbottom Road, east and south on Lower Riverbottom Road to the Fogarty Ditch, south and east on the Fogarty

Ditch to the Yakima River, south and east along the Yakima River to Wilson Creek and the point of beginning.

**Deer Area No. 3372 Sunnyside (Yakima County):** Beginning in Union Gap where I-82 crosses the Yakima River, follow I-82 east to the Yakima River Bridge in Prosser. Upstream on the Yakima River to the point of beginning. The islands in the Yakima River are on the Yakama Indian Reservation and are not part of the deer area.

**Deer Area No. 3682 Ahtanum (Yakima County):** That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Hwy 12. Northeast on Hwy 12 to the Naches River. Southeast down the Naches River to Cowiche Creek. West up Cowiche Creek and the South Fork Cowiche Creek to Summitview Ave. Northwest on Summitview Ave to Cowiche Mill Road. West on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13. Southeast along the power line to Ahtanum Creek and the point of beginning.

**Deer Area No. 4541 North Issaquah (King and Snohomish counties):** That portion of GMU 454 beginning at the mouth of the Snohomish River at the city of Everett; SE up the Snohomish River to the Snoqualmie River; SE up the Snoqualmie River to NE Woodinville-Duvall Rd; E on NE Woodinville-Duvall Rd State Route (SR) 203 at the town of Duvall; S on SR 203 to SR 202 (Fall City-Snoqualmie Rd) at the town of Fall City; S on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River, to Preston-Fall City Rd; SW on Preston-Fall City Rd to SE 82nd St at the town of Preston; E on SE 82nd St to Interstate Hwy (I)-90; E on I-90 to SR 18; S and W on SR 18 to SR 99; N on SR 99 to SR 509; W on SR 509 to Redondo Way South; NW on Redondo Way South to the town of Redondo on Puget Sound; SW across East Passage to the Pierce-King county line at the point where the county line turns southeast, northwest of Dash Point; W and N along the King County line excluding Vashon-Maury Island; to the King, Snohomish, and Kitsap counties line junction in the Puget Sound West of Point Wells; N on the Snohomish County line through Possession Sound to a point on the Snohomish County line due West of the northern tip of Gedney Island (Hat Island); E to the northern tip of Gedney Island; E from the northern tip of Gedney Island to the mouth of the Snohomish River and the point of beginning.

**Deer Area No. 5064:** That part of GMU 564 in the Columbia River near the mouth of the Cowlitz River made up of Cottonwood Island and Howard Island.

~~((Deer Area No. 5382 Simcoe (Klickitat County): That area within GMU 382 designated as WDFW owned lands managed as the Simcoe Mountains Unit of the Klickitat Wildlife Area.))~~

**Deer Area No. 6020 (Clallam and Jefferson counties):** Dungeness-Miller Peninsula: That part of GMU 624 west of Discovery Bay and Salmon Creek.

### OTS-5198.3

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-415-020 ((2021-2023)) 2024-2026 Deer general seasons and definitions.** It is unlawful to fail to comply with the bag, possession, and season limits described below. Violations of this section are punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Bag Limit:** One (1) deer per hunter during the license year except where otherwise permitted by department rule.

**Hunting Method:** Hunters must select one of the hunting methods: Modern firearm, archery, or muzzleloader.

**Any Buck Deer Seasons:** Open only to the taking of deer with visible antlers (buck fawns illegal).

**Antler Point:** To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

**Antler Restrictions:** APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS. Buck deer taken in antler restricted game management units (GMUs) must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Eye guards are antler points when they are at least one inch long.

**3-point Minimum GMUs:** All mule deer in 100, 200, and 300 series GMUs; white-tailed deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, and black-tailed deer in GMU 578.

**Permit-only Units:** The following GMUs require a special permit to hunt deer: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

**GMUs Closed to Deer Hunting:** 157 (Mill Creek Watershed), 490 (Cedar River) and 522 (Loo-wit).

#### **Types of deer that a person may legally hunt in Washington:**

**Black-tailed Deer:** Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

**Mule Deer:** Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boun-

dary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

**White-tailed Deer:** Any white-tailed deer (member of the species *Odocoileus virginianus*), except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

#### MODERN FIREARM DEER SEASONS

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** A valid modern firearm deer tag for the area hunted.

**Hunting Method:** Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Season	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
<b>HIGH BUCK HUNTS</b>					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Mount Baker, Glacier Peak, Pasayten, Olympic Peninsula, and Henry Jackson Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
<b>GENERAL SEASON</b>					
Eastern Washington White-tailed Deer	((Oct. 16-29)) Oct. 12-25	((Oct. 15-28)) Oct. 11-24	((Oct. 14-27)) Oct. 17-30	101, 105, 108, 111, 113, 117, 121, 124	Any buck
	((Oct. 16-26)) Oct. 12-22	((Oct. 15-25)) Oct. 11-21	((Oct. 14-24)) Oct. 17-27	203 through 284	Any buck
	((Oct. 16-26)) Oct. 12-22	((Oct. 15-25)) Oct. 11-21	((Oct. 14-24)) Oct. 17-27	127 through 154, 162 through 186	3 pt. min.
	((Oct. 16-26)) Oct. 12-22	((Oct. 15-25)) Oct. 11-21	((Oct. 14-24)) Oct. 17-27	373, 379, 381	Any deer
Eastern Washington Mule Deer	((Oct. 16-26)) Oct. 12-22	((Oct. 15-25)) Oct. 11-21	((Oct. 14-24)) Oct. 17-27	101 through 154, 162 through 186, 203 through 284, 328, 330 through 368, 372, 373, 379, 381, 382 ((except closed in Deer Area 5382)), 388	3 pt. min.
Western Washington Black-tailed Deer	((Oct. 16-31)) Oct. 12-31	((Oct. 15-31)) Oct. 11-31	((Oct. 14-31)) Oct. 17 - Nov. 1	407, 418, 426, 437, 448, 450, 454, 460, 466, 501 through 520, 524 through 556, 560, 568, 572, 574, 601 through 621, 624 (except Deer Area 6020), 627 through 654, 658 through 699	Any buck
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 564, 655, Deer Area 6020	Any deer
	((Oct. 16-31)) Oct. 12-31	((Oct. 15-31)) Oct. 11-31	((Oct. 14-31)) Oct. 17 - Nov. 1	578	3 pt. min
<b>LATE GENERAL SEASON</b>					
Western Washington Black-tailed Deer	((Nov. 18-21)) Nov. 14-17	((Nov. 17-20)) Nov. 13-16	((Nov. 16-19)) Nov. 19-22	407, 454, 466, 501 through 520, 524 through 560, 568, 572, 601 through 621, 624 (except Deer Area 6020), 627 through 654, 658 through 699	Any buck
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 564, 655, Deer Area 6020	Any deer
Eastern Washington White-tailed Deer	((Nov. 6-19)) Nov. 9-19	((Nov. 5-19)) Nov. 8-19	((Nov. 11-19)) Nov. 7-19	105, 108, 111, 113, 117, 121, 124	Any buck
<b>((HUNTERS 65 AND OVER AND DISABLED GENERAL SEASONS</b>					
Eastern Washington White-tailed Deer	Oct. 23-26	Oct. 22-25	Oct. 21-24	145, 149, 154, Deer Area 1010, and 178	3 pt. min. or antlerless))
<b>YOUTH GENERAL SEASONS</b>					

Hunt Season	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington White-tailed Deer	((Oct. 23-29)) Oct. 19-25	((Oct. 22-28)) Oct. 25-31	((Oct. 21-27)) Oct. 24-30	124	Any deer
	((Oct. 23-26)) Oct. 19-22	((Oct. 22-25)) Oct. 25-28	((Oct. 21-24)) Oct. 24-27	127 through 142	3 pt. min. or antlerless
	((Oct. 16-26))	Oct. 15-25	Oct. 14-24	145, 149, 154, Deer Area 1010, and 178	3 pt. min. or antlerless))

**ARCHERY DEER SEASONS**

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** A valid archery deer tag for the area hunted.

**Special Notes:** Archery tag holders can only hunt during archery seasons with archery equipment (WAC 220-414-070).

Hunt Area	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
<b>EARLY ARCHERY GENERAL DEER SEASONS</b>					
Western Washington Black-tailed Deer	((Sept. 1-24)) Sept. 1-27	((Sept. 1-23)) Sept. 1-26	((Sept. 1-29)) Sept. 1-25	407 through 426, 437, 448, 450, 454, 466, 501, 504, 505, 554, 564, 568, 621 through 636, 648 through 652, 654 through 673, 684	Any deer
				460, 503, 574, 601 through 618, 638, 642, 653, 681 and 699	Any buck
				578	3 pt. min.
	((Sept. 1-19)) Sept. 1-22	((Sept. 1-18)) Sept. 1-21	((Sept. 1-24)) Sept. 1-20	510, 513, 516, 520, 524, 530, 556	Any deer
				506, 550, 560, 572	Any buck
Eastern Washington Mule Deer	((Sept. 1-24)) Sept. 1-27	((Sept. 1-23)) Sept. 1-26	((Sept. 1-29)) Sept. 1-25	101 through 136, ((166 through 175, 181, 243, 334, 382 (except closed in Deer Area 5382))) 145, 149, 166 through 175, 186, 204 through 250, 254 through 278, 334, 382, 388	3 pt. min.
				139, 142, ((145, 149, 186, 244 through 247, 249, 250, 260, 261, 262, 372, 373, 379, 381, Deer Area 3334	3 pt. min. or antlerless
				163, 178	3 pt. min. or antlerless))
	((Sept. 1-19)) Sept. 1-22	((Sept. 1-25)) Sept. 1-21	((Sept. 1-24)) Sept. 1-20	154, 162, 163, 178, 181, 251, 328, 335, 336, 340, 346, 352, 356, 360, 364, 368	3 pt. min.
				204 through 242, 248, 254, 262, 266, 269, 272, 278	3 pt. min.
	Sept. 16-24	Sept. 16-23	Sept. 16-29	204 through 242, 248, 254, 262, 266, 269, 272, 278	3 pt. min. or antlerless))
Eastern Washington White-tailed Deer	((Sept. 1-24)) Sept. 1-27	((Sept. 1-23)) Sept. 1-26	((Sept. 1-29)) Sept. 1-25	101 through 124	Any buck
				204 through 250, 254 through 284, 373, 379, 381	Any deer
	Sept. 1-27	Sept. 1-26	Sept. 1-25	((145, 149, 172, 181, 186	3 pt. min. or antlerless))
	Sept. 1-27	Sept. 1-26	Sept. 1-25	127 through 142, 145, 149, 166, 169, 172, 175, 186	3 pt. min.
	((Sept. 1-19)) Sept. 1-22	((Sept. 1-25)) Sept. 1-22	((Sept. 1-24)) Sept. 1-22	154, 162, 163, 178, 181	3 pt. min. ((or antlerless))
<b>LATE ARCHERY GENERAL DEER SEASONS</b>					
Western Washington Black-tailed Deer	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	437, 466, 510 through 520, 524	Any deer
				448, 460, 506, 530, 560, 572, 601, 603 through 618, 638, 642, 681, and 699	Any buck
	((Nov. 24 - Dec. 31)) Nov. 27 - Dec. 31	((Nov. 23 - Dec. 31)) Nov. 26 - Dec. 31	((Nov. 22 - Dec. 31)) Nov. 25 - Dec. 31	407, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 505, 564, 624, 627, 636, 648, 652, 654, 655, 660 through 672	Any deer

Hunt Area	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
<b>Eastern Washington Mule Deer</b>	((Nov. 24-30)) <u>Nov. 21-30</u>	Nov. 21-30	Nov. 21-30	209, 215, 233, 243, 250	3 pt. min.
	((Nov. 24 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	((Nov. 23 - Dec. 8)) <u>Nov. 26 - Dec. 8</u>	((Nov. 22 - Dec. 8)) <u>Nov. 25 - Dec. 8</u>	336, 342, 346, 352, 364, 388, Deer Area 3682	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178, 272, 278	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	((145, 163, 178, 272, 278,)) 373, Deer Area 3372	3 pt. min. or antlerless
	<u>Dec. 1-8</u>	<u>Dec. 1-8</u>	<u>Dec. 1-8</u>	<u>GMU 382</u>	<u>3 pt. min.</u>
<b>Eastern Washington White-tailed Deer</b>	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any buck
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	105, 108, 117, 121, 124	Any buck
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	127	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178, 272, 278	3 pt. min. ((or antlerless))
	((Nov. 24 - Dec. 15)) <u>Nov. 27 - Dec. 15</u>	((Nov. 23 - Dec. 15)) <u>Nov. 26 - Dec. 15</u>	((Nov. 22 - Dec. 15)) <u>Nov. 25 - Dec. 15</u>	204, 209, 215, 233, 243	Any deer
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	373	Any deer

**MUZZLELOADER DEER SEASONS**

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** A valid muzzleloader deer tag for the area hunted.

**Hunting Method:** Muzzleloader ((only)) as defined under WAC 220-414-060, crossbow equipment as defined under WAC 220-414-100, or archery equipment as defined under WAC 220-414-070.

**Special Notes:** Muzzleloader tag holders can only hunt during muzzleloader seasons ((and must hunt with muzzleloader equipment (WAC 220-414-060) or archery equipment (WAC 220-414-070))).

Hunt Area	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
<b>High Buck Hunts</b>	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten, Mount Baker, Olympic Peninsula, and Henry Jackson Wilderness areas, and Lake Chelan Recreation Area	3 pt. min.
<b>EARLY MUZZLELOADER GENERAL DEER SEASONS</b>					
<b>Western Washington Black-tailed Deer</b>	((Sept. 25 - Oct. 3)) <u>Sept. 28 - Oct. 6</u>	((Sept. 24 - Oct. 2)) <u>Sept. 27 - Oct. 5</u>	((Sept. 30 - Oct. 8)) <u>Sept. 26 - Oct. 4</u>	407, 418, 426, 437, 448, 450, 501, 503, 504, 505, 506, 510, 513, 516, 520, 530, 550, 554, 560, 568, 572, 574, 603, 607, 612, 615, 621, 624 (except Deer Area 6020), 633 through 651, 660, 663, 672, 673	Any buck
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 564, 627, 652, 655, 666, 684, and Deer Area 6020	Any deer
				578	3 pt. min.
<b>Eastern Washington White-tailed Deer</b>	((Sept. 25 - Oct. 3)) <u>Sept. 28 - Oct. 6</u>	((Sept. 24 - Oct. 2)) <u>Sept. 27 - Oct. 5</u>	((Sept. 30 - Oct. 8)) <u>Sept. 26 - Oct. 4</u>	101 through 124, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 247, 248, 250, 251, 254, 260, 262, 266, 269, 272, 278, 284	Any buck
				((145, 149))	3 pt. min. or antlerless))
				127, 130, 133, 136, 139, 142, 145, 149, 175, 181, 186	3 pt. min.
				373, 379	Any deer

Hunt Area	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Mule Deer	((Sept. 25 – Oct. 3)) Sept. 28 - Oct. 6	((Sept. 24 – Oct. 2)) Sept. 27 - Oct. 5	((Sept. 30 – Oct. 8)) Sept. 26 - Oct. 4	101 through 149, 175, 181, 186, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 254, 260, 262, 266, 269, 272, 278, 284, 328, 330 through 342, 352 through 368, 373, 379	3 pt. min.
Eastern Washington Mule Deer	((Sept. 25 – Oct. 3)) Sept. 28 - Oct. 6	((Sept. 24 – Oct. 2)) Sept. 27 - Oct. 5	((Sept. 30 – Oct. 8)) Sept. 26 - Oct. 4	Deer Areas 3334 and 3372	3 pt. min. or antlerless
<b>LATE MUZZLELOADER GENERAL DEER SEASONS</b>					
Western Washington Black-tailed Deer	((Nov. 24 – Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 – Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 – Dec. 15)) Nov. 25 - Dec. 15	407, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 504, 564, 633, 654, 666, 667, and 684	Any deer
				448, 460, 501, 602, 621, 651, 658, and 673	Any buck
Eastern Washington White-tailed Deer	((Nov. 24 – Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 – Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 – Dec. 8)) Nov. 25 - Dec. 8	113	Any buck
	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	130, 133, 136, 139, 142	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	172, 181	3 pt. min.
	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	379, 381	Any deer
Eastern Washington Mule Deer	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	379, 381	3 pt. min.
	Nov. 20-30	Nov. 20-30	Nov. 20-30	382 (((except closed in Deer Area 5382)))	3 pt. min.

**OTS-5199.2**

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

**WAC 220-415-030 ((2023)) 2024 Deer special permits.** It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Deer Special Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase a deer hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

**Bag Limit:** One (1) deer per hunter during the license year except where otherwise permitted by department rule, even if permits are drawn for more than one deer hunt category.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Kelly Hill White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 105	5
Kelly Hill Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 105	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Douglas White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 108	5
Douglas Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 108	1
Aladdin White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 111	5
Aladdin Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 111	1
Selkirk Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 113	1
49 Degrees North White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 117	5
49 Degrees North Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 117	1
Huckleberry White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 121	5
Huckleberry Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 121	1
Mt. Spokane	Modern	Any	Nov. 1-24	Any buck	GMU 124	5
Mica Peak	Modern	Any	Nov. 1-24	3 pt. min.	GMU 127	5
Cheney	Modern	Any	Nov. 1-24	3 pt. min.	GMU 130	5
Roosevelt	Modern	Any	Nov. 1-24	3 pt. min.	GMU 133	5
Harrington	Modern	Any	Nov. 1-24	3 pt. min.	GMU 136	5
Steptoe	Modern	Any	Nov. 1-24	3 pt. min.	GMU 139	5
Almota	Modern	Any	Nov. 1-24	3 pt. min.	GMU 142	5
Dayton	Modern	Any	Nov. 20-24	3 pt. min.	GMU 162	5
Tucannon	Modern	Any	Nov. 20-24	3 pt. min.	GMU 166	2
Wenaha West	Modern	Any	Nov. 9-15	Mule deer, 3 pt. min.	Deer Area 1008	2
Wenaha East	Modern	Any	Nov. 9-15	Mule deer, 3 pt. min.	Deer Area 1009	5
Grande Ronde	Modern	Any	Nov. 20-24	3 pt. min.	GMU 186	1
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	10
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	10
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	15
Pearrygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	10
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	15
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	15
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	7
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	((19)) 18
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	9
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	15
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	9
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	7
Desert	Modern	Any	((Oct. 21-29)) Oct. 19-27	Any buck	GMU 290	((18)) 24
Desert	Modern	Any	((Nov. 4-12)) Nov. 2-10	Any buck	GMU 290	5
Naneum	Modern	Any	((Nov. 13-19)) Nov. 11-17	Any buck	GMU 328	((14)) 15
Quilomene	Modern	Any	((Nov. 6-19)) Nov. 4-17	Any buck	GMU 329	20
Teanaway	Modern	Any	((Nov. 13-19)) Nov. 11-17	Any buck	GMU 335	((29)) 28
L.T. Murray	Modern	Any	((Nov. 13-19)) Nov. 11-17	Any buck	GMUs 336, 340	5
Bethel	Modern	Any	((Nov. 6-19)) Nov. 4-17	Any buck	GMU 360	5

<b>Quality</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Cowiche	Modern	Any	((Nov. 6-19)) Nov. 4-17	Any buck	GMU 368	10
Alkali	Modern	Any	((Oct. 28 - Nov. 12)) Oct. 26 - Nov. 10	Any buck	GMU 371	((8)) 10
Grayback	Modern	Any	((Nov. 6-21)) Nov. 4-24	3 pt. min.	GMU 388	20
Nooksack	Modern	Any	Nov. 1-12	Any buck	GMU 418	25
Diablo	Modern	Any	Nov. 1-17	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. 1-12	Any buck	GMU 437	25
Stillaguamish	Modern	Any	Nov. 1-17	Any buck	GMU 448	12
Snoqualmie	Modern	Any	Nov. 1-15	Any buck	GMU 460	10
Green River	Any tag	Any	((Nov. 4-10)) Oct. 19-25	Any buck	GMU 485	5
Lincoln	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 501	4
Mossyrock	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 505	2
Willapa Hills	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 506	4
Stormking	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 510	1
South Rainier	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 513	1
Packwood	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 516	1
Winston	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 520	4
Ryderwood	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 530	4
Coweeman	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 550	4
Toutle	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 556	1
Lewis River	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 560	1
Washougal	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 568	2
Siouxon	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 572	1
Wind River	Modern	Any	((Nov. 16-23)) Nov. 14-21	Any buck	GMU 574	20
West Klickitat	Modern	Any	((Nov. 16-23)) Nov. 14-21	3 pt. min.	GMU 578	15
Mason	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 633	10
Wynoochee	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 648	8
Satsop	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 651	10
White River	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 653	10
Mashel	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 654	10
Minot Peak	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 660	5
Capitol Peak	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 663	8
Skookumchuck	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 667	10
Fall River	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 672	5
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	10

<b>Quality</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	((6)) 7
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	1
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	30
Desert	Archery	Any	Sept. 1-29	Any buck	GMU 290	10
Desert	Archery	Any	((Nov. 18 - Dec. 3)) Nov. 16 - Dec. 1	Any buck	GMU 290	((9)) 17
Naneum	Archery	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Any buck	GMU 328	5
Quilomene	Archery	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Any buck	GMU 329	((6)) 5
Teanaway	Archery	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	Any buck	GMU 335	15
Kitsap	Archery	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 627	10
Skookumchuck	Archery	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 667	10
Blue Mtns. Foothills	Muzzleloader	Any	Nov. 20 - Dec. 8	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 166	45
Alta	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 242	10
Chiwawa	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 245	2
Slide Ridge	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 246	1
Mission	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 251	9
Desert	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Oct. 5-13	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	((Nov. 6-12)) Nov. 4-10	Any buck	GMU 335	((3)) 4
L.T. Murray	Muzzleloader	Any	((Nov. 6-12)) Nov. 4-10	Any buck	GMUs 336, 340	1
Bald Mountain	Muzzleloader	Any	((Nov. 6-12)) Nov. 4-10	Any buck	GMUs 342, 346	2
Naneum	Muzzleloader	Any	((Nov. 6-12)) Nov. 4-10	Any buck	GMU 328	1
Quilomene	Muzzleloader	Any	((Sept. 23 - Oct. 4)) Sept. 21-29	Any buck	GMU 329	((3)) 2
Olympic	Muzzleloader	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 621	10
<b>Bucks</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Palouse	Modern	Any	((Nov. 11-19)) Nov. 9-19	White-tailed, 3 pt. min.	GMUs 127-142	300
Blue Mtns. Foothills West	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 163, 166	60
Blue Mtns. Foothills East	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 145, 172, 178, 181	25
Mayview	Any tag	Any	Nov. 16-19	3 pt. min.	GMU 145	15
Lick Creek	Modern	Any	Nov. 20-24	3 pt. min.	GMU 175	1
East Okanogan	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 204	20
Sinlahekin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 215	20
Chewuch	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 218	10
Pearrygin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 224	10
Gardner	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 231	10
Pogue	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 233	10
Chiliwist	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 239	10
Alta	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 242	10
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	((10)) 11
((Simeee	Modern	Any	Oct. 14-24	3 pt. min.	Deer Area 5382	5))

<b>Bucks</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Hoko	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 601	5
Sol Duc	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 607	5
Goodman	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 612	5
Clearwater	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 615	5
Quinault Ridge	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 638	1
North River	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 658	4
Williams Creek	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 673	3
Bear River-Long Beach	Modern	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMUs 681, 684	2
St. Andrews	Modern	Any	Nov. 1-20	Any buck	GMU 254	4
Parker Lake	Archery	Any	Sept. 1-30 and Nov. 19 - Dec. 1	Any white-tailed buck	Deer Area 1031	5
Big Bend	Archery	Any	Dec. 1-8	Any buck	GMU 248	10
Ritzville	Archery	Any	Dec. 1-16	Any buck	GMU 284	((10)) 6
Alkali	Archery	Any	((Sept. 1-22)) Sept. 1-20	Any buck	GMU 371	2
Ringold	Archery	Any	Nov. 15-24	((3 pt. min.)) Any buck	GMU 379	5
Whitcomb	Archery	Any	((Oct. 1-13)) Sept. 29 - Oct. 11	Any buck	Deer Area 3071	10
Paterson	Archery	Any	((Oct. 1-13)) Sept. 29 - Oct. 11	Any buck	Deer Area 3072	10
((Simeeoe	Archery	Any	Sept. 1-29 and Dec. 1-8	3 pt. min.	Deer Area 5382	3))
West Klickitat	Archery	Any	((Nov. 24-30)) Nov. 22-30	3 pt. min.	GMU 578	20
Skokomish	Archery	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 636	5
Parker Lake	Muzzleloader	Any	Oct. 1-31 and Dec. 2-14	Any white-tailed buck	Deer Area 1031	5
Blue Creek	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	3 pt. min.	GMU 154	10
Dayton	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	3 pt. min.	GMU 162	15
Marengo	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	3 pt. min.	GMU 163	10
Tucannon	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	3 pt. min.	GMU 166	5
Wenaha	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	3 pt. min.	GMU 169	20
Mountain View	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	3 pt. min.	GMU 172	15
Peola	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	3 pt. min.	GMU 178	10
Ritzville	Muzzleloader	Any	((Nov. 18-26)) Nov. 21-30	Any buck	GMU 284	1
Alkali	Muzzleloader	Any	((Sept. 23 - Oct. 13)) Sept. 21 - Oct. 11	Any buck	GMU 371	1
Kahlotus	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck	GMU 381	20
Whitcomb	Muzzleloader	Any	Nov. 18-26	Any buck	Deer Area 3071	5
Paterson	Muzzleloader	Any	Nov. 18-26	Any buck	Deer Area 3072	5
((Simeeoe	Muzzleloader	Any	Nov. 20-30	3 pt. min.	Deer Area 5382	3))
West Klickitat	Muzzleloader	Any	Dec. 1-8	3 pt. min.	GMU 578	20

<b>Bucks</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Dickey	Muzzleloader	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 602	5
Copalis-Matheny	Muzzleloader	Any	((Nov. 1-15)) Nov. 1-13	Any buck	GMUs 618, 642	5
Moses Coulee	Muzzleloader	Any	Nov. 25 - Dec. 3	Any buck	GMU 269	3
<b>Antlerless</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	15
Prescott	Modern	Any	Nov. 1-12	Antlerless	GMU 149	20
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	15
Dayton	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 162	15
Ten Ten	Modern	Any	Nov. 9-19	Antlerless	Deer Area 1010	5
Marengo	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 163	15
Marengo	Modern	Any	Nov. 1-12	Antlerless	GMU 163	5
Peola	Modern	Any	Nov. 1-12	Antlerless	GMU 178	10
((Lincoln	Modern	Any	Oct. 14-31	Antlerless	GMU 501	15
Mossyrock	Modern	Any	Oct. 14-31	Antlerless	GMU 505	30
Winston	Modern	Any	Oct. 14-31	Antlerless	GMU 520	20))
Beezley	Archery	Any	Sept. 1-27	Antlerless	GMU 272	40
Beezley	Archery	Any	Nov. 20 - Dec. 8	Antlerless	GMU 272	40
Wahluke	Archery	Any	Sept. 1-27	Antlerless	GMU 278	40
Wahluke	Archery	Any	Nov. 20 - Dec. 8	Antlerless	GMU 278	40
Ryderwood	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 530	10
Olympic	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 621	15
Coyle	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 624	15
Kitsap	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 627	25
Mason	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 633	20
Skokomish	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 636	5
Wynoochee	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 648	30
Satsop	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 651	15
Mashel	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 658	10
Minot Peak	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 660	20
Capitol Peak	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 663	5
Skookumchuck	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 667	20
Williams Creek	Modern	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 673	5
Mashel	Archery	Any	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 654	10
Whitcomb	Archery	Any	Oct. 17-29	Antlerless	Deer Area 3071	10
Paterson	Archery	Any	Oct. 17-29	Antlerless	Deer Area 3072	10
Whitcomb	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3071	10
Paterson	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3072	10
Washtucna	Muzzleloader	Any	Nov. 25 - Dec. 8	Mule deer, antlerless	GMUs 139, 142, 284, 381	200

<b>Antlerless</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mayview	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Mule deer, antlerless	GMU 145	5
Prescott	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	GMU 149	10
Blue Creek	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	GMU 154	10
Ten Ten	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	Deer Area 1010	10
Marengo	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	GMU 163	5
Peola	Muzzleloader	Any	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Antlerless	GMU 178	5
Mossyrock	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 505	10
Winston	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 520	5
Ryderwood	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 530	10
Coweeman	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 550	10
Yale	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 554	2
Olympic	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 621	25
Coyle	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 624	20
Mason	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 633	35
Skokomish	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 636	10
Wynoochee	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 648	((30)) 25
Satsop	Muzzleloader	Any	((Nov. 22 - Dec. 15)) Nov. 27 - Dec. 15	Antlerless	GMU 651	30
Mashel	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 654	20
North River	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 658	8
Minot Peak	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 660	5
Capitol Peak	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 663	5
Williams Creek	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 673	5

**2nd Deer**

Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Benge	Any	Any	((Dec. 16-24)) Dec. 17-24	Antlerless	Deer Area 2010	5
Lakeview	Any	Any	Jan. 1-30, ((2022)) 2024	Antlerless	Deer Area 2011	5
Methow	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2012	5
North Okanogan	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2013	5
Central Okanogan	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2014	5
Omak	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2015	5
Conconully	Any	Any	((Sept. 5 - Oct. 8)) Sept. 3 - Oct. 6	Antlerless	Deer Area 2016	5
Lake Chelan North	Any	Any	Aug. 1-31	Antlerless	Deer Area 2017	45

**2nd Deer**

Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Issaquah	Any	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Mt. Spokane	Modern	Any	((Oct. 14-27 and Nov. 11-19)) Oct. 12-25 and Nov. 9-19	Antlerless	GMU 124	5
Mica Peak	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	Any	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 130	60
Cheney White-tailed Deer	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	Any	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 133	90
Roosevelt White-tailed Deer	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 133	5
Harrington	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 136	90
Steptoe	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 139	5
Almota	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	Any	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMUs 139, 142, 284, 381	350
East Okanogan	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 204	5
Sinlahekin	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 215	5
Chewuch	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 218	5
Pearrygin	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 224	5
Gardner	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 231	5
Pogue	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 233	5
Chiliwist	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 239	5
Alta	Modern	Any	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 242	5
Big Bend	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 248	((20)) 10
St. Andrews	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 254	((15)) 8
Foster Creek	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 260	((15)) 8
Withrow	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 262	((15)) 8
Badger	Modern	Any	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 266	((15)) 8
Desert	Modern	Any	((Dec. 9-24)) Dec. 7-22	Antlerless	GMU 290	25
Kahlutus	Modern	Any	Dec. 9-17	Antlerless	GMU 381	10
Orcas	Any	Any	Sept. 1 - Dec. 31	Antlerless	GMU 411	145
Shaw	Any	Any	Sept. 1 - Dec. 31	Antlerless	GMU 412	((40)) 25
San Juan	Any	Any	Sept. 1 - Dec. 31	Antlerless	GMU 413	((130)) 140
Lopez	Any	Any	Sept. 1 - Dec. 31	Antlerless	GMU 414	150
Blakely	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 415	70

**2nd Deer**

Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Decatur	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 416	5
Cypress	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 417	30
Guemes	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 419	20
Whidbey	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 420	275
Camano	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 421	30
Vashon-Maury	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 422	200
Anderson	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 655	30
Deschutes	Modern	Any	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	((Sept. 1-29 and Nov. 25 - Dec. 15)) Sept. 1-27 and Nov. 25 - Dec. 15	Antlerless	GMU 124	5
Mica Peak	Archery	Any	((Sept. 1-29 and Nov. 25 - Dec. 15)) Sept. 1-27 and Nov. 25 - Dec. 15	Antlerless	GMU 127	5
Cheney Mule Deer	Archery	Any	((Sept. 1-29)) Sept. 1-27	Mule deer, antlerless	GMU 130	20
Cheney White-tailed Deer	Archery	Any	((Sept. 1-29)) Sept. 1-27	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Archery	Any	((Sept. 1-29)) Sept. 1-27	Mule deer, antlerless	GMU 133	20
Roosevelt White-tailed Deer	Archery	Any	((Sept. 1-29)) Sept. 1-27	White-tailed, antlerless	GMU 133	5
Harrington	Archery	Any	((Sept. 1-29)) Sept. 1-27	Antlerless	GMU 136	30
Steptoe	Archery	Any	((Sept. 1-29)) Sept. 1-27	White-tailed, antlerless	GMU 139	5
Almota	Archery	Any	((Sept. 1-29)) Sept. 1-27	White-tailed, antlerless	GMU 142	5
Decatur	Archery	Any	((Sept. 1-29 and Nov. 22 - Dec. 31)) Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 416	5
Cypress	Archery	Any	((Sept. 1-29 and Nov. 22 - Dec. 31)) Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 417	20
Guemes	Archery	Any	((Sept. 1-29 and Nov. 22 - Dec. 31)) Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 419	10
Camano	Archery	Any	((Sept. 1-29 and Nov. 22 - Dec. 31)) Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 421	25
Miller	Archery	Any	Dec. 15-31	Antlerless	Deer Area 6020	40

**2nd Deer**

Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Anderson	Archery	Any	((Sept. 1-29 and Nov. 22 - Dec. 31)) Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 655	10
Mt. Spokane	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 124	5
Mica Peak	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 127	5
Cheney Mule Deer	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Muzzleloader	Any	((Sept. 23 - Oct. 1 and Nov. 25 - Dec. 8)) Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Mule deer, antlerless	GMU 133	10
Roosevelt White-tailed Deer	Muzzleloader	Any	((Sept. 30 - Oct. 8 and Nov. 25 - Dec. 8)) Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 133	5
Harrington	Muzzleloader	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 136	10
Steptoe	Muzzleloader	Any	((Sept. 30 - Oct. 8 and Nov. 25 - Dec. 8)) Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 139	5
Almota	Muzzleloader	Any	((Sept. 30 - Oct. 8 and Nov. 25 - Dec. 8)) Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 142	5
Foster Creek	Muzzleloader	Any	Sept. 30 - Oct. 8	Antlerless	GMU 260	((10)) 5
Moses Coulee	Muzzleloader	Any	Sept. 30 - Oct. 8	Antlerless	GMU 269	((10)) 5
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	5
Decatur	Muzzleloader	Any	((Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15)) Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15	Antlerless	GMU 416	5
Cypress	Muzzleloader	Any	((Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15)) Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15	Antlerless	GMU 417	20
Guemes	Muzzleloader	Any	((Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15)) Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15	Antlerless	GMU 419	10
Camano	Muzzleloader	Any	((Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15)) Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15	Antlerless	GMU 421	20
Anderson	Muzzleloader	Any	((Sept. 30 - Oct. 8 and Nov. 22 - Dec. 15)) Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15	Antlerless	GMU 655	5

**Youth**

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMUs 139, 142, 284, 381	100
Blue Mtns. Foothills West	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 149, 154, 163, Deer Area 1010	30
Blue Mtns. Foothills East	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 145, 172, 178, 181	20

<b>Youth</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mayview	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMU 145	15
Prescott	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMU 149	20
Blue Creek	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMU 154	5
Dayton	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMU 162	5
Peola	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMU 178	10
Tucannon	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMU 166	5
Couse	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMU 181	10
Grande Ronde	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any deer	GMU 186	3
East Okanogan	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 204	((3)) 5
Wannacut	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 209	((3)) 5
Sinlahekin	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 215	((3)) 5
Chewuch	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 218	((3)) 5
Pearrygin	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 224	((3)) 5
Gardner	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 231	((3)) 5
Pogue	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 233	((3)) 5
Chiliwist	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 239	((3)) 5
Alta	Modern	Youth	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 242	((3)) 5
Chiwawa	Modern	Youth	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMU 245	((3)) 2
Entiat	Modern	Youth	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMU 247	((3)) 2
Swakane	Modern	Youth	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMU 250	((3)) 2
Mission	Modern	Youth	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMU 251	((5)) 3
Bridgeport	Modern	Youth	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMUs 248, 260	20
Palisades	Modern	Youth	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMUs 266, 269	20
Beezley	Modern	Youth	((Oct. 14-29)) Oct. 12-22	Any deer	GMU 272	40
Benge	Modern	Youth	Oct. 28 - Nov. 5	Antlerless	Deer Area 2010	30
Desert	Modern	Youth	((Dec. 2-24)) Dec. 7-29	Antlerless	GMU 290	12
Horse Heaven Hills	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 373	10
Ringold	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 379	10
((Simeeoe	Modern	Youth	Oct. 14-24	Any deer	Deer Area 5382	3))
East Klickitat	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any buck	GMU 382 (((except CLOSED in Deer Area 5382)))	5
East Klickitat	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 382 (((except CLOSED in Deer Area 5382)))	5

<b>Youth</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Grayback	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Any buck	GMU 388	5
Grayback	Modern	Youth	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 388	5
Green River	Any	Youth	((Nov. 4-10)) Oct. 19-25	Any buck	GMU 485	3
Lincoln	Modern	Youth	((Oct. 15-31)) Oct. 12-31	Antlerless	GMU 501	10
Randle	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 503	5
Mossyrock	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 505	10
Stormking	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 510	5
South Rainier	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 513	5
Packwood	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 516	5
Winston	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 520	10
Ryderwood	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 530	10
Coweeaman	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 550	10
Yale	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 554	3
Toutle	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 556	15
Lewis River	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 560	5
Washougal	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 568	5
Siouxon	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 572	5
Wind River	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 574	5
West Klickitat	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Any buck	GMU 578	5
West Klickitat	Modern	Youth	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 578	5
Pysht	Modern	Youth	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 603	5
Olympic	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 621	20
Coyle	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 624	20
Kitsap	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 627	20
Mason	Modern	Youth	((Nov. 1-19)) Nov. 1-17	Any deer	GMU 633	25
Skokomish	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 636	15
Wynoochee	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 648	20
Satsop	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 651	20
Mashel	Modern	Youth	((Oct. 7-31)) Oct. 5-31	Antlerless	GMU 654	15
North River	Modern	Youth	((Oct. 7-31)) Oct. 5-31	Antlerless	GMU 658	5
Minot Peak	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 660	((10)) 5
Minot Peak	Modern	Youth	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 660	4

<b>Youth</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Capitol Peak	Modern	Youth	((Oct. 9-31)) Oct. 7-31	Any deer	GMU 663	5
Skookumchuck	Modern	Youth	((Oct. 7-31)) Oct. 5-31	Antlerless	GMU 667	15
Skookumchuck	Modern	Youth	((Oct. 7-31)) Oct. 5-31	Any buck	GMU 667	20
East Okanogan	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 204	3
Wannacut	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 209	3
Pogue	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 233	3
Chiliwist	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 239	3
Alta	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 242	3
Mission	Muzzleloader	Youth	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	((Antlerless)) <u>Any deer</u>	GMU 251	((3)) 2
Whitcomb	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3071	5
Paterson	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3072	5
Region 3	Modern, Muzzleloader	Youth	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 3	20 <sup>HC</sup>
Region 5	Modern, Muzzleloader, Archery	Youth with mentor	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 5	5 <sup>HC</sup>

<b>Senior 65+</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mt. Spokane	Modern	((Any)) 65+	((Oct. 14-27 and Nov. 11-19)) Oct. 12-25 and Nov. 9-19	Antlerless	GMU 124	5
Mica Peak	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 133	15
Roosevelt White-tailed Deer	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 133	5
Harrington	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 136	10
Steptoe	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 139	5
Almota	Modern	((Any)) 65+	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	65+	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	15
East Okanogan	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 204	((3)) 5
Wannacut	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 209	((3)) 5
Sinlahekin	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 215	((3)) 5
Chewuch	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 218	((3)) 5
Pearrygin	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 224	((3)) 5

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Gardner	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 231	((3)) <u>5</u>
Pogue	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 233	((3)) <u>5</u>
Chiliwist	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 239	((3)) <u>5</u>
Alta	Modern	65+	((Oct. 14-24)) Oct. 12-22	<u>Any buck, white-tailed</u> <u>antlerless</u>	GMU 242	((3)) <u>5</u>
Chiwawa	Modern	65+	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMU 245	((5)) <u>3</u>
Entiat	Modern	65+	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMU 247	((5)) <u>3</u>
Swakane	Modern	65+	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMU 250	((5)) <u>3</u>
Mission	Modern	65+	((Oct. 14-24)) Oct. 12-22	((Antlerless)) <u>Any deer</u>	GMU 251	((5)) <u>3</u>
Bridgeport	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 248, 260	5
Palisades	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 266, 269	5
Rattlesnake Hills	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 373	10
North Issaquah	Any	65+	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Lincoln	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 501	5
Mossyrock	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 505	5
Winston	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 520	5
Yale	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 554	2
Toutle	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 556	5
Washougal	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 568	2
Olympic	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 621	5
Coyle	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 624	5
Kitsap	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 627	10
Mason	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 633	20
Skokomish	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 636	5
Wynoochee	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 648	20
Satsop	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 651	10
Mashel	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 658	5
Minot Peak	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 660	((15)) <u>10</u>
Capitol Peak	Modern	65+	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 663	5

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mt. Spokane	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-27 and Nov. 11-19)) Oct. 12-25 and Nov. 9-19	Antlerless	GMU 124	5
Mica Peak	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 127	5
Cheney Mule Deer	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 130	10
Cheney White-tailed Deer	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 130	5
Roosevelt Mule Deer	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMU 133	15
Roosevelt White-tailed Deer	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 133	5
Harrington	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 136	10
Steptoe	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 139	5
Almota	Modern	((Any)) <u>Hunter with Disability</u>	((Oct. 14-24)) Oct. 12-22	White-tailed, antlerless	GMU 142	5
Washtucna	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Mule deer, antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	10
East Okanogan	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 204	((3)) 5
Wannacut	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 209	((3)) 5
Sinlahekin	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 215	((3)) 5
Chewuch	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 218	((3)) 5
Pearrygin	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 224	((3)) 5
Gardner	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 231	((3)) 5
Pogue	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 233	((3)) 5
Chiliwist	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 239	((3)) 5
Alta	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Any buck, white- tailed antlerless	GMU 242	((3)) 5
Chiwawa	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 245	((3)) 2
Entiat	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 247	((3)) 2
Mission	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	((Antlerless)) Any deer	GMU 251	((3)) 2
Saint Andrews	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 254	5
Bridgeport	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 248, 260	5
Palisades	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMUs 266, 269	5
Beezley	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 272	10

<b>Hunters with Disabilities</b>						
<b>Hunt Name</b>	<b>Weapon/Tag</b>	<b>Hunters</b>	<b>Hunt Dates</b>	<b>Special Restrictions</b>	<b>Boundary</b>	<b>Permits</b>
Horse Heaven Hills	Modern	Hunter with Disability	((Oct. 14-24)) Oct. 12-22	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	Nov. 1-14	Antlerless	GMU 381	10
North Issaquah	Any	Hunter with Disability	((Oct. 14-31 and Nov. 16-19)) Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Green River	Any	Hunter with Disability	((Nov. 4-10)) Oct. 19-25	Any buck	GMU 485	2
Lincoln	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 501	2
Mossyrock	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 505	3
Winston	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 520	2
Toutle	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 556	3
Washougal	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 568	2
Olympic	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 621	5
Skokomish	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 636	10
Satsop	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 651	10
Mashel	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 658	2
Minot Peak	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 660	5
Capitol Peak	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 663	5
Skookumchuck	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 667	10
Fall River	Modern	Hunter with Disability	((Oct. 14-31)) Oct. 12-31	Antlerless	GMU 672	2
Fall River	Modern	Hunter with Disability	((Nov. 1-15)) Nov. 1-13	Any buck	GMU 672	5
East Okanogan	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck, white-tailed antlerless	GMU 204	3
Sinlahekin	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck, white-tailed antlerless	GMU 215	3
Gardner	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any buck, white-tailed antlerless	GMU 231	3
Chiwawa	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 245	3
Entiat	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 247	3
Mission	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 251	3
Saint Andrews	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 254	5
Bridgeport	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMUs 248, 260	5
Palisades	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMUs 266, 269	5
Olympic	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 621	5
Wynoochee	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 648	5
North River	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 658	1

<b>Hunters with Disabilities</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Capitol Peak	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 663	2
Skookumchuck	Muzzleloader	Hunter with Disability	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Antlerless	GMU 667	10

**Master Hunter** - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one deer may be killed in the unit under the authorization of the special permit.

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 1	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 1	20 <sup>HC</sup>
Region 1	Archery/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 1	10 <sup>HC</sup>
Region 2	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 2	10 <sup>HC</sup>
Region 3	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 3	40 <sup>HC</sup>
Region 5	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 5	5 <sup>HC</sup>
Region 6	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 6	10 <sup>HC</sup>

**HC** This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

<b>Hunter Education Instructor Incentive Permits</b>				
Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any white-tailed deer	Any 100 series GMU EXCEPT GMU 157	3
Region 2		Any white-tailed deer	GMUs 204, 215, 233, 239	1
Region 2		Any white-tailed deer	GMUs 218, 224, 231, 242	1
Region 2		Any deer	GMUs 218, 231	1
Region 2		Any deer	GMUs 245, 247	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368	2
Region 4		Any deer	Any 400 series GMU EXCEPT GMUs 485 and 490	4
Region 5		Any deer	All 500 series GMUs EXCEPT GMUs 522 and 578	3
Region 6		Any deer	Any 600 series GMU	4

## OTS-5200.1

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

### WAC 220-415-040 Elk area descriptions.

The following areas are defined as elk areas:

**Elk Area No. 1008 West Wenaha (Columbia County):** That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

**Elk Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties):** That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

**Elk Area No. 1010 (Columbia County):** GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

**Elk Area No. 1013 (Asotin County):** GMU 172, excluding National Forest lands and ~~((the 4-O Ranch Wildlife Area))~~ all WDFW and Washington department of natural resources lands.

**Elk Area No. 1015 Turnbull (Spokane County):** Located in GMU 130, designated areas within the boundaries of Turnbull National Wildlife Refuge.

**Elk Area No. 1016 (Columbia County):** GMU-162 Dayton, excluding the Rainwater Wildlife Area.

**Elk Area No. 1021 Fruitland (Stevens County):** That portion of GMU 121 within the following area: From the intersection of the Spokane Reservation boundary and Washington State Highway 25, continuing north on Washington State Highway 25 to the northern boundary of T30N R37E section 18. East on the northern boundary of T30N R37E sections 18, 17, 16, 15, and 14, then south along the eastern boundaries of T30N R37E sections 14, 23, 26, and 35 until it intersects with Fruitland Valley Road. West along Fruitland Valley Road until the intersection with Turk Rd. Following Turk Road southwest until it intersects with Coyote Canyon Rd. Following Coyote Canyon Rd west and south until it intersects with the DNR property line (T29N R37E section 16). Follow the western DNR boundary (section 16) south to the NW corner of T29N R37E section 21. Follow the western edge of section 21 to the reservation boundary and back west to the beginning.

**Elk Area No. 1054 (Walla Walla County):** GMU-154 Blue Creek, starting at the Mill Creek Rd and Oregon state line, north and west along Mill Creek Rd to E. Isaacs Ave. North on Interchange Rd to Hwy 12, West on Hwy 12 to Hwy 125. South on Hwy 125 to the Oregon state line, east on the WA-OR stateline to the starting point.

**Elk Area No. 1075 (Asotin County):** Private land (excluding WDFW lands) within GMU 175 within the following area: From the intersection of the South Fork Asotin Creek Rd and Campbell Grade Rd, continuing south until the South Fork Asotin Creek Rd crosses the South Fork of Asotin Creek. South along the South Fork of Asotin Creek until it intersects with the USFS property line, due south along the USFS boundary until it reaches the Cloverland Rd. NE along the Cloverland Rd to the intersection of the Parsons Rd (Back Rd), north along the Parsons Rd (Back Rd) to Campbell Grade Rd, west on Campbell Grade Rd to the intersection with South Fork Asotin Creek Rd and the point of beginning.

**Elk Area No. 1081 (Asotin County):** All of GMU 181 Couse, including the portion of GMU 172 starting at the intersection of Mill Road and Highway 129 in Anatone, south along Hwy 129 to Smyth Rd, west and then

north on Smyth Rd to the intersection of E Mountain Rd, west along E Mountain Rd to the intersection of W Mountain Rd, north along W Mountain Rd to Mill Road, east on Mill Rd to the starting point.

**Elk Area No. 2032 Malaga (Kittitas and Chelan counties):** Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 and 9; north along the section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to section line between Section 31 and 30 (T21, R21); west along the section lines between Section 31 and 30 (T21, R21), 36 and 25 (T21, R20) and the section line between Section 35 and 26 (T21, R20) to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest).

**Elk Area No. 2033 Peshastin (Chelan County):** Starting at the Division St bridge over the Wenatchee River in the town of Cashmere; S on Applets Way then Division St to Pioneer St; W on Pioneer St to Mission Creek Rd; S on Mission Creek Rd to Binder Rd; W on Binder Rd to Mission Creek Rd; S on Mission Creek Rd to Tripp Canyon Rd; W on Tripp Canyon Rd to where Tripp Canyon Rd stops following Tripp Creek; W on Tripp Creek to its headwaters; W up the drainage, about 1000 feet, to US Forest Service (USFS) Rd 7200-160; W on USFS Rd 7200-160 to Camas Creek Rd (USFS Rd 7200); W on Camas Creek Rd (USFS 7200 Rd) (excluding Camas Land firearm closure\*) to US Hwy 97; N on US Hwy 97 to Mountain Home Rd (USFS 7300 Rd); N on Mountain Home Rd to the Wenatchee River in the town of Leavenworth; S on the Wenatchee River to the Division St bridge in Cashmere and the point of beginning.

**Elk Area No. 2051 Tronsen (Chelan County):** All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingwersol Road (WDFW Rd 1); north and east on Ingwersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingwersol Road and the point of beginning.

**Elk Area No. 3681 Ahtanum (Yakima County):** That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Sec-

tion 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Highway 12; northeast on Highway 12 to the Naches River; southeast down the Naches River to Cowiche Creek; west up Cowiche Creek and South Fork Cowiche Creek to Summitview Avenue; northwest on Summitview Avenue to Cowiche Mill Road; west on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13; southeast along the power line to Ahtanum Creek and the point of beginning.

**Elk Area No. 3721 Corral Canyon (Benton and Yakima counties):** That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

**Elk Area No. 3722 Blackrock (Benton and Yakima counties):** That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

**Elk Area 3723 Rattlesnake Mountain (Benton County):** That part of GMU 372 made up by the Rattlesnake Unit of the Hanford Reach National Monument.

**Elk Area No. 3911 Fairview (Kittitas County):** Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to Highway 903 (Salmon La Sac Road); northwest along Highway 903 to Pennsylvania Avenue; northeast along Pennsylvania Avenue to No. 6 Canyon Road; northeast along No. 6 Canyon Road to Cle Elum Ridge Road; north along Cle Elum Ridge Road to Carlson Canyon Road; northeast along Carlson Canyon Road to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east

on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to Park Creek; south along Park Creek to the North Branch Canal; east and south along North Branch Canal to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umtanum Road; north on Umtanum Road to South Branch Canal; west on South Branch Canal to Bradshaw/Hanson Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to Big Creek; north on Big Creek to Nelson Siding Road; west and north on Nelson Siding Road to I-90; east on I-90 to point of beginning.

**Elk Area No. 3912 Old Naches (Yakima County):** Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the bighorn sheep feeding site in T15N, R16E, Section 36; south on the feeding site access road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the intersection of the metal footbridge and the elk fence at the south end of the bridge in T14N, R16E, Section 3; south along the elk fence to the top of the cliff/rimrock line; southwest along the top of the cliff/rimrock line to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; south along the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; downstream along the South Fork Ahtanum Creek and Ahtanum Creek to the Yakima River; upstream along the Yakima River to Roza Canal and point of beginning.

**Elk Area No. 4601 North Bend (King County):** That portion of GMU 460 beginning at the interchange of State Route (SR) 18 and I-90; W on I-90 to SE 82nd St, Exit 22, at the town of Preston; N on SE 82nd Street to Preston Fall City Rd SE (Old SR 203); N on Preston Fall City Rd SE to SE Fall City Snoqualmie Rd (SR 202) at the town of Fall City; E on SE Fall City Snoqualmie Rd to the crossing of Tokul Creek; N and E up Tokul Creek to its crossing with Tokul Rd SE; S on SE Tokul Rd to SE 53rd Way; E on SE 53rd Way where it turns into 396th Dr SE then S on 396th Dr SE to SE Reinig Rd; E on SE Reinig Rd to 428th Ave SE; N on 428th Ave SE to where it turns into North Fork Rd SE; N and E on North Fork Rd SE to Ernie's Grove Rd; E on Ernie's Grove Rd to SE 70th St; N on SE 70th St to its ends at Fantastic Falls on the North Fork Snoqualmie River; SW down the North Fork Snoqualmie River to Fantastic Falls and the Mt Si Natural Resource Conservation Area boundary then S and E along the southern boundary of the Mt Si NRCA to the "School Bus" turnaround at SE 114th St; S on 480th Ave SE to SE 130th St; S and E on SE 130th St to its end; SSE overland from the end of SE 130th St, over the Middle Fork Snoqualmie River, to the end of 486th Ave SE; S on 486th Ave SE to the intersection with SE Middle Fork Road; Due S, from said intersection, up Grouse Mountain toward its peak, to the logging road adjacent to Grouse Mountain Peak; S down the logging road

to Grouse Ridge Access Rd; W on Grouse Ridge Access Road which becomes SE 146th St; W on SE 146th St to I-90 then east along I-90 to the W boundary of Olallie/Twin Falls State Park; then along the westerly and northerly boundaries of Olallie/Twin Falls/Iron Horse state parks to the boundary of the Rattlesnake Lake Recreation Area; W along the boundary of the Rattlesnake Lake Recreation Area to Cedar Falls Rd SE; N along the Cedar Falls Rd to SE 174th Way; W on SE 174th Way to SE 174th St; W on SE 174th St to SE 173rd St; W on SE 173rd St to SE 170th Pl; W on SE 170th Pl to SE 169th St; W on SE 169th St to 424th Ave SE; N on 424th Ave SE to SE 168th St; W on SE 168th St to 422 Ave SE; N on 422 Ave SE to 426th Way SE; S on 426th Way SE to SE 164th St; E on SE 164th St to Uplands Way SE; W on Uplands Way SE to the crossing with the Power Transmission Lines; W along the Power Transmission Lines to the Winery Rd; NW on the Winery Rd to SE 99th Rd; W and N on SE 99th Rd to the I-90 interchange, at Exit 27; SW on I-90 to the interchange with SR 18 and the point of beginning.

**Elk Area No. 4941 Skagit River (Skagit County):** That portion of GMU 437 beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Concrete-Sauk Valley Road; south on Concrete-Sauk Valley Road over The Dalles Bridge (Skagit River) to the intersection with the South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 and the point of beginning.

**Elk Area No. 5029 Toledo (Lewis and Cowlitz counties):** Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

**Elk Area No. 5049 Ethel (Lewis County):** That part of GMU 505 beginning at the intersection of Jackson Highway and Highway 12; south along Jackson Highway to Buckley Road; south on Buckley Road to Spencer Road; east on Spencer Road to Fuller Road; north on Fuller Road to Highway 12; east on Highway 12 to Stowell Road; north on Stowell Road to Gore Road; west on Gore Road to Larmon Road; west on Larmon Road to Highway 12; west on Highway 12 to Jackson Highway and point of beginning.

**Elk Area No. 5050 Newaukum (Lewis County):** That part of GMU 505 beginning at the intersection of Interstate 5 and Highway 12; east on Highway 12 to Larmon Road; east on Larmon Road to Leonard Road; north on Leonard Road through the town of Onalaska to Deggler Road; north on Deggler Road to Middle Fork Road; east on Middle Fork Road to Beck Road; north on Beck Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Logan Hill Road; south then west on Logan Hill Road to Jackson Highway; south on Jackson Highway to the Newaukum River; west along the Newaukum River to Interstate 5; south on Interstate 5 to Highway 12 and point of beginning.

**Elk Area No. 5051 Green Mountain (Cowlitz County):** Beginning at the junction of the Cowlitz River and the Toutle River; east along the

Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

**Elk Area No. 5052 Mossyrock (Lewis County):** Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5053 Randle (Lewis County):** Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

**Elk Area No. 5054 Boystfort (Lewis County):** Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boystfort Road; north along the Boystfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

**Elk Area No. 5056 Grays River Valley (Wahkiakum County):** That area in GMU 506 on or within 1.5 miles of agricultural land in the Grays River Valley and Eden Valley within the following sections: T11N, R08W, Sec-

tion 36; T11N, R07W, Sections 31, 32, 33; T10N, R7W, Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32; T10N, R8W, Sections 1, 2, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36; T09N, R08W, Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15; T09N, R07W, Sections 5, 6, 7, 8.

**Elk Area No. 5057 Carlton (Lewis County):** That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

**Elk Area No. 5058 West Goat Rocks (Lewis County):** Goat Rocks Wilderness west of the Pacific Crest Trail.

**Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties):** The Mt. Adams Wilderness.

**Elk Area No. 5060 Merwin (Cowlitz County):** Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

**Elk Area No. 5061 Wildwood (Lewis County):** Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

**Elk Area No. 5062 Trout Lake (Klickitat County):** Those portions of GMU 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; (including agricultural land on the Trout Lake Valley floor north of Sunnyside Road within T06N R10E in Sections 13 and 14); south on Mount Adams Recreational Area Road to the intersection of SR 141 and south on SR 141 and Sunnyside Road to the point of beginning.

**Elk Area No. 5063 Pumice Plain (Cowlitz and Skamania counties):** That part of GMU 522 beginning at the confluence of the N. Fork Toutle River and Castle Creek; East along the N. Fork Toutle River to USFS trail 207; south along USFS trail 207 to USFS trail 216E; southwest along USFS trail 216E to USFS trail 216; west along USGS trail 216 to USGS 216G; northwest along USFS trail 216G to USGS trail 221; north along USFS 221 to Castle Creek; northwest along Castle Creek to N. Fork Toutle River and point of beginning.

**Elk Area No. 5064 Upper Smith Creek (Skamania County):** That part of GMU 522 beginning at the U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 (Smith Creek Trail) junction; south on Trail 225 to

Ape Canyon Creek; south and west up Ape Canyon Creek to U.S. Forest Service Trail 216 (Loowit Trail); north on Trail 216 to U.S. Forest Service Trail 216D (Abraham Trail); north on Trail 216D to U.S. Forest Service Trail 207 (Truman Trail); north and east on Trail 207 to U.S. Forest Service Rd. 99; north and east on U.S. Forest Service Rd. 99 to the junction of U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 and the point of beginning.

**Elk Area No. 5065 Mount Whittier (Skamania County):** That part of GMU 522 beginning at the U.S. Forest Service Trail 1 (Boundary Trail) and U.S. Forest Service Trail 214 (Whittier Ridge Trail) junction; west on the U.S. Forest Service Trail 1 to U.S. Forest Service Trail 230 (Coldwater Trail); north on U.S. Forest Service Trail 230 to U.S. Forest Service Trail 211 (Lakes Trail); east on Trail 211 to U.S. Forest Service Trail 214; south on U.S. Forest Service Trail 214 to the junction of U.S. Forest Service Trail 214 and U.S. Forest Service Trail 1 and the point of beginning.

**Elk Area No. 5066 Norway Pass (Lewis and Skamania counties):** That part of GMU 524 beginning at the U.S. Forest Service (USFS) Trail 211 (Lakes Trail) and USFS Trail 230 (Coldwater Trail) junction; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; N along the USFS property boundary to the Green River; E up the Green River to the USFS Rd 2612; E on the USFS Rd 2612 to USFS Rd 26; S on USFS Rd 26 to USFS Trail 1 (Boundary Trail); W on USFS Trail 1 to USFS Trail 214 (Whittier Trail); N on USFS Trail 214 to USFS Trail 211 (Lakes Trail); W on USFS Trail 211 to the USFS Trail 211, Trail 230 junction and point of beginning.

**Elk Area No. 5090 JBH (Wahkiakum County):** The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

**Elk Area No. 5099 Mudflow (Cowlitz County):** That part of GMU 522 beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Rd 3020; NW along 3020 to Rd 3000; E along Rd 3000 to US Forest Service (USFS) Trail 216G; SE along USFS Trail 216G to USFS Trail 221 (Castle Lake Trail); N on USFS Trail 221 to Castle Creek; N along Castle Creek to the confluence with the North Fork Toutle River; W down the North Fork Toutle River to the North Fork Toutle River, Coldwater Creek confluence; North from the North Fork Toutle River, Coldwater Creek confluence on unnamed ridgeline, to Castle Lake viewpoint on SR 504; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

**Elk Area No. 6010 Mallis (Pacific County):** That part of GMUs 506, 672, and 673 within one and one-half mile either side of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd, and all lands within a half mile of Elk Creek Rd bounded on the south by Monohon Landing Rd.

**Elk Area No. 6011 Centralia Mine (Lewis County):** That portion of GMU 667 within Centralia Mine property boundary.

**Elk Area No. 6013 (Pierce County):** That part of GMU 652 beginning at the intersection of Highway 167 and Highway 410; north on Highway 167 to Highway 18; east on Highway 18 to Highway 164; southeasterly on Highway 164 to intersection with power transmission line in T20 R6 Section 18. West along power transmission line to intersection with 226th Ave E. South on 226th Ave East to intersection with 40th St E, east on 40th St E to 230th Ave E, South on 230th Ave E to Radke Road. Southwest on Radke to Barkubine Road, South on Barkubine Road to Connells Prairie; West on Connells Prairie Rd to 214th Ave E, South on 214th Ave E to Highway 410; westerly on Highway 410 to Highway 167 and the point of beginning.

**Elk Area No. 6014 (Pierce County):** Starting at Highway 164 intersection with power transmission line in T20 R6 Section 18; W along power transmission line to intersection with 226th Ave E; S on 226th Ave E to intersection with 40th St E; E on 40th St E to 230th Ave E; S on 230th Ave E to Radke Rd; SW on Radke to Barkubine Rd; S on Barkubine Rd to Connells Prairie; W on Connells Prairie Rd to 214th Ave E; S on 214th Ave E to South Prairie Rd; SE on South Prairie Rd to Highway 162; E on Hwy 162 to Hwy 165; S on Hwy 165 to the power transmission lines at T19 R6 Section 21, NE along the power transmission lines to the White River, N along the White River to the power transmission lines at T19 R7E; NE on power transmission lines to intersection with Hwy 410 West on SR 410 to Hwy 164; NW on Hwy 164 to starting point.

**Elk Area No. 6030 Joyce (Clallam County):** That portion of GMU 603 beginning at the intersection of Freshwater Bay Road and Highway 112; N and NW along Freshwater Bay Road to the Freshwater Bay Boat Launch; NE on the Freshwater Bay Boat Launch to the shoreline with Freshwater Bay; NW and W along the shorelines of Freshwater Bay and the Strait of Juan de Fuca to the mouth of the Lyre River; S along the Lyre River to the intersection with Highway 112; E along Highway 112 to the intersection with Waterline Road; S and SE along Waterline Road to the intersection with the Olympic Discovery Trail Adventure Route (OAT); E along the Olympic Discovery Trail Adventure Route to the intersection with Eden Valley Road; N and NE along Eden Valley Road to the intersection with Highway 112; W along Highway 112 to the point of beginning.

**Elk Area No. 6054 Puyallup River (Pierce County):** That portion of GMU 654 beginning at the intersection of Mount Rainier National Park's western boundary and the Nisqually River; W down the Nisqually River to the mouth of the Mashel River; E and SE along the Mashel River to its headwaters; SE from the Mashel River headwaters to the Mashel River-Puyallup River watershed divide ridge; SE along the Mashel River-Puyallup River watershed divide ridge to a point due west of the headwaters of Big Creek; NE along Big Creek to its confluence with Deer Creek; N along Deer Creek to its confluence with the Puyallup River; SE up the Puyallup River to Mount Rainier National Park's western boundary; S on Mount Rainier National Park's western boundary to the Nisqually River and the point of beginning.

**Elk Area No. 6061 Twin Satsop Farms (Mason County):** That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of

beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

**Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties):** That portion of GMU 638 (Quinault) within the Quinault River watershed east of Gatton Creek and Lake Quinault excluding US Forest Service (USFS) Colonel Bob Wilderness Area beginning at the mouth of the Quinault River; NE on the Olympic National Park boundary, which is along the Quinault River, to the intersection with USFS Colonel Bob Wilderness Area; then SW along the Colonel Bob Wilderness Area Western boundary to its intersection with Haas Creek; then downstream along Haas Creek to its intersection with USFS Olympic National Forest boundary; then SW along USFS boundary to the Lake Quinault shoreline; then N along the East shore of Lake Quinault to the mouth of Quinault River and the point of the beginning.

**Elk Area No. 6069 Hanaford (Lewis and Thurston counties):** That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Rd and S Pearl St (Centralia); N on S Pearl St to N Pearl St; N on N Pearl St to State Hwy 507; W and N on State Hwy 507 to Skookumchuck Rd; E on Skookumchuck Rd to the first bridge over the Skookumchuck River; E along the Skookumchuck River to the Skookumchuck Rd bridge; E on Skookumchuck Rd to the steel tower power line; SW along the power line to Big Hanaford Rd; E and S along Big Hanaford Rd to the intersection with the main stem of Hanaford Creek; SE along Hanaford Creek to the range line between Range 1W and Range 1E of Township 14N; S on the range line between Range 1W and Range 1E of Township 14N to Mitchell Creek; SW on Mitchell Creek to the North Fork of the Newaukum River; SW on the North Fork of the Newaukum River to North Fork Rd; W on North Fork Rd to Centralia-Alpha Rd; W on Centralia-Alpha Rd to Salzer Valley Rd and the point of beginning.

**Elk Area No. 6071 Dungeness (Clallam County):** Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan de Fuca to the mouth of Dean Creek on Sequim Bay; south and west up Dean Creek to the power transmission line; west on the power transmission line to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

**Elk Area No. 6612 Forks (Clallam County):** That part of GMUs 607 and 612 excluding the city of Forks and Bogachiel state park; starting at the confluence of Calawah River and the Bogachiel River; upstream on the Bogachiel River to the Hwy 101 Bridge north along Hwy 101 to Sportsman Club Rd; E on Sportsman Club Rd to DNR FR-F-1000; E on DNR FR-F-1000 to DNR FR-F-1200; N on DNR FR-F-1200 to its end; from the end of DNR FR-F-1200 N approximately 500' to Elk Creek; down Elk Creek to its confluence with the Calawah River; down the Calawah River to its confluence with the Bogachiel River.

OTS-5201.1

AMENDATORY SECTION (Amending WSR 22-15-096, filed 7/19/22, effective 8/19/22)

**WAC 220-415-050 ((2021-2023)) 2024-2026 Elk general seasons and definitions.** It is unlawful to fail to comply with bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Bag Limit:** One elk per hunter during the license year, except where otherwise permitted by department rule. Any combination of seasons, tags, and permits set by the department will not exceed a maximum of two elk per hunter during the license year.

**Hunting Method:** Elk hunters must select only one of the hunting methods: Modern firearm, archery, or muzzleloader.

**Elk Tag Areas:** Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

**Any Bull Elk Seasons:** Open only to the taking of elk with visible antlers; bull calves are illegal.

**Antler Point:** To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

**Branch:** A branch is defined as any projection off the main antler beam that is at least one inch long, measured on the longest side, and longer than it is wide.

**Spike Bull Antler Restrictions:** Bull elk taken in spike-only game management units (GMUs) must have at least one antler with no branches originating more than four inches ((above)) from where the antler attaches to the skull.

**True Spike Bull Antler Restrictions:** Neither antler of bull elk taken can have branching originating more than four inches ((above)) from where the antlers attach to the skull. Under the true-spike restriction, taking an elk that has two points on one side or antler points within one inch of the definitions regarding length of point, or point of origination, is an infraction under RCW 77.15.160. All other types of violations of the true-spike restriction are subject to current penalties and assessments under RCW 77.15.410 and 77.15.420.

**3-point Antler Restrictions:** Legal bull elk must have at least three antler points on one side. Eye guards are antler points when they are at least one inch long. Antler restrictions apply to all hunters during any open season.

**Permit-only Units:** The following GMUs are closed to elk hunting during general elk seasons: 157, 418, 437, 485, 522, 556, 621, 636, and 653.

**GMUs Closed to Elk Hunting:** 490.

#### **Elk Tag Areas**

**Eastern Washington:** All 100, 200, and 300 GMUs.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm Tag

EM - Eastern Washington Muzzleloader Tag

**Western Washington:** All 400, 500, and 600 GMUs.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm Tag

WM - Western Washington Muzzleloader Tag

**Modern Firearm General Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid modern firearm elk tag as listed below for the area hunted.

**Hunting Method:** May use modern firearm, bow and arrow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2024)) 2024 Dates	((2025)) 2025 Dates	((2026)) 2026 Dates	Legal Elk
Eastern Washington	EF	101, 105, 108, 111, 113, 117, 121, 204	((Oct. 30 – Nov. 7)) Oct. 26 - Nov. 3	((Oct. 29 – Nov. 6)) Oct. 25 - Nov. 2	((Oct. 28 – Nov. 5)) Oct. 31 - Nov. 8	Any bull
		145 through 154, 162 through 186, 249, 336 through 368	((Oct. 30 – Nov. 7)) Oct. 26 - Nov. 3	((Oct. 29 – Nov. 6)) Oct. 25 - Nov. 2	((Oct. 28 – Nov. 5)) Oct. 31 - Nov. 8	Spike bull
		251, 328, 329, 334, 335	((Oct. 30 – Nov. 7)) Oct. 26 - Nov. 3	((Oct. 29 – Nov. 6)) Oct. 25 - Nov. 2	((Oct. 28 – Nov. 5)) Oct. 31 - Nov. 8	True spike bull
		Elk Area 3722	((Sept. 11-26)) Sept. 14-29	((Sept. 10-25)) Sept. 13-28	((Sept. 9-24)) Sept. 12-27	Antlerless only
		124 through 142, 372, 382, 388	((Oct. 30 – Nov. 7)) Oct. 26 - Nov. 3	((Oct. 29 – Nov. 6)) Oct. 25 - Nov. 2	((Oct. 28 – Nov. 5)) Oct. 31 - Nov. 8	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381	((Oct. 30 – Nov. 15)) Oct. 26 - Nov. 15	((Oct. 29 – Nov. 15)) Oct. 25 - Nov. 15	((Oct. 28 – Nov. 15)) Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	((Aug. 1 – Jan. 20, 2022)) Aug. 1, 2024 - Jan. 20, 2025	((Aug. 1 – Jan. 20, 2023)) Aug. 1, 2025 - Jan. 20, 2026	((Aug. 1 – Jan. 20, 2024)) Aug. 1, 2026 - Jan. 20, 2027	Antlerless only
		Master Hunters Only: 371. Must wear hunter orange and/or hunter pink.	Aug. 1-31	Aug. 1-31	Aug. 1-31	Antlerless only
		Master Hunters Only: 127((,-130)) through 142	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
Western Washington	WF	460, 466, 448, 503, 505 through 520, 524 (except <b>CLOSED</b> in Elk Area 5066), 530, 550, 560, 568, 572, 574, 578, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 (except master hunters only in Elk Area 6064 portion of GMU 638), 642 through 651, 652 (except for Elk Area 6014), 654, 658, 660, 667 through 684.	((Nov. 6-17)) Nov. 2-13	((Nov. 5-16)) Nov. 1-12	((Nov. 4-15)) Nov. 7-18	3 pt. min.
		501, 504, 663, Elk Areas 4601 and 6014	((Nov. 6-17)) Nov. 2-13	((Nov. 5-16)) Nov. 1-12	((Nov. 4-15)) Nov. 7-18	3 pt. min. or antlerless
		407, 564, 666	((Nov. 6-17)) Nov. 2-13	((Nov. 5-16)) Nov. 1-12	((Nov. 4-15)) Nov. 7-18	Any elk
		454	((Nov. 6-17)) Nov. 2-13	((Nov. 5-16)) Nov. 1-12	((Nov. 4-15)) Nov. 7-18	Any bull

**Archery General Elk Seasons**

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid archery elk tag as listed below for the area hunted.

**Hunting Method:** Bow and arrow only, as defined under WAC 220-414-070.

**Special Notes:** Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 220-414-070). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
<b>Early Archery General Elk Seasons</b>						
<b>Eastern Washington</b>	EA	101 through 142, 204, 243, 247, 249, 250, 272, 278, 284, 290, 373, 379, 381, 382 ((except <b>CLOSED</b> in Deer Area 5382)), 388	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	Any elk
		154, 162, 166, 169, 172, 175, 186, 251, 328, 329, 336, 340, 352, 356, 364	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	Spike bull
		145, 149, ((154)) Elk Area 1054, 163, 178, 181, 334, 335, 371	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	Spike bull or antlerless
		Master Hunters Only: 371. Must wear hunter orange and/or hunter pink.	Aug. 1-31	Aug. 1-31	Aug. 1-31	Antlerless only
<b>Western Washington</b>	WA	407, 454, 564, 666, 684, Elk Area 6014	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	Any elk
		Elk Area 4601, 501 through 505, ((520, 550,)) 554, ((560,)) 568, ((572,)) 574, 578, Elk Area 6061, 652 (except Elk Area 6013 closed to antlerless), 654, 660, 663, 667 through 673, 681, 699	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	3 pt. min. or antlerless
		448, 460, 466, 506((,-510, 513, 516)) through 520, 524 (except <b>CLOSED</b> in Elk Area 5066), 530, 550, 560, 572, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 (except Master Hunters only in Elk Area 6064), 642 through 651, 658	((Sept. 11-23)) Sept. 7-19	((Sept. 10-22)) Sept. 6-18	((Sept. 9-21)) Sept. 12-24	3 pt. min.
<b>Late Archery General Elk Seasons</b>						
<b>Eastern Washington</b>	EA	101, 105, 108, 117, 121, 204	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any bull
		124, 127, 373, 382 ((except <b>CLOSED</b> in Deer Area 5382)), 388	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		178	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		163	((Dec. 9 - Jan. 30, 2022)) Dec. 9, 2024 - Jan. 20, 2025	((Dec. 9 - Jan. 30, 2023)) Dec. 9, 2025 - Jan. 20, 2026	((Dec. 9 - Jan. 30, 2024)) Dec. 9, 2026 - Jan. 20, 2027	Antlerless only
		203, 209 through 248, 250, 254 through 290, 379, 381. Must wear hunter orange and/or hunter pink.	((Oct. 30 - Nov. 15)) Oct. 26 - Nov. 15	((Oct. 29 - Nov. 15)) Oct. 25 - Nov. 15	((Oct. 28 - Nov. 15)) Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	((Aug. 1 - Jan. 20, 2022)) Aug. 1, 2024 - Jan. 20, 2025	((Aug. 1 - Jan. 20, 2023)) Aug. 1, 2025 - Jan. 20, 2026	((Aug. 1 - Jan. 20, 2024)) Aug. 1, 2026 - Jan. 20, 2027	Antlerless only
		Master Hunters Only: 127((,-130)) through 142	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
		334, 335	((Nov. 24 - Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 - Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 - Dec. 8)) Nov. 25 - Dec. 8	Spike bull or antlerless
		249, 251, 336, 342, 346, 352, 364, Elk Area 3681	((Nov. 24 - Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 - Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 - Dec. 8)) Nov. 25 - Dec. 8	Spike bull
<b>Western Washington</b>	WA	Elk Area 4601, 503, 505, ((506, 530,)) 652 (except Elk Area 6013 closed to antlerless), 663, 667, 672, 681, and 699. Master hunters only in Elk Area 6064 portion of GMU 638	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	3 pt. min. or antlerless
		407	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Any elk

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
		454, 564, 666, Elk Area 6014	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	Any elk
		448, <u>506</u> , 530, 603, 612, 615, 638 (except for Elk Area 6064), 648	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	3 pt. min.

### Muzzleloader General Elk Seasons

**License Required:** A valid big game hunting license with an elk tag option.

**Tag Required:** A valid muzzleloader elk tag as listed below for the area hunted.

**Hunting Method:** Muzzleloader, as defined under WAC 220-414-060, crossbow equipment (WAC 220-414-100), or (~~bow and arrow~~) archery equipment, as defined under WAC 220-414-070.

**Special Notes:** Muzzleloader tag holders can only hunt during the muzzleloader seasons. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
<b>Early Muzzleloader General Elk Seasons</b>						
Eastern Washington	EM	101 through 121, 204, 247	((Oct. 2-8)) Oct. 5-11	((Oct. 1-7)) Oct. 4-10	((Oct. 7-13)) Oct. 3-9	Any bull
		124 through 142, 245, 250, 272, 278, 284, 290, 379	((Oct. 2-8)) Oct. 5-11	((Oct. 1-7)) Oct. 4-10	((Oct. 7-13)) Oct. 3-9	Any elk
		145, 149, 154, 162, 163, 166, 172, 175, 178, 181, 249, 336 through 342, 352 through 368	((Oct. 2-8)) Oct. 5-11	((Oct. 1-7)) Oct. 4-10	((Oct. 7-13)) Oct. 3-9	Spike bull
		((249,)) 251, 328, 329, 334, 335, Elk Area 2051	((Oct. 2-8)) Oct. 5-11	((Oct. 1-7)) Oct. 4-10	((Oct. 7-13)) Oct. 3-9	True spike bull
		Master Hunters Only: 371. Must wear hunter orange and/or hunter pink.	Aug. 1-31	Aug. 1-31	Aug. 1-31	Antlerless only
Western Washington	WM	407, 454, 564, 666, 684	((Oct. 2-8)) Oct. 5-11	((Oct. 1-7)) Oct. 4-10	((Oct. 7-13)) Oct. 3-9	Any elk
		448, 460, 466, 506, 510, 513, 516, 520, 524 (except <b>CLOSED</b> in Elk Area 5066), 530, 550, 554, 560, 568, 572, 574, 578, 602, 603, 607, 612, 615, 624 (except for Elk Area 6071), 627, 633, 638 (except for Elk Area 6064), 642, 648, 660, 672, 673, 681	((Oct. 2-8)) Oct. 5-11	((Oct. 1-7)) Oct. 4-10	((Oct. 7-13)) Oct. 3-9	3 pt. min.
		501, 503, 504, 505, 652 (except Elk Area 6013 closed to antlerless), Elk Area 6014, 654, 663, 667, Elk Area 4601	((Oct. 2-8)) Oct. 5-11	((Oct. 1-7)) Oct. 4-10	((Oct. 7-13)) Oct. 3-9	3 pt. min. or antlerless
<b>Late Muzzleloader General Elk Seasons</b>						
Eastern Washington	EM	130 through 142	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381. Must wear hunter orange and/or hunter pink.	((Oct. 30 - Nov. 15)) Oct. 26 - Nov. 15	((Oct. 29 - Nov. 15)) Oct. 25 - Nov. 15	((Oct. 28 - Nov. 15)) Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	((Aug. 1 - Jan. 20, 2022)) Aug. 1, 2024 - Jan. 20, 2025	((Aug. 1 - Jan. 20, 2023)) Aug. 1, 2025 - Jan. 20, 2026	((Aug. 1 - Jan. 20, 2024)) Aug. 1, 2026 - Jan. 20, 2027	Antlerless only
		Master Hunters Only: 127((,-130)) through 142	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2024)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Elk
<b>Western Washington</b>	WM	407	Dec. 16-31	Dec. 16-31	Dec. 16-31	Any elk
		Elk Area 4601, 501, 503, 504, 505, 652 (except Elk Area 6013 closed to antlerless), 667	((Nov. 24 - Dec. 8)) Nov. 27 - Dec. 8	((Nov. 23 - Dec. 8)) Nov. 26 - Dec. 8	((Nov. 22 - Dec. 8)) Nov. 25 - Dec. 8	3 pt. min. or antlerless
		454, 564, 666, 684, Elk Area 6014	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	Any elk
		568, 574, 578	((Nov. 24-30)) Nov. 27-30	((Nov. 23-30)) Nov. 26-30	((Nov. 22-30)) Nov. 25-30	3 pt. min.
		448, 601, 618, 651, 658	((Nov. 24 - Dec. 15)) Nov. 27 - Dec. 15	((Nov. 23 - Dec. 15)) Nov. 26 - Dec. 15	((Nov. 22 - Dec. 15)) Nov. 25 - Dec. 15	3 pt. min.

**OTS-5202 . 4**

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

**WAC 220-415-060 ((2023)) 2024 Elk special permits.** It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Special Elk Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase an elk hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzle-loader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

**Bag Limit:** One (1) elk per hunter during the license year except where otherwise permitted by department rule, even if permits are drawn for more than one elk hunt category. Any combination of seasons, tags, and permits set by the department will not exceed a maximum of two (2) elk per hunter during the license year.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EA, EF, EM	Any	((Sept. 30 - Oct. 9 and Nov. 11-30)) Sept. 28 - Oct. 7 and Nov. 9-28	Any bull	Elk Area 1015	1
Prescott	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 149	3
Blue Creek	EF	Any	((Sept. 25-29)) Sept. 23-26	Any bull	GMU 154	1
Blue Creek	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 154	6

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Watershed	EA, EF, EM	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	3 pt. min.	GMU 157	((25)) <u>15</u>
Dayton	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 162, 163	((3)) <u>2</u>
Tucannon	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 166	((3)) <u>2</u>
Wenaha West	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	Elk Area 1008	5
Wenaha East	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	Elk Area 1009	((4)) <u>5</u>
Mountain View	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 172	((7)) <u>5</u>
Lick Creek	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 175	((2)) <u>1</u>
Peola	EF	Any	((Sept. 25-29)) Sept. 23-26	Any bull	GMUs 178, 145	1
Peola	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 178, 145	1
Couse	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 181	((6)) <u>5</u>
Couse	EF	Any	((Sept. 25-29)) Sept. 23-26	Any bull	GMU 181; Private Lands Only	((4)) <u>3</u>
Mission	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 251	2
Colockum	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 328, 329, 334	1
Colockum	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 328, 329, 334	((44)) <u>21</u>
Teanaway	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 335	2
Peaches Ridge	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 336, 346	2
Observatory	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 334, 340, 342	2
Little Naches	EF	Any	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any bull	GMU 346	3
Goose Prairie	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 352, 356	2
Bethel	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 360	2
Rimrock	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 364	2
Cowiche	EF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 368	2
Alkali	EF	Any	((Oct. 14 - Nov. 3)) Oct. 12-29	Any bull	GMUs 334, 371	((30)) <u>36</u>
Nooksack	WF	Any	((Oct. 5-29 and Dec. 9-26)) Oct. 15 - Nov. 5	Any bull	GMU 418	13
Green River	WF, WA, WM	Any	((Nov. 4-10)) Oct. 19-25	Any bull	GMU 485	((10)) <u>8</u>
Wahkiakum	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 506, 530	1
South Rainier	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMUs 510, 513	3
Packwood	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 516	3
Winston	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 520	1
Coweeman	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 550	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Toutle	WF	Any	((Sept. 25-29 and Nov. 4-15)) Sept. 23-27 and Nov. 2-13	Any bull	GMU 556	2
Toutle	WF	Any	((Nov. 4-15)) Nov. 2-13	Any bull	GMU 556	((32)) <u>26</u>
Lewis River	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 560	2
Siouxon	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	GMU 572	2
Upper Smith Creek	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	Elk Area 5064	1
Mount Whittier	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	((Sept. 25-29)) Sept. 23-27	Any bull	Elk Area 5066	2
Mudflow	WF	Any	((Nov. 4-15)) Nov. 2-13	Any bull	Elk Area 5099	7
Peninsula	WF	Any	((Sept. 23-26)) Sept. 23-27	3 pt. min.	GMUs 602, 603, 607, 612, 615	4
Matheny	WF	Any	((Sept. 25-29)) Sept. 23-27	3 pt. min.	GMU 618	1
Quinault	WF	Any	((Sept. 25-29)) Sept. 23-27	3 pt. min.	GMU 638	3
Wynoochee	WF	Any	((Sept. 25-29)) Sept. 23-27	3 pt. min.	GMU 648	1
White River	WF	Any	((Sept. 23-27)) Sept. 21-25	Any bull	GMU 653	2
Prescott	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 149	1
Blue Creek	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 154	2
Dayton	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMUs 162, 163	1
Tucannon	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 166	1
Wenaha West	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	Elk Area 1008	((2)) <u>3</u>
Wenaha East	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	Elk Area 1009	((2)) <u>1</u>
Mountain View	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 172	((5)) <u>3</u>
Lick Creek	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 175	1
Peola	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMUs 178, 145	1
Couse	EA	Any	((Sept. 4-21)) Sept. 2-19	Any bull	GMU 181	((2)) <u>5</u>
Colockum	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMUs 328, 329, 334	((6)) <u>12</u>
Teanaway	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMU 335	2
Peaches Ridge	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMUs 336, 346	((8)) <u>6</u>
Observatory	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMUs 334, 340, 342	((13)) <u>9</u>
Goose Prairie	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMUs 352, 356	((5)) <u>4</u>
Bethel	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMU 360	((9)) <u>8</u>
Rimrock	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMU 364	((12)) <u>14</u>
Cowiche	EA	Any	((Sept. 9-21)) Sept. 7-19	Any bull	GMU 368	((4)) <u>3</u>

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Alkali	EA	Any	((Sept. 1-22)) <u>Sept. 1-21</u>	Any elk	GMUs 334, 371	((22)) <u>18</u>
Nooksack	WA	Any	((Sept. 1-22, 2023 and Jan. 1-19, 2024)) <u>Sept. 1-22</u>	Any bull	GMU 418	8
Toutle	WA	Any	((Sept. 9-21 and Dec. 4-15)) <u>Sept. 7-19 and Dec. 1-15</u>	Any bull	GMU 556	((17)) <u>14</u>
Upper Smith Creek	WA	Any	((Sept. 9-15)) <u>Sept. 5-11</u>	Any bull	Elk Area 5064	1
Norway Pass	WA	Any	((Sept. 9-15)) <u>Sept. 5-11</u>	Any bull	Elk Area 5066	2
Mudflow	WA	Any	((Sept. 9-15 and Nov. 16-19)) <u>Sept. 7-13 and Nov. 16-19</u>	Any bull	Elk Area 5099	7
Peninsula	WA	Any	((Sept. 1-24)) <u>Sept. 1-19</u>	3 pt. min.	GMUs 602, 603, 607, 612, 615	2
White River	WA	Any	((Sept. 9-21 and Nov. 22 - Dec. 15)) <u>Sept. 7-19 and Nov. 27 - Dec. 15</u>	Any bull	GMU 653	((18)) <u>20</u>
Prescott	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMU 149	1
Blue Creek	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMU 154	1
Dayton	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMU 162, 163	1
Tucannon	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMU 166	1
Wenaha West	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	Elk Area 1008	1
Wenaha East	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	Elk Area 1009	1
Mountain View	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMU 172	((4)) <u>3</u>
Lick Creek	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMU 175	1
Peola	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMUs 178, 145	1
Couse	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMU 181	((2)) <u>5</u>
Mission	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 30 - Oct. 11</u>	Any bull	GMU 251	2
Colockum	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 4</u>	Any bull	GMUs 328, 329, 334	((4)) <u>10</u>
Teanaway	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 4</u>	Any bull	GMU 335	((1)) <u>2</u>
Peaches Ridge	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 4</u>	Any bull	GMUs 336, 346	((3)) <u>4</u>
Observatory	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 4</u>	Any bull	GMUs 334, 340, 342	((5)) <u>8</u>
Goose Prairie	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 4</u>	Any bull	GMUs 352, 356	1
Bethel	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 4</u>	Any bull	GMU 360	2
Rimrock	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 4</u>	Any bull	GMU 364	((5)) <u>6</u>
Cowiche	EM	Any	((Sept. 30 - Oct. 8)) <u>Sept. 28 - Oct. 4</u>	Any bull	GMU 368	((2)) <u>3</u>
Alkali	EM	Any	((Sept. 24 - Oct. 14)) <u>Sept. 22 - Oct. 12</u>	Any bull	GMUs 334, 371	((8)) <u>9</u>
Nooksack	WM	Any	((Sept. 23 - Oct. 4 and Nov. 15 - Dec. 8)) <u>Sept. 23 - Oct. 14</u>	Any bull	GMU 418	8

<b>Quality</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Toutle	WM	Any	((Oct. 7-13)) Oct. 5-11	Any bull	GMU 556	((4)) <u>9</u>
Mount Whittier	WM	Any	((Sept. 17-23)) Sept. 14-20	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	((Sept. 17-23)) Sept. 14-20	Any bull	Elk Area 5066	2
Mudflow	WM	Any	((Oct. 7-17)) Oct. 5-15	Any bull	Elk Area 5099	7
Peninsula	WM	Any	((Sept. 28 - Oct. 4)) Oct. 1-11	3 pt. min.	GMUs 602, 603, 607, 612, 615	2

<b>Bulls</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Any	((Dec. 5-10)) Dec. 3-8	Spike bull only	Elk Area 1015	1
Grande Ronde	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 186	1
Mission	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 251	2
Peshastin	EF	Any	Feb. 8-17, ((2024)) 2025	Any bull	Elk Area 2033	4
Teanaway	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 335	((4)) <u>5</u>
Peaches Ridge	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 336, 346	((17)) <u>18</u>
Observatory	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 334, 340, 342	16
Goose Prairie	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMUs 352, 356	((9)) <u>8</u>
Bethel	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 360	((10)) <u>9</u>
Rimrock	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 364	((36)) <u>29</u>
Cowiche	EF	Any	((Oct. 23 - Nov. 5)) Oct. 21 - Nov. 3	Any bull	GMU 368	5
Sauk	WF	Any	Oct. 5 - Nov. 3	Any bull	GMU 437	6
Upper Smith Creek	WF	Any	Oct. 17-23	Any bull	Elk Area 5064	1
Mount Whittier	WF	Any	Oct. 17-23	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Oct. 17-23	Any bull	Elk Area 5066	3
Olympic	WF	Any	((Nov. 1-15)) Nov. 1-17	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	((8)) <u>7</u>
Skokomish	WF	Any	((Nov. 1-15)) Nov. 1-17	3 pt. min.	GMU 636	((5)) <u>6</u>
White River	WF	Any	((Oct. 15 - Nov. 10)) Oct. 12 - Nov. 6	Any bull	GMU 653	((44)) <u>48</u>
Turnbull	EA	Any	((Sept. 9-24)) Sept. 7-19	Spike bull only	Elk Area 1015	1
Grande Ronde	EA	Any	((Sept. 4-24)) Sept. 2-19	Any bull	GMU 186	1
Sauk	WA	Any	Sept. 1-22, ((2023)) 2024; and Nov. 27 - Dec. 2, ((2023)) 2024; and Jan. 1-7, ((2024)) 2025	Any bull	GMU 437	9
Upper Smith Creek	WA	Any	Oct. 1-7	Any bull	Elk Area 5064	2
Mount Whittier	WA	Any	Oct. 1-7	Any bull	Elk Area 5065	1
Norway Pass	WA	Any	Oct. 1-7	Any bull	Elk Area 5066	3
Lewis River	WA	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	3 pt. min.	GMU 560	5
Siouxon	WA	Any	((Nov. 22 - Dec. 8)) Nov. 27 - Dec. 8	3 pt. min.	GMU 572	5

**Bulls**

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Olympic	WA	Any	((Sept. 1-21 and Dec. 1-15)) Sept. 1-19 and Dec. 1-15	3 pt. min.	GMU 621, EXCEPT Elk Area 6071	4
Skokomish	WA	Any	((Sept. 1-21 and Dec. 1-15)) Sept. 1-19 and Dec. 1-15	3 pt. min.	GMU 636	((4)) 5
Turnbull	EM	Any	((Nov. 25-30)) Nov. 23-28	Spike bull only	Elk Area 1015	1
Grande Ronde	EM	Any	((Sept. 20 - Oct. 8)) Sept. 28 - Oct. 6	Any bull	GMU 186	1
Sauk	WM	Any	Sept. 23 - Oct. 4, ((2023)) 2024; and Dec. 3-11, ((2023)) 2024; and Jan. 8-19, ((2024)) 2025	Any bull	GMU 437	6
Upper Smith Creek	WM	Any	Oct. 9-15	Any bull	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 9-15	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Any bull	Elk Area 5066	3
Yale	WM	Any	((Nov. 22 - Dec. 15)) Nov. 27 - Dec. 15	3 pt. min.	GMU 554	5
Olympic	WM	Any	((Sept. 30 - Oct. 13)) Sept. 28 - Oct. 11	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	3
Skokomish	WM	Any	((Sept. 30 - Oct. 13)) Sept. 28 - Oct. 11	3 pt. min.	GMU 636	1
White River	WM	Any	((Sept. 30 - Oct. 13)) Sept. 28 - Oct. 11	Any bull	GMU 653	9

**Antlerless Elk**

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Half	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMUs 101, 105, 204	10
Douglas	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 108	5
Aladdin	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 111	10
Selkirk	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 113	10
49 Degrees North	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 117	10
Huckleberry	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 121	10
Fruitland	EF, EM, EA	Any	Jan. 1 - Feb. 15	Antlerless	Elk Area 1021	20
Turnbull	EF	Any	((Nov. 11-16)) Nov. 9-14	Antlerless	Elk Area 1015	5
Turnbull	EF	Any	((Dec. 5-10)) Dec. 3-8	Antlerless	Elk Area 1015	5
Mayview-Peola	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMUs 145, 178	10
Prescott	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 149	20
Blue Creek	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 154	5
Marengo	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 163	5
Mountain View	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	Elk Area 1013	5
Couse	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	Elk Area 1081	15
Malaga	EF	Any	Sept. 6-17	Antlerless	Elk Area 2032	20

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Malaga	EF	Any	Nov. 1 - Dec. 31	Antlerless	Elk Area 2032	55
Peshastin	EF	Any	Dec. 15, 2023 - Feb. 8, 2024	Antlerless	Elk Area 2033	20
Colockum	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMUs 328, 329	50
West Bar	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 330	5
Teanaway	EF	Any	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 335	25
Taneum	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 336	180
Manastash	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 340	130
Umtanum	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 342, 346	125
Little Naches	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 346	125
Nile	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 352	10
Bumping	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 356	15
Bethel	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 360	10
Rimrock	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 364	145
Cowiche	EF	Any	((Nov. 1-5)) Oct. 30 - Nov. 3	Antlerless	GMU 368	80
Alkali A	EF	Any	((Oct. 14 - Nov. 3)) Oct. 12-29	Antlerless	GMU 371	45
Alkali B	EF	Any	((Nov. 4-22)) Oct. 30 - Nov. 22	Antlerless	GMU 371	45
((Green River	WF, WA, WM	Any	Nov. 4-10	Antlerless	GMU 485	5))
Mossyrock	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 505	20
Willapa Hills	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 506	((20)) 35
((Winston	WF	Any	Nov. 4-15	Antlerless	GMU 520	5
Margaret	WF	Any	Nov. 4-15	Antlerless	GMU 524 (except <b>CLOSED</b> in Elk Area 5066)	5))
Ryderwood	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 530	((15)) 30
((Ceweeman	WF	Any	Nov. 4-15	Antlerless	GMU 550	5
Toutle	WF	Any	Nov. 20-30	Antlerless	GMU 556	5
Lewis River	WF	Any	Nov. 4-15	Antlerless	GMU 560	10))
Washougal	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 568	5
((Siouxon	WF	Any	Nov. 4-15	Antlerless	GMU 572	5))
Wind River	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 574	5
West Klickitat	WF	Any	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 578	5
((Norway Pass	WF	Any	Oct. 17-23	Antlerless	Elk Area 5066	3
Mudflow	WF	Any	Nov. 4-15	Antlerless	Elk Area 5099	3))
Mallis	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
Mallis	WF	Any	Jan. 1-20, ((2024)) 2025	Antlerless	Elk Area 6010	20
Puyallup	WF	Any	Jan. 1-20, ((2024)) 2025	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Jan. 21 - Feb. 10, ((2024)) 2025	Antlerless	Elk Area 6014	10

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Puyallup	WF	Any	Feb. 11-28, ((2024)) <u>2025</u>	Antlerless	Elk Area 6014	10
Joyce	WF	Any	Dec. 16-31	Antlerless	Elk Area 6030	5
Williams Creek	WF	Any	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 673	((50)) <u>25</u>
Long Beach	WF	Any	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 684	4
Turnbull	EA	Any	((Sept. 9-24)) <u>Sept. 7-19</u>	Antlerless	Elk Area 1015	((42)) <u>11</u>
Blue Creek	EA	Any	Sept. 7-19	Antlerless	GMU 154	5
Malaga	EA	Any	Aug. 29 - Sept. 4	Antlerless	Elk Area 2032	20
Colockum	EA	Any	((Sept. 9-24)) <u>Sept. 7-19</u>	Antlerless	GMUs 328, 329	75
Colockum	EA	Any	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMU 328	20
Taneum Early	EA	Any	((Sept. 9-24)) <u>Sept. 7-19</u>	Antlerless	GMU 336	100
Taneum Late	EA	Any	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMU 336	100
Manastash	EA	Any	((Sept. 9-24)) <u>Sept. 7-19</u>	Antlerless	GMU 340	140
Umtanum	EA	Any	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMU 342	175
Nile Early	EA	Any	((Sept. 9-24)) <u>Sept. 7-19</u>	Antlerless	GMU 352	30
Nile Late	EA	Any	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMU 352	30
Bumping	EA	Any	((Sept. 9-24)) <u>Sept. 7-19</u>	Antlerless	GMU 356	50
Rimrock	EA	Any	((Sept. 9-24)) <u>Sept. 7-19</u>	Antlerless	GMU 364	100
Cowiche	EA	Any	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	Elk Area 3681	100
((Margaret	WA	Any	Sept. 9-21 and Dec. 4-15	Antlerless	GMU 524 (except CLOSED in Elk Area 5066)	5
Toutle	WA	Any	Sept. 9-21 and Dec. 4-15	Antlerless	GMU 556	10
Norway Pass	WA	Any	Oct. 1-7	Antlerless	Elk Area 5066	3
Mudflow	WA	Any	Sept. 2-8 and Nov. 16-19	Antlerless	Elk Area 5099	5
Lewis River	WA	Any	Nov. 22 - Dec. 8	Antlerless	GMU 560	5
Siouxon	WA	Any	Nov. 22 - Dec. 8	Antlerless	GMU 572	3))
Willapa Hills	WA	Any	Nov. 27 - Dec. 15	Antlerless	GMU 506	60
Ryderwood	WA	Any	Nov. 27 - Dec. 15	Antlerless	GMU 530	50
Wynoochee	WA	Any	((Nov. 22 - Dec. 15)) <u>Nov. 27 - Dec. 15</u>	Antlerless	GMU 648	((90)) <u>40</u>
North Half	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMUs 101, 105, 204	10
Douglas	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 108	5
Aladdin	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 111	10
Selkirk	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 113	10
49 Degrees North	EM	Any	((Oct. 7-13)) Oct. 5-11 and Dec. 16-31	Antlerless	GMU 117	20
Huckleberry	EM	Any	((Oct. 7-13)) Oct. 5-11 and Dec. 16-31	Antlerless	GMU 121	10
Turnbull	EM	Any	((Nov. 25-30)) <u>Nov. 23-28</u>	Antlerless	Elk Area 1015	8

<b>Antlerless Elk</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EM	Any	((Dec. 12-17)) <u>Dec. 10-15</u>	Antlerless	Elk Area 1015	8
Blue Creek	EM	Any	Dec. 9, ((2023)) 2024 - Jan. 20, ((2024)) 2025	Antlerless	Elk Area 1054	15
Mountain View	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	Elk Area 1013	5
Mayview-Peola	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMUs 145, 178	((10)) <u>5</u>
Couse	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	Elk Area 1081	5
Couse	EM	Any	Dec. 1, ((2023)) 2024 - Jan. 20, ((2024)) 2025	Antlerless	Elk Area 1081 and Elk Area 1075	20
Malaga	EM	Any	Oct. 2-8	Antlerless	Elk Area 2032	45
Colockum	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMUs 328, 329	35
Teanaway	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 335	20
Taneum	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 336	100
Manastash	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 340	100
Umtanum	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 342	85
Nile	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 352	10
Bumping	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 356	10
Bethel	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 360	10
Cowiche	EM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 368	60
Alkali	EM	Any	((Sept. 23 - Oct. 13)) <u>Sept. 22 - Oct. 11</u>	Antlerless	GMU 371	45
Willapa Hills	WM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 506	((15)) <u>20</u>
((Mudflow	WM	Any	Oct. 7-17	Antlerless	Elk Area 5099	4
Winston	WM	Any	Oct. 7-13	Antlerless	GMU 520	5
Margaret	WM	Any	Oct. 7-13	Antlerless	GMU 524 (except <b>CLOSED</b> in Elk Area 5066)	5))
Ryderwood	WM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 530	((10)) <u>15</u>
((Ceweeman	WM	Any	Oct. 7-13	Antlerless	GMU 550	5))
Yale	WM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMU 554	3
Yale	WM	Any	((Nov. 22 - Dec. 15)) <u>Nov. 27 - Dec. 15</u>	Antlerless	GMU 554	3
((Toutle	WM	Any	Oct. 7-13	Antlerless	GMU 556	5
Lewis River	WM	Any	Oct. 7-13	Antlerless	GMU 560	5))
Washougal	WM	Any	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMU 568	5
((Siouxon	WM	Any	Oct. 7-13	Antlerless	GMU 572	5))
Wind River	WM	Any	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMU 574	5
West Klickitat	WM	Any	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMU 578	25
((Mount Whittier	WM	Any	Oct. 9-15	Antlerless	Elk Area 5065	4
Norway Pass	WM	Any	Oct. 9-15	Antlerless	Elk Area 5066	2))
Mallis	WM	Any	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	Elk Area 6010	10
Mashel	WM	Any	Jan. 1-15, ((2024)) <u>2025</u>	Antlerless	Elk Area 6054	20

<b>Antlerless Elk</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North River	WM	Any	((Nov. 22 - Dec. 15)) <u>Nov. 27 - Dec. 15</u>	Antlerless	GMU 658	25
Forks	WF, WM, WA	Any	Jan. 1-31, ((2024)) <u>2025</u>	Antlerless	Elk Area 6612	20*

<b>Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.</b>						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Youth	((Nov. 18-23)) <u>Nov. 16-21</u>	Spike bull or antlerless	Elk Area 1015	6
Aladdin	EF	Youth	((Oct. 28 - Nov. 5)) <u>Oct. 26 - Nov. 3</u>	Antlerless	GMU 111	5
Selkirk	EF	Youth	((Oct. 28 - Nov. 5)) <u>Oct. 26 - Nov. 3</u>	Antlerless	GMU 113	5
49 Degrees North	EF	Youth	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 117	5
Mayview-Peola	EF	Youth	((Oct. 28 - Nov. 5)) <u>Oct. 26 - Nov. 3</u>	Antlerless	GMUs 145, 178	((5)) <u>3</u>
Blue Creek	EF	Youth	((Oct. 28 - Nov. 5)) <u>Oct. 26 - Nov. 3</u>	Antlerless	GMU 154	3
Couse	EF	Youth	((Oct. 28 - Nov. 5)) <u>Oct. 26 - Nov. 3</u>	Antlerless	Elk Area 1081	3
Malaga	EF	Youth	Nov. 1-12	Antlerless	Elk Area 2032	10
Yakima North	EF	Youth	((Nov. 1-12)) <u>Oct. 30 - Nov. 10</u>	Antlerless	GMUs 336, 340, 342, 346	35
Yakima Central	EF	Youth	((Nov. 1-12)) <u>Oct. 30 - Nov. 10</u>	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	Youth	((Nov. 1-12)) <u>Oct. 30 - Nov. 10</u>	Antlerless	GMUs 364, 368	25
Alkali	EF	Youth	Dec. 16, ((2023)) <u>2024 - Jan. 21, ((2024)) 2025</u>	Antlerless	GMU 371	20
Yakima Early	EA	Youth	((Sept. 9-21)) <u>Sept. 7-19</u>	Antlerless	GMUs 336, 340, 352, 356, 364	55
Yakima Late	EA	Youth	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMUs 336, 342, 368	40
Yakima North	EM	Youth	((Sept. 30 - Oct. 13)) <u>Sept. 28 - Oct. 11</u>	Antlerless	GMUs 336, 340, 342, 346	25
Yakima Central	EM	Youth	((Sept. 30 - Oct. 13)) <u>Sept. 28 - Oct. 11</u>	Antlerless	GMUs 352, 356, 360	10
Yakima South	EM	Youth	((Sept. 30 - Oct. 13)) <u>Sept. 28 - Oct. 11</u>	Antlerless	GMUs 364, 368	15
Alkali	EM	Youth	Nov. 23 - Dec. 15	Antlerless	GMU 371	10
Sauk	WF, WM, WA	Youth	Nov. 4-26 and Dec. 12-31	Antlerless	GMU 437	5
Green River	WF, WM, WA	Youth	((Nov. 4-10)) <u>Oct. 19-25</u>	((Antlerless)) Any bull	GMU 485	2
Mudflow	WF, WM, WA	Youth	((Nov. 20-30)) <u>Nov. 21-30</u>	Any bull	Elk Area 5099	5
((Mudflow	WF, WM, WA	Youth	Sept. 27 - Oct. 5	Antlerless	Elk Area 5099	5
Cowee man	WF	Youth	Nov. 4-15	Antlerless	GMU-550	10
Toutle	WF	Youth	Nov. 20-30	Antlerless	GMU-556	10))
Lewis River	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 560	5
Wind River	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 574	5
West Klickitat	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 578	10
Region 5 West	WF, WM, WA	Youth (with mentor))	Aug. 1, ((2023)) <u>2024 - Mar. 31, ((2024)) 2025</u>	Antlerless	Designated Areas in Region 5	10 <sup>HC</sup>
Region 5 East	EF, EM, EA	Youth	Aug. 1, 2024 - Mar. 31, <u>2025</u>	Antlerless	Designated Areas in GMUs 382 and 388	5 <sup>HC</sup>

**Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.**

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Peninsula	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMUs 602, 607, 612, 615	4
Clearwater	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 615	5
Matheny	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 618	5
Wynoochee	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 648	10
North River	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 658	6
Williams Creek	WF	Youth	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 673	10
Mallis	WF	Youth	Dec. 16, ((2023)) 2024 - Jan. 20, ((2024)) 2025	Antlerless	Elk Area 6010	10
Peninsula	WA	Youth	((Sept. 9-21)) <u>Sept. 7-19</u>	Antlerless	GMUs 602, 607, 612, 615	2
Peninsula	WM	Youth	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMUs 602, 607, 612, 615	2
Forks	WF, WM, WA	Youth	Dec. 16, ((2023)) 2024 - Jan. 31, ((2024)) 2025	Antlerless	Elk Area 6612	10*
Region 6	WF	Youth ((with mentor))	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 6	7HC

**65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.**

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	65+	((Oct. 29 - Nov. 6)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMUs 113, 117	10
Prescott	EF	65+	Oct. 28 - Nov. 5	Antlerless	GMU 149	3
Blue Creek	EF	65+	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 154	1
Marengo	EF	65+	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 163	1
Peola-Mayview	EF	65+	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 178, 145	2
Malaga	EF	65+	Nov. 1-12	Antlerless	Elk Area 2032	10
Yakima North	EF	65+	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EF	65+	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	65+	((Nov. 1-12)) Oct. 30 - Nov. 10	Antlerless	GMUs 364, 368	5
Alkali	EF	65+	((Oct. 14 - Nov. 3)) Oct. 12-29	Antlerless	GMU 371	10
Yakima Early	EA	65+	((Sept. 9-21)) <u>Sept. 7-19</u>	Antlerless	GMUs 336, 340, 352, 356, 364	15
Yakima Late	EA	65+	((Nov. 22 - Dec. 8)) <u>Nov. 27 - Dec. 8</u>	Antlerless	GMUs 336, 342, 368	10
Yakima North	EM	65+	((Sept. 30 - Oct. 13)) <u>Sept. 28 - Oct. 11</u>	Antlerless	GMUs 336, 340, 342, 346	5
Yakima Central	EM	65+	((Sept. 30 - Oct. 13)) <u>Sept. 28 - Oct. 11</u>	Antlerless	GMUs 352, 356, 360	5
Ryderwood	WF	65+	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 530	5
Willapa Hills	WF	65+	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMU 506	5
Sauk	WF, WM, WA	65+	Nov. 4-26 and Dec. 12-31	Antlerless	GMU 437	5
Peninsula	WF	65+	((Nov. 4-15)) <u>Nov. 2-13</u>	Antlerless	GMUs 602, 607, 612, 615	3
Hanaford	WF, WM, WA	65+	Jan. 1-15, ((2024)) <u>2025</u>	Antlerless	Elk Area 6069	5

**65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.**

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Hanaford	WF, WM, WA	65+	Jan. 16-31, ((2024)) <u>2025</u>	Antlerless	Elk Area 6069	5
Peninsula	WA	65+	((Sept. 9-24)) <u>Sept. 7-19</u>	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WM	65+	((Oct. 7-13)) <u>Oct. 5-11</u>	Antlerless	GMUs 602, 607, 612, 615	1

**Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.**

Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMUs 113, 117	4
Turnbull	EF, EM, EA	Hunters w/ Disabilities	((Oct. 4-9)) Oct. 2-7	Antlerless	Elk Area 1015	5
Prescott	EF	Hunters w/ Disabilities	Oct. 28 - Nov. 5	Antlerless	GMU 149	3
Blue Creek	EF	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 154	1
Marengo	EF	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 163	1
Peola-Mayview	EF	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Antlerless	GMU 178, 145	1
Observatory	EF, EM, EA	Hunters w/ Disabilities	((Oct. 28 - Nov. 5)) Oct. 26 - Nov. 3	Any bull	GMUs 334, 340, 342	1
Little Naches	EF, EM, EA	Hunters w/ Disabilities	((Sept. 30 - Oct. 8)) Sept. 28 - Oct. 6	Any bull	GMU 346	2
Malaga	EF, EM, EA	Hunters w/ Disabilities	Sept. 6-17	Antlerless	Elk Area 2032	10
Yakima North	EF, EM, EA	Hunters w/ Disabilities	((Nov. 1-12)) Oct. 30 - Nov. 9	Antlerless	GMUs 336, 340, 342, 346	15
Yakima Central	EF, EM, EA	Hunters w/ Disabilities	((Nov. 1-12)) Oct. 30 - Nov. 9	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF, EM, EA	Hunters w/ Disabilities	((Nov. 1-12)) Oct. 30 - Nov. 9	Antlerless	GMUs 364, 368	5
Alkali	EF, EM, EA	Hunters w/ Disabilities	((Oct. 14 - Nov. 3)) Oct. 12-29	Any elk	GMUs 334, 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	((Sept. 23 - Oct. 1)) Sept. 28 - Oct. 6	Any elk	Elk Area 3721	2
Sauk	WF, WM, WA	Hunters w/ Disabilities	Nov. 4-26 and Dec. 12-31	Antlerless	GMU 437	5
((Mudflow	WF, WM, WA	Hunters w/ Disabilities	Oct. 19-25	Antlerless	Elk Area 5099	5))
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. 19-25	Any bull	Elk Area 5099	5
Washougal	WF	Hunters w/ Disabilities	((Nov. 4-15)) Nov. 2-13	Antlerless	GMU 568	5
((Region 5	WF, WM, WA	Hunters w/ Disabilities	Aug. 1, 2023 - Mar. 31, 2024	Antlerless	Designated Areas in Region 5	5 <sup>HC</sup> ))
Peninsula	WF	Hunters w/ Disabilities	((Nov. 4-15)) Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	3
Peninsula	WM	Hunters w/ Disabilities	((Oct. 7-13)) Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WA	Hunters w/ Disabilities	((Sept. 9-24)) Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	1

**Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.**

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	((Dec. 19-31)) Dec. 17-31	Antlerless	Elk Area 1015	5

**Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.**

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 1	EF, EA, EM/ 2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Region 1	20 <sup>HC</sup>
Region 2	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 2	10 <sup>HC</sup>
Region 3	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 3	20 <sup>HC</sup>
Rattlesnake Hills	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in GMU 372	20 <sup>HC</sup>
Region 4 North	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Whatcom and Skagit counties	13 <sup>HC</sup>
Region 4 South	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in King and Snohomish counties	10 <sup>HC</sup>
((Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 9-15	Antlerless	Elk Area 5063	2
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 17-23	Antlerless	Elk Area 5063	3))
Region 5	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 5	30 <sup>HC</sup>
Long Beach	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	GMU 684	5
Region 6	WF, WA, WM/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, ((2023)) 2024 - Mar. 31, ((2024)) 2025	Antlerless	Designated Areas in Region 6	20 <sup>HC</sup>
Region 5 Northwest—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2023)) 2024 - Feb. 28, ((2024)) 2025	Antlerless	GMUs 501, 503, 504, 505, 506, 520, 524 (except CLOSED in Elk Area 5066), 530, 550	15**
Region 5 Southeast—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2023)) 2024 - Feb. 28, ((2024)) 2025	Antlerless	GMUs 554, 560, 564, 568, 572, 574, 578 ((except CLOSED in Elk Area 5062))), 388, 382	10**
<u>JBH Hoof Disease Antlerless</u>	<u>Any elk tag/2nd elk tag</u>	<u>Master Hunter elk tag required</u>	<u>Master Hunter</u>	<u>Nov. 1 - Dec. 31</u>	<u>Antlerless</u>	<u>Elk Area 5090</u>	<u>5<sup>HC**</sup> MZ Only</u>
Region 6 Willapa Hills—Hoof Disease	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 1, ((2023)) 2024 - Feb. 28, ((2024)) 2025	Antlerless	GMUs 658, 660, 663, 672, 673, 681	15**

\* Must use only archery, muzzleloader, or legal shotgun (10 or 12 gauge; slugs only).

\*\* Hunters are expected to target elk displaying clinical signs of elk hoof disease such as limping, lameness, or hoof abnormalities.

HC This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

MZ Only Must use only muzzleloaders (variable power scopes are allowed).

**Hunter Education Instructor Incentive Permits**

- Special elk permits will be allocated through a random drawing to those hunter education instructors who qualify.
- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons.
- Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.
- Permittees may purchase a second license for use with the permit hunt only.
- Qualified hunter education instructors may only receive one incentive permit each year.

Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any bull	GMUs 334, 336-371	1
Region 4		Any elk	GMUs 454, 460	1
Region 5		Any elk	382, 388 and all 500 series GMUs EXCEPT GMU 522	1
Region 6		Any elk	GMUs 618, 638-648, 654, 658, 663, 672, 699	1

**Elk Hoof Disease Incentive Permits**

- Special elk permits will be allocated through a random drawing of hunters who qualify.
- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons.
- Qualified hunters may only receive one incentive permit each year.

Area	Dates	Restrictions	GMUs	Permits
Mount St. Helens	Sept. 1 - Dec. 31	Any Bull	GMUs 505, 520, 550, 554, 556, 560, 564, 568, 572, 574, 578, 382, 388	5
South Rainier		Any Bull	GMUs 503, 510, 513, 516	2
Willapa Hills		Any Bull	GMUs 501, 504, 506, 530, 658, 660, 663, 672, 673, 681, 684	5
North Rainier		Any Bull	GMUs 652, 653, 654	2
Olympic		Any Bull	GMUs 601, 602, 603, 607, 612, 615, 618, 624, 633, 638, 642, 648, 651, excludes Elk Area 6064	5

**OTS-5203.2**

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

**WAC 220-415-070 ((2023)) 2024 Moose seasons, permit quotas, and areas.** (1) It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**(2) Moose Permit Hunts**

**(a) Who May Apply:**

**(i) Any antlered bull moose category:** An individual may only harvest one moose under the "any antlered bull moose" or "any moose" category during his or her lifetime. Applications will not be accepted from hunters having previously harvested a moose in the "any moose" or "any antlered bull moose" category.

**(ii) Antlerless only, youth antlerless, over-65 antlerless, disabled-antlerless, hunter-education antlerless, auction moose, raffle moose:** Anyone may apply.

**(b) Bag Limit:** One moose except where otherwise permitted by department rule, even if permits are drawn for more than one moose hunt category.

**(c) Weapon Restrictions:** Permit holders may use any legal weapon.

(d) **Submitting moose teeth:** Successful moose hunters must submit an incisor tooth from the lower jaw, either in person at a WDFW office, or via the postage-paid envelope supplied, no later than ((sixty)) 60 days after harvest.

(e) **Any antlered bull moose seasons:** Open only to the taking of moose with visible antlers (bull calves illegal).

Hunt Name	Permit Season	GMU or boundary	Permits
<b>Any antlered bull moose</b>			
Kettle Range-East Okanogan 101, 105, 204	Oct. 1 - Nov. 30	GMUs 101, 105, 204	10
Douglas A - Early	Oct. 1-31	GMU 108	4
Douglas A - Late	Nov. 1-30	GMU 108	4
Aladdin A - Early	Oct. 1-31	GMU 111	3
Aladdin A - Late	Nov. 1-30	GMU 111	3
Selkirk 113	Oct. 1 - Nov. 30	GMU 113	15
49 Degrees North A - Early	Oct. 1-31	GMU 117 (((except Parker Lake)) see note)	12
49 Degrees North A - Late	Nov. 1-30	GMU 117 (((except Parker Lake)) see note)	12
Huckleberry A - Early	Oct. 1-31	GMU 121	10
Huckleberry A - Late	Nov. 1-30	GMU 121	10
Spokane West A	Oct. 1 - Nov. 30	GMU 124 w of Hwy 395	2
Mt Spokane South A	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	8
Mt Spokane North A	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	8
Hangman	Oct. 1 - Nov. 30	GMU 127, 130, 139	4
<b>Antlerless only -</b>			
Douglas 108 B	Oct. 1 - Nov. 30	GMU 108	2
Aladdin 111 B	Oct. 1 - Nov. 30	GMU 111	2
49 Degrees North B	Oct. 1 - Nov. 30	GMU 117 (((except Parker Lake)) see note)	2
Huckleberry B	Oct. 1 - Nov. 30	GMU 121	8
Spokane West B	Oct. 1 - Nov. 30	GMU 124 w of Hwy 395	2
Mt Spokane South B	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	2
Mt Spokane North B	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	2
Mica Peak	Oct. 1 - Nov. 30	GMU 127	2
Cheney B	Oct. 1 - Nov. 30	GMU 130, 139	2
<b>Youth Only - Antlerless</b>			
Mt Spokane South Y	Oct. 1 - Nov. 30	Moose Area 1 (within 124)	1
<b>65 Year and over - Antlerless</b>			
49 Degrees North V	Oct. 1 - Nov. 30	GMU 117 (((except Parker Lake)) see note)	1
Huckleberry V	Oct. 1 - Nov. 30	GMU 121	2
<b>Disabled hunter - Antlerless</b>			
49 Degrees North D	Oct. 1 - Nov. 30	GMU 117 (((except Parker Lake)) see note)	1
Mt Spokane North D	Oct. 1 - Nov. 30	Moose Area 2 (within 124)	1

Note: Moose Area 3 (Parker Lake) is closed to all moose hunters, except those with a Parker Lake special permit.

**(3) Moose Areas:**

**(a) Moose Area 1:** South Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, S on Hwy 395 to Spokane River, E on Spokane River to Idaho-Washington state line, N on Idaho-Washington state line to Blanchard Rd and the point of beginning.

**(b) Moose Area 2:** North Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, N on Hwy 395 to Deer Park-Milan Rd, E on Deer Park-Milan Rd to Hwy 2, N on Hwy 2 to Idaho-Washington state line, S on Idaho-Washington state line to Blanchard Rd and the point of beginning.

**(c) Moose Area 3:** Parker Lake (GMU 117, Pend Oreille County): All lands south of Ruby Creek Rd (USFS Road 2489), north of Tacoma Creek Rd (USFS Road 2389), and west of Bonneville Power Administration power lines.

**OTS-5204.1**

**AMENDATORY SECTION** (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

**WAC 220-415-120 ((2023)) 2024 Bighorn sheep seasons, permit quotas, and areas.** (1) It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

**(2) Bighorn Sheep Permit Hunts**

**(a) Who May Apply:** Anyone may apply, EXCEPT those who previously harvested a bighorn sheep in Washington state. An individual may only harvest one bighorn ram during his or her lifetime. However, this restriction is waived for hunters who have previously harvested a bighorn sheep under a ewe-only, juvenile ram, raffle, or auction permit, as well as for applications for a ewe-only, juvenile ram, raffle, or auction permit.

**(b) Bag Limit:** One (1) bighorn sheep except where otherwise permitted by department rule, even if permits are drawn for more than one bighorn sheep hunt category.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
<b>Any ram</b>				
Cleman Mountain	Oct. 1-31	Sheep Unit 7	Any Legal Weapon	4
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	2

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Quilomene	Oct. 1-31	Sheep Unit 13	Any Legal Weapon	3
Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	2
Manson	Nov. 9-30	Sheep Unit 16	Any Legal Weapon	2
Chelan Butte A	Sept. 15 - Oct. 10	Sheep Unit 18	Any Legal Weapon	2
Chelan Butte B	Oct. 11 - Nov. 15	Sheep Unit 18	Any Legal Weapon	2
Wenaha	Sept. 15 - Oct. 10	GMU 169	Any Legal Weapon	1
Mountain View - Black Butte	Sept. 15 - Oct. 10	GMU 172, portions of GMU 181, GMU 186	Any Legal Weapon	1
<b>Adult ewe</b>				
((Cleman Mountain A	Oct. 10-31	Sheep Unit 7	Adult ewe only Any Legal Weapon	10
Cleman Mountain B	Nov. 6-26	Sheep Unit 7	Adult ewe only Any Legal Weapon	8))
Lincoln Cliffs Whitestone Unit	((Oct. 1-10)) Sept. 15-30	Sheep Unit 20 Whitestone	Adult ewe only Any Legal Weapon	((1)) 2
Chelan Butte	Sept. 15 - Oct. 10	Sheep Unit 18	Adult ewe only Any Legal Weapon	((4)) 1
Swakane	Oct. 11-31	Sheep Unit 14	Adult ewe only Any Legal Weapon	2
<b>Youth</b>				
((Cleman Mountain	Nov. 6-26	Sheep Unit 7	Adult ewe only Any Legal Weapon	2))
<b>Hunters with Disabilities</b>				
Chelan Butte A	Oct. 11-31	Sheep Unit 18	Adult ewe only Any Legal Weapon	((3)) 2
Chelan Butte B	Oct. 11-31	Sheep Unit 18	Juvenile ram only <sup>a</sup> Any Legal Weapon	2

See subsection (3) of this section Bighorn Sheep Units for detailed legal descriptions of these hunt area boundaries.

<sup>a</sup> A juvenile ram is defined as a male bighorn sheep having at least one "unbroomed" horn that does not extend past an imaginary line beginning at the point on the animal's forehead where the front of the horn base adjoins the skull, and continuing downwards and in a posterior direction through the posterior edge of the eye. All reference points are based on viewing the ram directly from a 90 degree angle from which the head is facing. A "broomed" horn is defined as a sheep horn that has been broken, splintered, frayed or rubbed in the wild, thus shortening its length and disrupting its natural taper.

(3) **Bighorn Sheep Units:**

- (a) **Sheep Unit 2 Vulcan Mountain:** Permit Area: Ferry County north of the Kettle River near Curlew.
- (b) **Sheep Unit 4 Selah Butte:** Permit Area: That part of GMU 340 east of the Yakima River.
- (c) **Sheep Unit 4A Selah Butte North:** Permit Area: That part of GMU 340 east of the Yakima River and north of Imuma Creek.
- (d) **Sheep Unit 4B Mount Baldy:** Permit Area: That part of GMU 340 east of the Yakima River, south of Imuma Creek and north of Burbank Creek.
- (e) **Sheep Unit 4C Selah Butte South:** Permit Area: That part of GMU 340 east of the Yakima River and south of Burbank Creek.

(f) **Sheep Unit 5 Umtanum:** Permit Area: Those portions of GMU 340 west of the Yakima River and GMU 342 north of Wenatchee Creek.

(g) **Sheep Unit 5A Umtanum North:** Permit Area: Beginning at the Powerline Crossing the Yakima River in Section 11 of T17N, R18E; then south down the Yakima River to Roza Creek; then west up Roza Creek to the powerline; then north along the powerline to the point of beginning.

(h) **Sheep Unit 5B Umtanum South:** Permit Area: Beginning where Roza Creek enters the Yakima River, then down the Yakima River to the powerline crossing in Section 17 of T14N, R19E; then north on the powerline to Roza Creek; then east down Roza Creek to the point of beginning.

(i) **Sheep Unit 7 Cleman Mountain:** Permit Area: GMU 346 and that part of GMU 342 south of Wenatchee Creek.

(j) **Sheep Unit 10 Mt. Hull:** Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

(k) **Sheep Unit 12 Lincoln Cliffs:** Permit Area: That part of Lincoln County north of Highway 2.

(l) **Sheep Unit 13 Quilomene:** Permit Area: GMUs 329, 330, and that part of 251 east of Squilchuck Creek and south of Colockum Creek.

(m) **Sheep Unit 14 Swakane:** Permit Area: GMU 250.

(n) **Sheep Unit 15 Tieton:** Permit Area: GMU 360.

(o) **Sheep Unit 16 Manson:** Permit Area: Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line) to the Lake Chelan National Recreation Area boundary; S along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.

(p) **Sheep Unit 18 Chelan Butte:** Permit Area: Beginning at the intersection of State Hwy 971 and US Hwy 97A, S to the W shoreline of the Columbia River, N along the W shoreline of the Columbia River for 21 miles to the mouth of Antoine Creek, W up Antoine Creek to where it crosses Apple Acres Rd, W on Apple Acres Rd to the intersection with Washington Creek Rd (US Forest Service Rd 8135), N on Washington Creek Rd to its end and then follow Washington Creek, W on Washington Creek to where it crosses US Forest Service Rd 8010, S on US Forest Service Rd 8010 (transitions into Purtteman Creek Rd) to Purtteman Gulch, S into Purtteman Gulch to the N shoreline of Lake Chelan, S along the shoreline to the S shoreline of Lake Chelan to the mouth of First Creek, S up First Creek to the intersection of State Hwy 971 (Navarre Coulee Rd), S on State Hwy 971 to the point of beginning.

(q) **Sheep Unit 19 Sinlahekin:** Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (Co. Rd 4568); SE on the Similkameen Rd (Co. Rd 4568) to the Loomis-Oroville

Rd (Co. Rd 9425); E on the Loomis-Oroville Rd (Co. Rd 9425) to US Hwy 97 in Oroville; S on US Hwy 97 to 12th Ave; W on 12th Ave (it curves S and changes to Old Highway 97); S on Old Highway 97 to US Hwy 97; S on US Hwy 97 to the South Pine Creek Rd (Co. Rd 9410); W on the South Pine Creek Rd (Co. Rd 9410) to Fish Lake Rd (Co. Rd 4290); W on Fish Lake Rd (Co. Rd 4290) to South Fish Lake Rd (Co. Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (Co. Rd 4282), to the Sinlahekin Rd (Co. Rd 4015); SW on the Sinlahekin Rd (Co. Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (Co. Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, Co. Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service Rd 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

(r) **Sheep Unit 20 Whitestone:** Starting at the intersection of Mount View Rd and US Highway 2; W on US Highway 2 to the Lincoln County Line; N on the Lincoln County Line to the Lincoln County Line in the Columbia River; E up the Columbia River to Halverson Canyon; S and W up Halverson Canyon to Mount View Rd; S on Mount View Rd to US Highway 2 and the point of the beginning.

(s) **Sheep Unit 21 Lincoln:** Starting at the intersection of Mount View Rd and US Highway 2; E on US Highway 2 to the Lincoln County Line; N on the Lincoln County Line to the Lincoln County Line in the Spokane River; W down the Spokane River to the Columbia River; W down the Columbia River to Halverson Canyon; S and W up Halverson Canyon to Mount View Rd; S on Mount View Rd to US Highway 2 and the point of the beginning.

(t) **Mountain View - Black Butte:** GMUs 172, 186; portions of GMU 181 (south of the line made by starting at Montgomery Ridge Road and Highway 129 to the Sherry Grade Road to the Couse Creek Road to the Snake River).

## OTS-5205.1

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

**WAC 220-415-130 ((2023)) 2024 Mountain goat seasons, permit quotas, and areas.** (1) Hunters must comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

(2) **Mountain Goat Permit Hunts**

(a) **Who May Apply:**

(i) **Mountain goat special permit category:** Anyone may apply, except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during his or her lifetime. However, these restrictions are waived for hunters who have previously harvested a mountain goat under an auction, raffle, or conflict reduction permit, as well as for applications for an auction, raffle, or conflict reduction permit.

(ii) **Conflict reduction special permit category:** Anyone may apply.

(b) **Bag Limit:**

(i) **Mountain goat special permit category:** One (1) adult goat of either sex with horns 4 inches or longer, except where otherwise permitted by department rule even if permits are drawn for more than one mountain goat hunt category.

(ii) **Conflict reduction special permit category:** Two (2) goats of either sex. No minimum horn length or age requirements.

(c) It is unlawful for a person who kills a mountain goat in Washington to fail, within 10 days after acquisition, to personally present the horns attached to the head for inspection at a department office or location designated by a departmental representative. After inspection, the head/horns of a mountain goat lawfully killed in Washington may be kept for personal use. A violation of this subsection is punishable under RCW 77.15.280 (1)(b).

(d) Applicants drawn for a permit may only purchase their license after successfully completing the WDFW mountain goat gender identification training (online or at a participating WDFW office). However, this requirement is waived for applicants drawn for a permit in the conflict reduction special permit category.

Goat Hunt Area Name (Number)	Permit Season	Special Restrictions	Permits
<b>Mountain goat special permits</b>			
Naches Pass (3-6)	Sept. 1 - Nov. 30	Any Legal Weapon	1
Bumping River (3-7)	Sept. 1 - Nov. 30	Any Legal Weapon	1
Chowder Ridge (4-3)	Sept. 1 - Nov. 30	Any Legal Weapon	1
Lincoln Peak (4-4)	Sept. 1 - Nov. 30	Any Legal Weapon	2
Avalanche Gorge (4-7)	Sept. 1 - Nov. 30	Any Legal Weapon	3
Goat Rocks West (5-4)	Oct. 1 - Nov. 30	Any Legal Weapon	1
Goat Rocks East (5-5)	Oct. 1 - Nov. 30	Any Legal Weapon	1
Mt. Margaret Backcountry (5-6)	Oct. 1 - Nov. 30	Any Legal Weapon	2
Mt. St. Helens South (5-7)	Oct. 1 - Nov. 30	Any Legal Weapon	2

(3) **Mountain Goat Hunt Area Descriptions.** The following areas are defined as mountain goat hunt areas:

**Chelan North 2-1:** Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then NE up Fish Creek and USFS Trail 1259 to the Sawtooth crest near Deephole Spring; then SE along the Sawtooth crest, which separates Chelan and Okanogan counties, to Horsethief Basin and the headwaters of Safety Harbor Creek; then S along Safety Harbor Creek to Lake Chelan, then NW along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

**Methow 2-2:** Begin at Twisp, W along Twisp River Rd (County Rd 4440) to Roads End; W up Twisp Pass Trail 432 to Twisp Pass and Okanogan County line; N on Okanogan County line through Washington Pass to Harts Pass; SE down Harts Pass (Rd 5400) to Lost River; along Lost River-Mazama Rd

to Mazama; SW to State Hwy 20; SE on State Hwy 20 to Twisp and point of beginning.

**South Lake Chelan 2-3:** GMU 246

**Naches Pass 3-6:** Beginning at Chinook Pass; then N along the Pacific Crest Trail to Naches Pass; then E to USFS Road 19 and continuing to State Highway 410; then W along State Highway 410 to Chinook Pass and point of beginning.

**Bumping River 3-7:** Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

**Blazed Ridge 3-10:** Beginning at the mouth of Cabin Creek on the Yakima River; then W along Cabin Creek to the headwaters near Snowshoe Butte; then S along the Cascade Crest separating the Green and Yakima River drainage to Pyramid Peak; then SE along the North Fork, Little Naches, and Naches River to the Yakima River; then N along the Yakima River to the mouth of Cabin Creek and point of beginning.

**Chowder Ridge 4-3:** Beginning at the confluence of Wells Creek with the North Fork Nooksack River; then up Wells Creek to the confluence with Bar Creek; then up Bar Creek to the Mazama Glacier; then SW on Mazama Glacier to the summit of Mount Baker; then NW between Roosevelt Glacier and Coleman Glacier to the headwaters of Kulshan Creek; then down Kulshan Creek to the confluence with Grouse Creek; then down Grouse Creek to the confluence with Glacier Creek; then down Glacier Creek to the confluence with the North Fork Nooksack River; then up the North Fork Nooksack River to Wells Creek and the point of beginning.

**Lincoln Peak 4-4:** Beginning at the confluence of Glacier Creek and the North Fork Nooksack River; then up Glacier Creek to the confluence with Grouse Creek; then up Grouse Creek to the confluence with Kulshan Creek; then up Kulshan Creek to headwaters; then SE between Coleman and Roosevelt glaciers to the summit of Mount Baker; then SW on Easton Glacier to Baker Pass; then W on the Bell Pass Trail (USFS Trail 603.3) to the intersection with Ridley Creek Trail (Trail No. 696); then W on Ridley Creek Trail to Ridley Creek; then down Ridley Creek to the Middle Fork Nooksack River; then down the Middle Fork Nooksack River to the confluence with Clearwater Creek, then up Clearwater Creek to the confluence with Rocky Creek, then up Rocky Creek to the Washington DNR boundary; then along the National Forest-Washington DNR boundary to Hedrick Creek; then down Hedrick Creek to the North Fork Nooksack River; then up the North Fork Nooksack River to Glacier Creek and the point of beginning.

**Avalanche Gorge 4-7:** Beginning on Baker Lake Road and Park Creek; then up Park Creek to headwaters and beginning of Park Glacier; then NW and SW on Park Glacier to Mount Baker summit; then N on the Mazama Glacier

to Bar Creek, then down Bar Creek to the confluence with Wells Creek; then SE up Wells Creek to its headwaters; then E about 1 mile to an unnamed peak (indicated elevation 5,831 ft, just W of Ptarmigan Ridge Trail (Trail No. 682.1) (See referenced 1:24k USGS quad map - Shuksan Arm)); then NE to the headwaters of the first tributary of Swift Creek encountered; then SE down said unnamed tributary to the confluence with Swift Creek; then down Swift Creek to the Baker Lake Road (USFS Road 394); then SW along the Baker Lake Road to Park Creek and point of beginning. (Refer to 1:24k USGS quad map - Shuksan Arm).

**Boulder River North 4-8a:** That area within the Boulder River Wilderness of the Mount Baker Snoqualmie National Forest, beginning at the Boulder River trailhead on USFS Rd 2010 (to Boulder Falls), then E along the USFS Boulder River Wilderness boundary to Squire Creek, then southward along the Squire Creek to Squire Creek Pass, then SW up Squire Creek Pass to the headwaters of Copper Creek, then SE down Copper Creek to the unnamed tributary to Copper Creek which heads W up to Windy Pass, then W up said tributary to its headwaters in Windy Pass, then W across Windy Pass to the headwaters of Windy Creek, then W down Windy Creek to the USFS Boulder River Wilderness boundary, then N along the USFS Boulder River Wilderness boundary to the Boulder River trailhead on USFS Rd 2010 and the point of the beginning.

**Goat Rocks West 5-4:** Beginning at US Hwy 12 at the US Forest Service Trail 2000 (Pacific Crest National Scenic Trail); S on the Pacific Crest National Scenic Trail to Lewis County line at Cispus Pass; S and W on the Lewis County line to Johnson Creek Rd (US Forest Service Rd 21); N on Johnson Creek Rd to US Hwy 12; E on US Hwy 12 to the Pacific Crest National Scenic Trail and the point of the beginning.

**Goat Rocks East 5-5:** GMU 364

**Mt. Margaret Backcountry 5-6:** Beginning at the junction of USFS 99 Rd and USFS 26 Rd; S on USFS 99 Rd to junction of USFS 99 Rd and USFS Trail 227 at Independence Pass trailhead; N on USFS Trail 227 to junction of USFS Trail 227 and USFS Trail 1; W on USFS Trail 1 to junction of USFS Trail 1 and USFS Trail 230; NW on USFS Trail 230 to junction of USFS Trail 230 and USFS Trail 211; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; N along the USFS property boundary to the Green River; E up the Green River to USFS Rd 2612; E on USFS 2612 to the junction of USFS Rd 2612 and USFS Rd 26; S on USFS Rd 26 to the junction of USFS Rd 26 and USFS Rd 99 and point of beginning.

**Mt. St. Helens South 5-7:** Beginning at the junction of USFS Trail 234 and USFS Rd 83; W on USFS Rd 83 to the junction of USFS Rd 83 and USFS Rd 81; NW on USFS Rd 81 to the junction of USFS Rd 81 and USFS Rd 8123; N on USFS Rd 8123 to USFS Trail 238 at Blue Lake; N on USFS Trail 238 to USFS Trail 216; N on USFS Trail 216 to the South Fork Toutle River; Up the South Fork Toutle River to Mt. St. Helens crater's edge; E along Mt. St. Helens crater to Ape Canyon Creek; Down Ape Canyon Creek to USFS Trail 216; E on USFS Trail 216 to USFS Trail 234; SE on USFS Trail 234 to USFS Rd 83 and point of beginning.

**East Olympic Mountains 6-1:** GMUs 621, 636, and 638.

**OTS-5206.1**

AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

**WAC 220-416-010 ((2021-2022, 2022-2023, 2023-2024)) 2024-2025, 2025-2026, 2026-2027 Small game and other wildlife seasons and regulations.** A valid small game license is required to hunt all species listed below, except forest grouse, coyote, and crow may be hunted with a valid big game or small game license. Hunters must comply with official established hunting hours for each species and the provisions of this section. Failure to comply with this section constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

**SMALL GAME AND OTHER ANIMAL SEASONS**

(1) **LEGAL HUNTER:** Open to all hunters with a valid license.

Species	Area	Dates	Daily Bag Limit	Possession Limit	Restrictions
Bobcat	Statewide	Sept. 1 - Mar. 15	No limit.	No limit.	It is unlawful to hunt bobcat with dogs. Night hunting for bobcat is prohibited in the following GMUs ((that fall within the lynx management zones identified by the department)): 101, 105, 108, 111, 113, 117, 203, 204, 215, 218, 224, 231, 233, 242-247, 250, 426, and 450.
Raccoon	Statewide	Sept. 1 - Mar. 15	No limit.	No limit.	
Fox	Statewide, EXCEPT closed within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests.	Sept. 1 - Mar. 15	No limit.	No limit.	
Coyote	Statewide	Year-round	No limit.	No limit.	It is unlawful to hunt coyote with dogs.
Cottontail rabbit and snowshoe hare	Statewide	Sept. 1 - Mar. 15	5 cottontails or snowshoe hares, straight or mixed bag.	15 cottontails or snowshoe hares, straight or mixed bag.	
Jackrabbit	Closed statewide				

**UPLAND BIRD SEASONS**

(2) **YOUTH SEASON DATES:** Open only to youth hunters accompanied by an adult 18 years of age or older.

Species	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	Daily Bag Limit	Possession Limit
<b>Eastern Washington:</b>					

Species	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	Daily Bag Limit	Possession Limit
Ring-necked pheasant	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	3 cock pheasants	6 cock pheasants
Chukar	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	6 chukar	12 chukar
Gray (Hungarian) partridge	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	6 gray partridges	12 gray partridges
California (valley) quail and northern bobwhite	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	10 California (valley) quail or northern bobwhite, straight or mixed bag.	20 California (valley) quail or northern bobwhite, straight or mixed bag.
<b>Western Washington:</b>					
Ring-necked pheasant	Sept. ((18-19)) <u>14-15</u>	Sept. ((17-18)) <u>13-14</u>	Sept. ((16-17)) <u>12-13</u>	2 pheasants of either sex	4 pheasants of either sex

(3) HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER AND HUNTERS WITH DISABILITIES SEASON DATES:

Species	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	Daily Bag Limit	Possession Limit
<b>Eastern Washington:</b>					
Ring-necked pheasant	Sept. ((20-24)) <u>16-20</u>	Sept. ((19-23)) <u>15-19</u>	Sept. ((18-22)) <u>14-18</u>	3 cock pheasants	15 cock pheasants
<b>Western Washington:</b>					
Ring-necked pheasant	Sept. ((20-24)) <u>16-20</u>	Sept. ((19-23)) <u>15-19</u>	Sept. ((18-22)) <u>14-18</u>	2 pheasants of either sex	10 pheasants of either sex

(4) REGULAR SEASON DATES: Western Washington ring-necked pheasant hunting hours: 8:00 a.m. to 4:00 p.m.

Species	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	Daily Bag Limit	Possession Limit
<b>Eastern Washington:</b>					
Ring-necked pheasant	((Oct. 23 - Jan. 17)) <u>Oct. 19 - Jan. 20</u>	((Oct. 22 - Jan. 16)) <u>Oct. 18 - Jan. 19</u>	((Oct. 21 - Jan. 15)) <u>Oct. 17 - Jan. 18</u>	3 cock pheasants	15 cock pheasants
<b>Western Washington:</b>					
Chukar	((Oct. 2 - Jan. 31)) <u>Oct. 5 - Jan. 31</u>	((Oct. 1 - Jan. 31)) <u>Oct. 4 - Jan. 31</u>	((Oct. 7 - Jan. 31)) <u>Oct. 3 - Jan. 31</u>	6 chukar	18 chukar
Gray (Hungarian) partridge	((Oct. 2 - Jan. 17)) <u>Oct. 5 - Jan. 20</u>	((Oct. 1 - Jan. 16)) <u>Oct. 4 - Jan. 19</u>	((Oct. 7 - Jan. 15)) <u>Oct. 3 - Jan. 18</u>	6 gray partridges	18 gray partridges
California (valley) quail and northern bobwhite	((Oct. 2 - Jan. 17)) <u>Oct. 5 - Jan. 20</u>	((Oct. 1 - Jan. 16)) <u>Oct. 4 - Jan. 19</u>	((Oct. 7 - Jan. 15)) <u>Oct. 3 - Jan. 18</u>	10 California (valley) quail or northern bobwhite, straight or mixed bag.	30 California (valley) quail or northern bobwhite, straight or mixed bag.
Mountain quail	Closed throughout Eastern Washington				
<b>Western Washington:</b>					
Ring-necked pheasant (see subsection (4) of this section)	((Sept. 25 - Nov. 30)) <u>Sept. 21 - Nov. 30</u>	((Sept. 24 - Nov. 30)) <u>Sept. 20 - Nov. 30</u>	((Sept. 23 - Nov. 30)) <u>Sept. 19 - Nov. 30</u>	2 pheasants of either sex	15 pheasants of either sex

Species	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	Daily Bag Limit	Possession Limit
California (valley) quail and northern bobwhite	((Sept. 25 - Nov. 30)) <u>Sept. 21 - Nov. 30</u>	((Sept. 24 - Nov. 30)) <u>Sept. 20 - Nov. 30</u>	((Sept. 23 - Nov. 30)) <u>Sept. 19 - Nov. 30</u>	10 California (valley) quail or northern bobwhite, straight or mixed bag.	30 California (valley) quail or northern bobwhite, straight or mixed bag.
Mountain quail	((Sept. 25 - Nov. 30)) <u>Sept. 21 - Nov. 30</u>	((Sept. 24 - Nov. 30)) <u>Sept. 20 - Nov. 30</u>	((Sept. 23 - Nov. 30)) <u>Sept. 19 - Nov. 30</u>	2 mountain quail	4 mountain quail

## (5) EXTENDED WESTERN WASHINGTON PHEASANT SEASON:

(a) Hunting hours and locations: 8:00 a.m. to 4:00 p.m. only at the following release sites: Belfair, Mason Lake, JBLM, Kosmos, Lincoln Creek, Scatter Creek, Skookumchuck, and all Whidbey Island.

(b) The department may not release pheasants during the extended season.

Species	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	Daily Bag Limit	Possession Limit
<b>Western Washington:</b>					
Ring-necked pheasant (see subsection (5)(a) of this section)	Dec. 1-15	Dec. 1-15	Dec. 1-15	2 pheasants of either sex	15 pheasants of either sex

## (6) SPECIAL RESTRICTIONS FOR WESTERN WASHINGTON PHEASANT HUNTERS:

(a) Western Washington pheasant hunters must choose to hunt only on odd-numbered or even-numbered weekend days from 8:00 to 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skookumchuck, and Scatter Creek Wildlife Areas, and all hunting sites on Whidbey Island.

(b) Hunters must indicate their choice of odd-numbered or even-numbered weekend days on the Western Washington Pheasant Permit by choosing "odd" or "even."

(c) Hunters who select the three-day option, hunters possessing a valid disabled hunter permit, hunters 65 years of age or older, and youth hunters may hunt in the morning on both odd-numbered and even-numbered weekend days.

(d) Youth hunters must be accompanied by an adult 18 years of age or older, and the adult must have an appropriately marked pheasant permit if hunting.

**WILD TURKEY SEASONS**

## (7) TURKEY SPRING SEASONS:

(a) **LEGAL HUNTER:** Open to all hunters with a valid turkey tag, EXCEPT youth dates are open only to youth hunters accompanied by an adult 18 years of age or older.

(b) **HUNTING METHOD RESTRICTION:** It is unlawful to hunt turkeys with rifles during the spring season.

Hunter	Area	((2021-22)) 2024-25 Dates	((2022-23)) 2025-26 Dates	((2023-24)) 2026-27 Dates	((2024-25)) 2027-28 Dates	Bag Limit	Legal Bird
Youth	Statewide	((April 3-4, 2024)) April 1-7, <u>2024</u>	April 1-7, ((2022)) <u>2025</u>	April 1-7, ((2023)) <u>2026</u>	April 1-7, ((2024)) <u>2027</u>	The combined spring/youth season limit is 3 birds. Only 2 turkeys may be killed in Eastern Washington, except 3 may be killed in Spokane County and only 1 may be killed in Kittitas or Yakima counties. One turkey may be killed per year in Western Washington outside of Klickitat County. Two turkeys may be killed in Klickitat County.	Male turkeys and turkeys with visible beards only.
Any	Statewide	April 15 - May 31	April 15 - May 31	April 15 - May 31	April 15 - May 31		

## (8) FALL TURKEY GENERAL SEASONS:

- (a) **LEGAL HUNTER:** Open to all hunters with a valid turkey tag.  
(b) **HUNTING METHOD RESTRICTION:** It is unlawful to hunt turkeys with rifles during the fall season.

Game Management Unit (GMU)	((2021)) 2024 Dates	((2022)) 2025 Dates	((2023)) 2026 Dates	Legal Bird and Limit	
101-154 and 162-186	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	4 turkeys during the fall general season with the following area restrictions:	2 beardless plus 2 either sex turkey
382, 388, 568-578	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31		((±)) 2 either sex turkey
203-290	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31		1 either sex turkey

## (9) FALL TURKEY PERMIT SEASONS:

- ((+a)) **LEGAL HUNTER:** All hunters who are selected in the fall turkey special permit drawing and who also possess a valid turkey tag.

Hunt Name	Boundary Description	Permit Season Dates	Legal Bird	Bag Limit*	Permits
Teanaway	GMU 335	Nov. 15 - Dec. 15, ((2021, 2022, 2023)) <u>2024, 2025, 2026</u>	Either sex	1	50

\*BAG LIMIT: During the fall permit hunting seasons.

## (10) HUNTER EDUCATION INSTRUCTOR INCENTIVE TURKEY PERMITS:

- (a) **LEGAL BIRD:** Male turkeys and turkeys with visible beards only.  
(b) **LEGAL HUNTER:** Qualified hunter education instructors who are selected through a random drawing. Hunter education instructors qualify if the instructor is certified and has been in active status for a minimum of 3 consecutive years, inclusive of the year prior to the permit drawing.  
(c) **OPEN AREA:** Statewide.  
(d) **SEASON DATES:** April 1 - May 31 during the current license year.  
(e) **PERMITS:** 4 individuals will be drawn for this permit per year.  
(f) **BAG LIMIT:** 1 male turkey or turkey with visible beard in addition to other spring season turkey harvest.

(11) OFFICIAL HUNTING HOURS FOR WILD TURKEY: 1/2 hour before sunrise to sunset during spring and fall seasons.

## (12) SPECIAL RULES FOR WILD TURKEY:

- (a) It is unlawful to hunt turkey unless the hunter possesses a valid turkey tag.
- (b) It is unlawful to hunt turkeys with dogs.
- (c) It is unlawful to bait game birds.

**OTHER BIRD SEASONS**

- (13) **LEGAL HUNTER:** Open to all hunters with a valid license.

Species	Area	Dates	Daily Bag Limit	Possession Limit
Forest Grouse (Dusky, Sooty, Ruffed, and Spruce)	Statewide	Sept. 15 - Jan. 15	4 grouse per day, to include not more than 3 Dusky or Sooty Grouse (combined), 3 Spruce Grouse, and 3 Ruffed Grouse.	12 grouse, to include not more than 9 Dusky or Sooty Grouse (combined), 9 Spruce Grouse, and 9 Ruffed Grouse.
Crow	Statewide	Sept. 1 - Dec. 31	No limit.	No limit.
Ptarmigan, Sage, and Sharp-tailed Grouse	Closed statewide			

**FALCONRY SEASONS**

- (14) **UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY:**

- (a) Hunters must have a valid license for the species being hunted and a valid falconer's permit.
- (b) **BAG AND POSSESSION LIMITS:**
  - (i) 2 pheasants (either sex);
  - (ii) 6 partridge;
  - (iii) 5 California (valley) quail or northern bobwhite;
  - (iv) 2 mountain quail (in Western Washington only);
  - (v) 3 forest grouse (dusky, sooty, ruffed, spruce) per day; and
  - (vi) Possession limit is twice the daily bag limit.
- (c) **OPEN AREA:** Statewide.
- (d) **SEASON DATES:** Aug. 1 - Mar. 15 during the current license year.

- (15) **TURKEY - FALCONRY:**

- (a) A turkey tag is required to hunt turkey during the turkey falconry season.
  - (b) **BAG AND POSSESSION LIMITS:** One (1) turkey (either sex) per turkey tag, with a maximum of 2 turkeys. Hunters may possess up to 2 turkeys at any one time.
  - (c) **OPEN AREA:** Eastern Washington.
  - (d) **SEASON DATES:** Sept. 1 - Feb. 15 during the current license year.
- (16) **COTTONTAIL RABBIT AND SNOWSHOE HARE - FALCONRY:**
- (a) **BAG AND POSSESSION LIMITS:** 5 cottontails or snowshoe hares per day, straight or mixed bag. Hunters may possess up to 15 cottontails or snowshoe hares at any one time, straight or mixed bag.
  - (b) **OPEN AREA:** Statewide.
  - (c) **SEASON DATES:** Aug. 1 - Mar. 15 during the current license year.

**OTHER SEASONS**

- (17) **BIRD DOG TRAINING SEASON:**

- (a) Wild upland game birds may be pursued during the dog-training season but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if the hunter has proof of lawful acquisition (invoices) and the birds are appropriately marked (WAC 220-450-010 and 220-416-110).

- (b) OPEN AREA: Statewide.
- (c) SEASON DATES: Aug. 1 - Mar. 31 during the current license year.
- (d) Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.
- (e) Bird dog training may be conducted year round on areas posted for bird dog training on portions of:
- (i) Region One - Espanola (T24N, R40E, E 1/2 of section 16);
  - (ii) Region Two - Martha Lake Access Area (170 acres): One mile northeast of the town of George, southeast of the South Frontage Road along Interstate 90 and north of Baseline Road.
  - (iii) Region Three - Wenas Wildlife Area;
  - (iv) Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area;
  - (v) Region Five - Shillapoo/Vancouver Lake Wildlife Area;
  - (vi) Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

(18) **YAKAMA INDIAN RESERVATION:**

The ~~((2021-2022, 2022-2023, and 2023-2024))~~ 2024-2025, 2025-2026, and 2026-2027 upland bird seasons within the Yakama Indian Reservation are the same as the season established by the Yakama Indian Nation.

(19) **COLVILLE INDIAN RESERVATION:**

The ~~((2021-2022, 2022-2023, and 2023-2024))~~ 2024-2025, 2025-2026, and 2026-2027 upland bird seasons within the Colville Indian Reservation are the same as the season established by the Colville Indian Tribe.

## OTS-5186.3

**AMENDATORY SECTION** (Amending WSR 23-23-045, filed 11/6/23, effective 12/7/23)

**WAC 220-416-060 ((2023-2024)) 2024-2025 Migratory gamebird seasons and regulations.** All migratory waterfowl, coot, snipe, mourning dove and band-tailed pigeon are closed to harvest unless season dates are specified in this section. Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

**DUCKS**

**Statewide:** Oct. ~~((14-22, 2023))~~ 12-20, 2024, and Oct. ~~((25, 2023-Jan. 28, 2024))~~ 23, 2024 - Jan. 26, 2025; except scaup season closed Oct. ~~((14 - Nov. 3, 2023))~~ 12 - Nov. 1, 2024.

Special youth hunting days open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. ~~((23, 2023))~~ 21, 2024, and Feb. ~~((3, 2024))~~ 1, 2025, in Western Washington (West Zone); Sept. ~~((30, 2023))~~ 28, 2024, and Feb. ~~((3, 2024))~~ 1, 2025, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and

Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. ((3, 2024)) 1, 2025, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 2 scaup, 2 canvasback, and 2 redhead statewide; and to include not more than 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, 3 pintail, 6 scaup, 6 canvasback, and 6 redhead statewide; and to include not more than 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

Harlequin Duck: Season closed statewide, except through a limited number of issued permits. The number of available harlequin duck special permits for the 2024-2025 season is 38.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS**

Hunters must physically possess a special ((2023-2024)) 2024-2025 paper or electronic hunting authorization and harvest record card for sea ducks when hunting scoter, long-tailed duck, and goldeneye in Western Washington. Immediately after taking a sea duck into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

**HARLEQUIN DUCK SPECIAL PERMIT APPLICATIONS**

To apply for a harlequin duck permit, each applicant must have a valid Washington state small game hunting license, migratory bird permit, and migratory bird authorization.

Persons who are successfully drawn for a harlequin duck permit must obtain the harlequin duck permit mandatory harvest report card to legally harvest a harlequin duck.

Persons who are successfully drawn for a harlequin duck permit and obtain the harlequin duck permit harvest report card, are allowed a one-season limit on harlequin duck during approved duck season hunting dates in Washington state.

Persons who have previously been selected for a harlequin duck permit are ineligible to apply for a subsequent harlequin duck permit for three seasons following the selected license year.

Incomplete, ineligible, or inaccurate applications will not be accepted or entered into the drawing.

**coot (Mudhen)**

Same areas and dates (including youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth, Veterans and Active Military Personnel  
Hunting Days: Same as Daily Bag Limit.

**SNIPE**

Same areas and dates (except youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

**GEESE (except Brant)**

Special youth hunting days open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. ((23, 2023)) 21, 2024, and Feb. ((3, 2024)) 1, 2025, in Western Washington (West Zone); Sept. ((30, 2023)) 28, 2024, and Feb. ((3, 2024)) 1, 2025, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. ((3, 2024)) 1, 2025, in Western Washington (West Zone) and Eastern Washington (East Zone).

Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit for September dates: 4 Canada geese and 10 white-fronted geese.

Daily Bag Limit for February date: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase), except in Goose Management Area 2 Coast and Inland where the bag limit for Canada geese is reduced to 3 and dusky Canada geese remain closed to harvest.

Possession Limit for Youth, Veterans and Active Military Personnel  
Hunting Days: Same as Daily Bag Limit.

**Western Washington Goose Seasons**

Goose Management Area 1: Skagit and Whatcom counties, and that portion of Snohomish County west of Interstate 5.

September Canada Goose Season

Sept. ((2-7, 2023)) 7-12, 2024.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. ((14 - Nov. 26)) 12 - Dec. 1, and Dec. ((9, 2023 - Jan. 28, 2024)) 14, 2024 - Jan. 26, 2025, for Canada and white-fronted geese (except brant).

Oct. ((14 - Nov. 26)) 12 - Dec. 1, and Dec. ((9, 2023 - Jan. 28, 2024)) 14, 2024 - Jan. 26, 2025, and Feb. ((10-20, 2024)) 8-18, 2025, for snow, Ross', and blue geese (collectively referred to as white

geese). During Feb. ((10-20, 2024)) 8-18, 2025, in Skagit, Whatcom and Snohomish counties, specified WDFW lands including Fir Island Farm Game Reserve, Island Unit, Johnson DeBay's Slough Swan Reserve and Hunt Unit, Leque Island Unit, Samish Unit, Samish River Unit, South Padilla Bay Unit, and Skagit Headquarters Unit of the Skagit Wildlife Area, and all units of the Whatcom Wildlife Area are closed to goose hunting in Goose Management Area 1.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase). During Feb. ((10-20, 2024)) 8-18, 2025: 20 white geese.

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue phase). During Feb. ((10-20, 2024)) 8-18, 2025: 60 white geese.

#### AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must physically possess a special ((2023-2024)) 2024-2025 paper or electronic migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. Immediately after taking a snow, Ross', or blue goose into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

#### SKAGIT COUNTY AND WHATCOM COUNTY SPECIAL RESTRICTIONS

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any ((paved public road)) maintained portion of a public highway or roadway on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any ((paved public road)) maintained portion of a public highway or roadway in other areas of Skagit County or Whatcom County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any ((paved public road)) maintained portion of a public highway or roadway on Fir Island in Skagit County or discharging a firearm within 100 feet of any ((paved public road)) maintained portion of a public highway or roadway for the purpose of hunting snow geese in other areas of Skagit County or Whatcom County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

**Goose Management Area 2 - Coast:** Pacific County and the portion of Grays Harbor County west of highway 101.

September Canada Goose Season

Sept. ((2-10, 2023)) 7-15, 2024.

Daily Bag Limit: 5 Canada geese, except 15 Canada geese in Pacific County.

Possession Limit: 15 Canada geese, except 45 Canada geese in Pacific County.

Regular Season

Open in all areas from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. ((14-29, 2023)) 12-27, 2024; Saturdays, Sundays, and Wednesdays only, ((Nov. 1 - Dec. 3, 2023)) Oct. 30 - Dec. 1, 2024, and Dec. ((20, 2023 - Jan. 21, 2024)) 18, 2024 - Jan. 19, 2025, and Feb. ((10-21, 2024)) 8-19, 2025. During Feb. ((10-21, 2024)) 8-19, 2025, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Coast.

Bag Limits for Goose Management Area 2 - Coast:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

**Goose Management Area 2 - Inland:** Clark, Cowlitz, Wahkiakum counties and the portion of Grays Harbor County east of highway 101.

September Canada Goose Season

Sept. ((2-10, 2023)) 7-15, 2024.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Open in all areas except Ridgefield NWR from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. ((14-29, 2023)) 12-27, 2024; Saturdays, Sundays, and Wednesdays only, Nov. ((22, 2023 - Jan. 14, 2024)) 20, 2024 - Jan. 12, 2025, and Feb. ((10 - Mar. 6, 2024)) 8 - Mar. 5, 2025. During Feb. ((10 - Mar. 6, 2024)) 8 - Mar. 5, 2025, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Inland. Ridgefield NWR open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Tuesdays, Thursdays, and Saturdays only, Oct. ((14-29, 2023)) 12-27, 2024, and Nov. ((22, 2023 - Jan. 13, 2024)) 20, 2024 - Jan. 11, 2025.

Bag Limits for Goose Management Area 2 - Inland:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

**Special Provisions for Goose Management Area 2 Coast and Inland Regular Season only:**

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Hunters must physically possess a valid special ((2023-2024)) 2024-2025 paper or electronic migratory bird hunting authorization and harvest record card for geese when hunting all goose species in Goose Management Area 2 Coast and Inland. New hunters and those who did not maintain a valid ((2022-2023)) 2023-2024 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Immediately after taking a goose into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

It is unlawful for hunters in Goose Management Area 2 Coast and Inland to fail to comply with the directions of authorized department personnel related to the collection of goose subspecies information pursuant to RCW 77.12.071. A person who prevents department personnel from collecting samples of tissue or other bodily parts is subject to prosecution under RCW 77.15.360 Unlawful interfering in department operations—Penalty. If a hunter takes a dusky Canada goose or does not comply with requirements listed above regarding WDFW collection of subspecies information, authorization will be invalidated by the department and the hunter will not be able to hunt geese in Goose Management Area 2 Coast and Inland for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area 2 Coast and Inland. Taking one dusky Canada goose is punishable as an infraction under RCW 77.15.160 (5)(b). Other violations of Area 2 goose hunting rules are punishable as an infraction under RCW 77.15.160 (2)(e) or as a misdemeanor or gross misdemeanor under RCW 77.15.400 unlawful hunting of wild birds, depending on the circumstances of the violation.

**Goose Management Area 3**

Includes all parts of Western Washington not included in Goose Management Areas 1 and 2.

September Canada Goose Season

Sept. ((2-7, 2023)) 7-12, 2024.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. ((14-26, 2023)) 12-24, 2024, and Nov. ((4, 2023 - Jan. 28, 2024)) 2, 2024 - Jan. 26, 2025.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

### **Eastern Washington Goose Seasons**

September Canada Goose Season (Eastern Washington)

Sept. ((2-3, 2023)) 7-8, 2024.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 10 Canada geese.

### **Goose Management Area 4**

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only during Oct. ((14, 2023 - Jan. 21, 2024)) 12, 2024 - Jan. 19, 2025; additionally, to accommodate opportunity during recognized holiday periods, the 2023-2024 season will include: Nov. ((10, 23, and 24, 2023)) 11, 28, and 29, 2024; Dec. ((25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024)) 26, 27, 30, and 31, 2024; and every day Jan. ((22-28, 2024)) 20-26, 2025, for Canada geese and white-fronted geese.

Saturdays, Sundays, and Wednesdays only during Oct. ((14-22, 2023)) 12-20, 2024, and Nov. ((10, 2023 - Jan. 21, 2024)) 9, 2024 - Jan. 19, 2025; additionally, to accommodate opportunity during recognized holiday periods, the 2022-2023 season will include: Nov. ((10, 23, and 24, 2023)) 11, 28, and 29, 2024; Dec. ((25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024)) 26, 27, 30, and 31, 2024; and every day Jan. ((22-28, 2024)) 20-26, 2025, and Feb. ((17 - Mar. 3, 2024)) 15 - Mar. 2, 2025, for snow, Ross', and blue phase geese (collectively referred to as white geese).

### **Goose Management Area 5**

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. ((14-30, 2023)) 12-28, 2024, and every day from Nov. ((4, 2022 - Jan. 28, 2024)) 2, 2024 - Jan. 26, 2025.

Bag Limits for all Eastern Washington Goose Management Areas during regular seasons:

Daily Bag Limit: 4 Canada geese, 10 white-fronted geese, and 10 white geese (snow, Ross', blue). During Feb. ((17 - Mar. 3, 2024)) 15 - Mar. 2, 2025, in GMA4: 20 white geese.

Possession Limit: 12 Canada geese, 30 white-fronted geese, and 30 white geese (snow, Ross', blue). During Feb. ((17 - Mar. 3, 2024)) 15 - Mar. 2, 2025, in GMA4: 60 white geese.

### **BRANT**

Will remain closed in Skagit County, including during the youth, veteran, and active military date, and may only open under the following conditions on specified dates.

If the ((2023–2024)) 2024–2025 brant population in Skagit County is below 3,000 (as determined by aerial survey), the brant season in Skagit County will remain closed.

If the ((2023–2024)) 2024–2025 brant population in Skagit County is 3,000–6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. ((20, 24, and 27, 2024)) 18, 22, and 25, 2025, and during the Feb. ((3, 2024)) 1, 2025, youth, veterans, and active military date.

If the ((2022–2023)) 2024–2025 brant population in Skagit County is greater than 6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. ((13, 14, 17, 20, 21, 24, 27, and 28, 2024)) 11, 12, 15, 18, 19, 22, 25, and 26, 2025, and during the Feb. ((3, 2024)) 1, 2025, youth, veterans, and active military date.

Open in Clallam and Whatcom counties only on the following dates: Jan. ((20, 24, and 27, 2024)) 18, 22, and 25, 2025.

Open in Pacific County only on the following dates: Jan. ((6, 7, 9, 11, 13, 14, 16, 18, 20, 21, 23, 25, 27, and 28, 2024)) 4, 5, 7, 9, 11, 12, 14, 16, 18, 19, 21, 23, 25, and 26, 2025, but may be adjusted pending the most recent 3-year running average results of the Pacific flyway winter brant survey.

Special youth, open to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting), veterans and active military personnel hunting day, open to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. ((3, 2024)) 1, 2025. Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

#### AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must physically possess a special ((2023–2024)) 2024–2025 paper or electronic migratory bird hunting authorization and harvest record card for brant when hunting brant. Immediately after taking a brant into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

Bag Limits for Clallam, Skagit, Pacific and Whatcom counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

Special youth, veterans and active military personnel hunting day.

Daily Bag and Possession Limit: 2 brant.

#### SWANS

Season closed statewide.

**MOURNING DOVE**

Sept. 1 - Oct. 30, ((2023)) 2024, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

**BAND-TAILED PIGEON**

Sept. ((16-24, 2023)) 15-23, 2024, statewide.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 6 band-tailed pigeons.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BAND-TAILED PIGEONS**

Hunters must physically possess a special ((2023-2024)) 2024-2025 paper or electronic migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. Immediately after taking a band-tailed pigeon into possession, hunters must record all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

**FALCONRY SEASONS****DUCKS, COOTS, SNIPE, GEESE, AND MOURNING DOVES (EXCEPT BRANT) (Falconry)**

Same season dates for each species in each area as listed above.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, geese, and mourning doves during established seasons.

Possession Limit: 3 times the daily bag limit.

**DUCKS, COOTS, CANADA GEESE, WHITE-FRONTED GEESE, WHITE GEESE AND BRANT****(Extended Falconry)**

Sept. ((23, 2023)) 21, 2024, and Feb. ((3, 2024)) 1, 2025, in Western Washington (West Zone).

Sept. ((30, 2023)) 28, 2024, and Feb. ((3, 2024)) 1, 2025, in Eastern Washington (East Zone).

Daily Bag Limit: 3, straight or mixed bag, including allowable species specified under youth, veterans and active military personnel dates.

Possession Limit: Same as the Daily Bag Limit.

**MOURNING DOVE (Extended Falconry)**

Oct. 31 - Dec. 16, ((2023)) 2024.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, and geese during established seasons.

Possession Limit: 3 times the daily bag limit.

**HIP REQUIREMENTS:**

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a harvest information program (HIP) survey at a license dealer

and possess a Washington migratory bird permit as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey and possess a Washington migratory bird permit (free for youth) as evidence of compliance with this requirement when hunting migratory game birds.

## OTS-5207.1

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-417-030 Wild animal trapping.** (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for sale or personal use without a special permit from the director.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the department of fish and wildlife must be notified immediately.

(3) Lawfully trapped wild animals must be lethally dispatched or immediately released. A firearm may be used to dispatch trapped animals.

(4) It is unlawful to trap for wild animals:

(a) With body-gripping traps without a special permit from the director.

(b) Unless kill traps are checked and animals removed within ((seventy-two)) 72 hours.

(c) Unless animals captured in restraining traps (any nonkilling set) are visually checked (via binoculars, trail camera, spotting scope, or in person) each calendar day and are removed within ((twenty-four)) 24 hours of capture.

(d) Using game birds, game fish or game animals for bait, except nonedible parts of game birds, game fish or game animals may be used as bait.

For purposes of this section, the meat of animals classified as furbearing animals in WAC 220-400-020 is not considered edible.

(e) Within ((thirty)) 30 feet of any exposed meat bait or nonedible game parts which are visible to flying raptors.

(5) Game bird feathers may be used as an attractor.

## OTS-5184.1

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-411-050

Carnation Farms Game Reserve (King County).



**WSR 24-11-043****PERMANENT RULES****HEALTH CARE AUTHORITY**

[Filed May 9, 2024, 10:08 a.m., effective June 9, 2024]

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

Purpose: The health care authority (agency) is amending WAC 182-531A-0900 Applied behavior analysis (ABA)—Covered services, to specify that the agency's applied behavior analysis program does not pay for services provided by a client's parent, guardian, caregiver, or other support person.

Citation of Rules Affected by this Order: Amending WAC 182-531A-0900.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 24-08-053 on March 29, 2024.

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

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 9, 2024.

Wendy Barcus  
Rules Coordinator

**OTS-5218.2**

AMENDATORY SECTION (Amending WSR 22-08-035, filed 3/29/22, effective 4/29/22)

**WAC 182-531A-0900 Applied behavior analysis (ABA)—Covered services.** (1) The medicaid agency covers only the following applied behavior analysis (ABA) services, delivered in settings described in WAC 182-531A-0600, for eligible clients:

(a) The ABA assessments that determine the relationship between environmental events and the client's behaviors;

(b) The direct provision of ABA services by the therapy assistant (TA) or lead behavior analysis therapist (LBAT);

(c) Initial ABA assessment and development of a written, initial ABA therapy treatment plan, limited to one per year;

(d) Up to four additional ABA assessments and revisions of the initial ABA therapy treatment plan per year, if necessary to meet client's needs;

(e) One lifetime authorization of day treatment services. If a provider's request for covered services exceeds limitations in this section, the agency evaluates the request under WAC 182-501-0169.

(f) Supervision of the TA;

(g) Training and evaluation of family members or caregivers to carry out the approved ABA therapy treatment plans;

(h) Observation of the client's behavior to determine the effectiveness of the approved ABA therapy treatment plan; and

(i) On-site assistance in the event of a crisis.

(2) The agency covers the following services, which may be provided in conjunction with ABA services under other agency programs:

(a) Counseling;

(b) Dietician services;

(c) Interpreter services;

(d) Occupational therapy;

(e) Physical therapy;

(f) Speech and language therapy; and

(g) Transportation services.

(3) The agency does not ~~((authorize payment of))~~ pay for ABA services:

(a) That duplicate services provided in another setting; or

(b) That are provided by a family member.

(4) If a provider's request for covered services exceeds limitations in this section, the agency evaluates the request under WAC 182-501-0169.

**WSR 24-11-046  
PERMANENT RULES  
OFFICE OF  
FINANCIAL MANAGEMENT**

[Filed May 9, 2024, 12:05 p.m., effective June 9, 2024]

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

Purpose: To establish official pay dates for state officers and employees for calendar year 2025.

Citation of Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 24-05-061 on February 22 [20], 2024.

Date Adopted: May 9, 2024.

Nathan Sherrard  
Legal Affairs Counsel  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 23-15-162 [23-11-162], filed 5/24/23, effective 6/24/23)

**WAC 82-50-021 Official lagged, semimonthly pay dates established.** Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((2023-and)) 2024 and 2025:

((CALENDAR YEAR 2023	CALENDAR YEAR 2024
Tuesday, January 10, 2023	Wednesday, January 10, 2024
Wednesday, January 25, 2023	Thursday, January 25, 2024
Friday, February 10, 2023	Friday, February 9, 2024
Friday, February 24, 2023	Monday, February 26, 2024
Friday, March 10, 2023	Monday, March 11, 2024
Friday, March 24, 2023	Monday, March 25, 2024
Monday, April 10, 2023	Wednesday, April 10, 2024
Tuesday, April 25, 2023	Thursday, April 25, 2024
Wednesday, May 10, 2023	Friday, May 10, 2024
Thursday, May 25, 2023	Friday, May 24, 2024
Friday, June 9, 2023	Monday, June 10, 2024
Monday, June 26, 2023	Tuesday, June 25, 2024
Monday, July 10, 2023	Wednesday, July 10, 2024
Tuesday, July 25, 2023	Thursday, July 25, 2024
Thursday, August 10, 2023	Friday, August 9, 2024
Friday, August 25, 2023	Monday, August 26, 2024
Monday, September 11, 2023	Tuesday, September 10, 2024
Monday, September 25, 2023	Wednesday, September 25, 2024
Tuesday, October 10, 2023	Thursday, October 10, 2024
Wednesday, October 25, 2023	Friday, October 25, 2024
Thursday, November 9, 2023	Friday, November 8, 2024

((CALENDAR YEAR 2023	CALENDAR YEAR 2024
<u>Wednesday, November 22, 2023</u>	<u>Monday, November 25, 2024</u>
<u>Monday, December 11, 2023</u>	<u>Tuesday, December 10, 2024</u>
<u>Friday, December 22, 2023</u>	<u>Tuesday, December 24, 2024))</u>
CALENDAR YEAR 2024	CALENDAR YEAR 2025
<u>Wednesday, January 10, 2024</u>	<u>Friday, January 10, 2025</u>
<u>Thursday, January 25, 2024</u>	<u>Friday, January 24, 2025</u>
<u>Friday, February 9, 2024</u>	<u>Monday, February 10, 2025</u>
<u>Monday, February 26, 2024</u>	<u>Tuesday, February 25, 2025</u>
<u>Monday, March 11, 2024</u>	<u>Monday, March 10, 2025</u>
<u>Monday, March 25, 2024</u>	<u>Tuesday, March 25, 2025</u>
<u>Wednesday, April 10, 2024</u>	<u>Thursday, April 10, 2025</u>
<u>Thursday, April 25, 2024</u>	<u>Friday, April 25, 2025</u>
<u>Friday, May 10, 2024</u>	<u>Friday, May 9, 2025</u>
<u>Friday, May 24, 2024</u>	<u>Friday, May 23, 2025</u>
<u>Monday, June 10, 2024</u>	<u>Tuesday, June 10, 2025</u>
<u>Tuesday, June 25, 2024</u>	<u>Wednesday, June 25, 2025</u>
<u>Wednesday, July 10, 2024</u>	<u>Thursday, July 10, 2025</u>
<u>Thursday, July 25, 2024</u>	<u>Friday, July 25, 2025</u>
<u>Friday, August 9, 2024</u>	<u>Monday, August 11, 2025</u>
<u>Monday, August 26, 2024</u>	<u>Monday, August 25, 2025</u>
<u>Tuesday, September 10, 2024</u>	<u>Wednesday, September 10, 2025</u>
<u>Wednesday, September 25, 2024</u>	<u>Thursday, September 25, 2025</u>
<u>Thursday, October 10, 2024</u>	<u>Friday, October 10, 2025</u>
<u>Friday, October 25, 2024</u>	<u>Friday, October 24, 2025</u>
<u>Friday, November 8, 2024</u>	<u>Monday, November 10, 2025</u>
<u>Monday, November 25, 2024</u>	<u>Tuesday, November 25, 2025</u>
<u>Tuesday, December 10, 2024</u>	<u>Wednesday, December 10, 2025</u>
<u>Tuesday, December 24, 2024</u>	<u>Wednesday, December 24, 2025</u>

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

## WSR 24-11-048

## PERMANENT RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed May 10, 2024, 8:54 a.m., effective June 10, 2024]

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

Purpose: The purpose of this rule making is to amend WAC 192-220-070 to remove a cross-reference to RCW 50.12.070 (2) (c). In 2013, the legislature amended RCW 50.12.070, and subsection (2) (c) was removed from the statute. The substance of RCW 50.12.070 (2) (c) was moved to subsection (2) (b). Thus, the cross-reference in WAC 192-220-070 will be updated to reference RCW 50.12.070 (2) (b).

Citation of Rules Affected by this Order: Amending WAC 192-220-070.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.12.070.

Adopted under notice filed as WSR 24-04-063 on February 1, 2024.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: May 10, 2024.

Joy Adams, Director  
Employment Security Policy and Integrity Division

**OTS-5081.1**

AMENDATORY SECTION (Amending WSR 07-23-128, filed 11/21/07, effective 1/1/08)

**WAC 192-220-070 Overpayments under RCW 50.12.070 (2)((e)) (b).**

You are not required to repay benefits improperly paid to you because an employer failed to correctly report your wages or hours and a later correction results in a lower benefit amount or your claim becomes invalid. However, you remain liable for any overpayment assessment resulting from an eligibility decision issued before your claim became invalid that has become final.

**WSR 24-11-052**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 22-15—Filed May 13, 2024, 7:24 a.m., effective June 13, 2024]

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

Purpose: Chapter 70A.540 RCW, Landfills—Methane emissions, establishes requirements for municipal solid waste (MSW) landfills that have received solid waste after January 1, 1992. The department of ecology (ecology) has adopted rules to implement new requirements, including:

Technology and Performance Requirements:

- Gas collection and control system (GCCS) installation
- GCCS design plan
- Gas control system equipment
- GCCS performance
- Methane destruction efficiency for flares and energy recovery control devices
- Open flare systems
- Landfill gas treatment and processing
- Wellhead gauge pressure
- Devices measuring gauge pressure
- Instruments used to measure methane
- Control device destruction efficiency
- Gas generation flow rate calculation
- Source testing for any gas control device or devices
- Repairs and temporary shutdown of a GCCS

Monitoring Requirements:

- Instantaneous and integrated surface emissions monitoring
- Surface monitoring design plan
- Remonitoring and corrective action(s) for methane limit exceedances
- GCCS component monitoring
- Methane leak rate limits for treatment systems that process routed gas
- Wellhead gauge pressure monitoring
- GCCS shutdown and removal

Reporting and Recordkeeping Requirements:

- Waste in place reporting
- Landfill gas heat input capacity calculation and reporting
- Surface emissions and component monitoring reporting
- Reporting on GCCS operations
- Records maintenance for monitoring, source testing, landfill operations, operation of the GCCS, methane level exceedances, and actions involving the disturbance or removal of areas of the landfill surface
- Reporting for capping of landfill gas collection wells, removal, or cessation of GCCS equipment
- Landfill closure reporting

Other Requirements:

- Incorporating new statutory civil penalties for violation of the law and implementing rules

- Adopting maximum methane concentration limits for both owners and operators of active and closed MSW landfills
- Adopting exemptions for methane concentration limit exceedances due to activities defined in RCW 70A.540.050(3)
- Establishing a method for landfills to claim exemption from the rule
- Establishing a process for landfills to request approval of alternative compliance measures
- Terms and definitions

This rule making applies to MSW landfills that have received solid waste after January 1, 1992. This includes both active and closed MSW landfills as defined in RCW 70A.540.010, and inactive MSW landfills as defined in WAC 173-408-020. The adopted rule exempts the following types of landfills from these new requirements:

- Landfills that receive or received only hazardous waste(s).
- Landfills currently regulated under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Chapter 103 (CERCLA, also known as Superfund), if they meet the criteria for exemption set forth in the rule.
- Landfills that receive or received only "inert waste or non-decomposable wastes," as defined in WAC 173-350-100.
- Limited purpose landfills, as defined in WAC 173-350-100.

If an MSW landfill partners with a third-party owner or operator, as defined in WAC 173-408-020, to operate all or a portion of the GCCS or energy recovery device, the obligation to comply with the requirements of this chapter are the responsibility of the owner or operator of the relevant portion of the GCCS or energy recovery device.

Landfill methane regulations adopted by the California Air Resources Board, the Oregon Environmental Quality Commission, and the United States Environmental Protection Agency informed ecology's rule making, as required by RCW 70A.540.020(3).

Citation of Rules Affected by this Order: New WAC 173-408-010, 173-408-020, 173-408-030, 173-408-040, 173-408-050, 173-408-060, 173-408-070, 173-408-080, 173-408-090, 173-408-100, 173-408-110, 173-408-120, 173-408-130, 173-408-140, 173-408-150, 173-408-160, 173-408-170, 173-408-180, 173-408-190, 173-408-980, and 173-408-990.

Statutory Authority for Adoption: Chapter 70A.540 RCW.

Adopted under notice filed as WSR 23-22-086 on October 30, 2023.

Changes Other than Editing from Proposed to Adopted Version: Refer to the concise explanatory statement for changes from the proposed rule to the adopted rule in the following sections:

WAC 173-408-020 Definitions.

WAC 173-408-070 Landfill gas heat input capacity, subsection (4).

WAC 173-408-080 Gas collection and control systems, subsections (2), (4), and (9).

WAC 173-408-090 Permanent shutdown and removal of the gas collection and control system, subsection (1).

WAC 173-408-100 Methane concentration limits, subsection (4).

WAC 173-408-110 Monitoring, subsections (1) and (2).

WAC 173-408-120 Test methods and procedures, subsections (1), (2), (3), (4), and (6).

WAC 173-408-130 Alternative compliance measures, subsections (1), (2), and (3).

WAC 173-408-160 Recordkeeping requirements, subsection (1).

WAC 173-408-170 Reporting requirements, subsections (1), (6), and (8).

WAC 173-408-180 Civil penalty, subsection (3).

WAC 173-408-990 Appendix II.

A final cost-benefit analysis is available by contacting Bill Flagg, Department of Ecology, Air Quality Program, P.O. Box 47600, phone 564-669-1385, Washington relay service or TTY call 711 or 877-833-6341, email bill.flagg@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-408>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 21, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: May 13, 2024.

Laura Watson  
Director

#### **OTS-4735.4**

### **Chapter 173-408 WAC LANDFILL METHANE EMISSIONS**

#### NEW SECTION

**WAC 173-408-010 Policy and purpose.** (1) Ecology's policy under chapter 70A.540 RCW is to reduce methane emissions from municipal solid waste (MSW) landfills.

(2) This rule establishes requirements to reduce methane emissions from both active and closed MSW landfills that have received solid waste after January 1, 1992.

(3) These rules are informed by landfill methane regulations adopted by the California Air Resources Board, the Oregon Environmental Quality Commission, and the United States Environmental Protection Agency.

NEW SECTION

**WAC 173-408-020 Definitions.** When used in this chapter, the following terms have the meanings given below. These definitions should not be interpreted to apply to any other chapter unless expressly provided for therein.

"Active mining" means actively excavating a landfill or a portion thereof using conventional mining technology to recover and reuse minerals and/or metals until such a time that the landfill cover is replaced.

"Active municipal solid waste (MSW) landfill" means a municipal solid waste landfill that has accepted or is accepting solid waste for disposal and has not been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

"Air contaminant" has the same meaning as set forth in WAC 173-400-030.

"Air pollution" is 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, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution does not include air contaminants emitted in compliance with chapter 17.21 RCW.

"Ambient air" means the surrounding outside air.

"Authority" or "local authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

"CERCLA regulated landfill" means the portion of a municipal solid waste landfill that has been designated as on-site for purposes of a CERCLA response action(s).

"CERCLA response action" means a removal or remedial action conducted pursuant to 42 U.S.C. Sections 9604, 9606, 9620, 9621, or 9622.

"Closed municipal solid waste landfill" means a municipal solid waste landfill that is no longer accepting solid waste for disposal and has been closed in accordance with the requirements set forth in WAC 173-351-500 as it existed on January 10, 2022.

"Component" means any equipment that is part of a gas collection and control system and that contains landfill gas including, but not limited to, wells, pipes, flanges, fittings, valves, flame arrestors, knock-out drums, sampling ports, blowers, compressors, or connectors.

"Component leak" means the concentration of methane measured one half of an inch or less from a component source that exceeds 500 parts per million by volume (ppmv), other than "nonrepeatable, momentary readings," as defined in this section. Measurements from any vault must be taken within three inches above the surface of the vault exposed to the ambient air.

"Continuous operation" means that a gas collection and control system is operated continuously, the existing gas collection wells are operating under vacuum while maintaining landfill gas flow, and the collected landfill gas is processed by a gas control system 24 hours per day.

"Department" means the department of ecology.

"Destruction efficiency" means a measure of the ability of a gas control device to combust, transform, or otherwise prevent emissions of methane into the ambient air.

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

"Enclosed combustor" means an enclosed firebox which maintains a relatively constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.

"Energy recovery device" means any combustion device that uses landfill gas to recover energy in the form of steam or electricity including, but not limited to, gas turbines, internal combustion engines, boilers, and boiler-to-steam turbine systems.

"Exceedance" means the concentration of methane measured within three inches above the landfill surface that exceeds 500 ppmv, other than "nonrepeatable, momentary readings," as defined in this section, as determined by instantaneous surface emissions monitoring; or the average methane concentration measurements that exceed 25 ppmv, as determined by integrated surface emissions monitoring.

"Gas collection system" means any portion of a gas collection and control system that employs various gas collection wells and connected piping, and mechanical blowers, fans, pumps, or compressors to create a pressure gradient, actively extract landfill gas, and convey the gas to the gas control system.

"Gas control device" means any device used to dispose of or treat collected landfill gas including, but not limited to, enclosed flares, internal combustion engines, boilers and boiler-to-steam turbine systems, fuel cells, and gas turbines. A gas control device is a component used in a gas control system.

"Gas control system" means any portion of a gas collection and control system that disposes of or treats collected landfill gas by one or more of the following means: Combustion; gas treatment for subsequent sale, or sale for processing offsite, including for transportation fuel and injection into a natural gas pipeline.

"Hazardous waste" has the same meaning as set forth in RCW 70A.300.010.

"Heat input capacity (HIC)" means the hourly heat content available on a steady state basis in the form of landfill gas generated from a landfill's waste source material.

"Hydrocarbon detector" means an instrument used for the measurement of methane that meets the calibration, specifications, and performance criteria of EPA Reference Method 21, Determination of Volatile Organic Compound Leaks, 40 C.F.R. Part 60, Appendix A (in effect on the date in WAC 173-400-025).

"Inactive municipal solid waste landfill" means a municipal solid waste landfill that is no longer accepting solid waste for disposal and has been closed in accordance with the requirements set forth in chapter 173-304 WAC. For purposes of this rule, an inactive municipal solid waste landfill is subject to all requirements applicable to an active municipal solid waste landfill unless and until (a) the department or local authority determines the landfill is exempt in accordance with WAC 173-408-070 (4)(b)(ii); or (b) the owner or operator submits a closure notification in accordance with WAC 173-408-170(8).

"Increased meter reading" means a single or series of meter reading(s) above 200 ppm of methane.

"Inert waste or nondecomposable waste(s)" has the same meaning as "inert waste" in WAC 173-350-100.

"Landfill" has the same meaning as set forth in RCW 70A.205.015.

"Landfill gas" means any raw gas derived through a natural process from the decomposition of organic waste deposited in a MSW landfill, from the evolution of volatile species in the waste, or from chemical reactions of substances in the waste.

"Landfill surface" means the area of the landfill under which decomposable solid waste has been placed, excluding the working face.

"Limited purpose landfill" has the same meaning as set forth in WAC 173-350-100.

"Municipal solid waste (MSW)" means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional, and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source and characteristic may qualify for management as a non-MSW solid waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include:

(a) "Dangerous wastes," as defined in RCW 70A.300.010, other than wastes expressly excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, as set forth in WAC 173-303-071, such as household hazardous wastes;

(b) Any solid waste, including contaminated soil and debris, generated by a "CERCLA response action," as defined in this section, or by a remedial action taken under the Model Toxics Control Act, chapters 70A.305 RCW and 173-340 WAC; nor

(c) Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. However, the residual from source separated recyclables is MSW.

"Municipal solid waste landfill" means a discrete area of land or an excavation that receives municipal solid waste, including household waste, and that is not a land application site, surface impoundment, injection well, or pile.

"Nonrepeatable, momentary readings" means indications of the presence of methane, which persist for less than five seconds and do not recur when the sampling probe of a portable gas detector is placed in the same location.

"Nozzle offset distance" means the horizontal distance between the "unmanned aerial system," as defined in this section, and the distal end of the nozzle when flown as a fixed above ground level (AGL) and a known nozzle tube length.

"On-site" has the same meaning as set forth in 40 C.F.R. 300.400(e)(1) (in effect on the date in WAC 173-400-025).

"Operator" means any "person," as defined in this section, that:

(a) Operates a MSW landfill;

(b) Is responsible for complying with any federal, state, or local requirements relating to methane emissions from a source located on real property used for MSW landfill purposes and subject to this chapter; or

(c) Operates any stationary equipment for the collection of landfill gas from a MSW landfill subject to this chapter.

"Owner" means any "person," as defined in this section, that:

(a) Holds title to any portion of the real property on which a MSW landfill subject to this chapter is located including, but not limited to, title held by joint tenancy, tenancy in common, community property, life estate, estate for years, lease, sublease, or assignment, except title held solely as security for a debt such as mortgage;

(b) Is responsible for complying with any federal, state, or local requirements relating to methane emissions from a source located on real property used for MSW landfill purposes and subject to this chapter; or

(c) Owns any stationary equipment for the collection of landfill gas from a MSW landfill subject to this chapter.

"Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

"Professional engineer" means an individual who is registered in Washington and holds a valid certificate to practice engineering in Washington as provided under chapter 18.43 RCW.

"Putrescible waste" means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, commercial waste, swill, sewage sludge, demolition, and construction wastes, abandoned vehicles or parts thereof, discarded commodities and recyclable materials.

"Third-party owner or operator" means any "person," as defined in this section, that:

(a) Owns any stationary equipment for the collection of landfill gas from a MSW landfill subject to this chapter; or

(b) Purchases or otherwise obtains untreated landfill gas from an owner or operator of a MSW landfill subject to this chapter and owns any stationary equipment for the treatment and/or combustion of the landfill gas.

"Unmanned aerial system (UAS)," commonly known as a drone, means an aircraft without any human pilot, crew, or passengers on board. In this context, a UAS includes multiple rotors such that the minimum speed is not limited by stall and can be reduced all the way to zero (hover).

"Waste in place" means the total amount of solid waste placed in the MSW landfill estimated in tons. The solid waste density is assumed to be 1,300 pounds per cubic yard, and the decomposable fraction is assumed to be 70 percent by weight, unless the department or local authority approves alternative values.

"Working face" means the open area of a MSW landfill where solid waste is deposited daily and compacted with landfill equipment.

#### NEW SECTION

**WAC 173-408-030 Applicability.** Except as provided in subsection (1) of this section, this chapter applies to all MSW landfills that received solid waste after January 1, 1992.

(1) This chapter does not apply to the following landfills:

(a) Landfills that receive or received only "hazardous waste(s)" as defined in WAC 173-408-020;

(b) "CERCLA regulated landfill" as defined in WAC 173-408-020, if it meets the criteria for exemption set forth in WAC 173-408-040;

(c) Landfills that receive or received only "inert waste or non-decomposable waste(s)" as defined in WAC 173-408-020; or

(d) A "limited purpose landfill" as defined in WAC 173-408-020.

(2) Jurisdiction.

(a) The owner or operator of a landfill that is located within the jurisdiction of a local authority activated in accordance with chapter 70A.15 RCW must submit all reports and other information re-

quired by this chapter to the local authority unless otherwise stated in this chapter.

(b) The owner or operator of a landfill that is not located within any jurisdiction of a local authority activated in accordance with chapter 70A.15 RCW must submit all reports and other information required by this chapter to the department unless otherwise stated in this chapter.

#### NEW SECTION

**WAC 173-408-040 CERCLA exemption.** (1) CERCLA exemption process:

This subsection establishes the process for an owner or operator of a CERCLA regulated landfill to claim an exemption from the requirements of this chapter. To claim exemption from the requirements of this chapter, the owner or operator of a CERCLA regulated landfill shall submit the following information to the department:

(a) The applicable CERCLA removal action memorandum or remedial action record of decision, including any amendments;

(b) A map of the portion of the landfill that has been designated as on-site for purposes of the CERCLA response action; and

(c) Additional information as needed to establish that the CERCLA regulated landfill meets the criteria for exemption set forth in subsection (2) of this section.

(2) (a) The department will review the submitted information and determine whether the CERCLA regulated landfill meets the following criteria for exemption from the requirements of this chapter:

(i) The CERCLA response action(s) must be currently under way at the CERCLA regulated landfill;

(ii) The owner or operator must demonstrate that complying with the requirements of this chapter would compromise the efficacy of the ongoing CERCLA response action(s);

(iii) The CERCLA response action(s) must require the installation or modification of a landfill gas collection and control system (GCCS); and

(iv) The owner or operator must demonstrate that the GCCS influences methane capture in the landfill.

(b) The department may consult with the U.S. Environmental Protection Agency while determining whether the CERCLA regulated landfill meets the above criteria for exemption from the requirements of this chapter.

(c) For zones or areas of a MSW landfill that are adjacent to but outside the area designated as on-site for purposes of the CERCLA response action(s), the substantive requirements of this chapter shall be considered as applicable or relevant and appropriate requirements (ARARs) in the selection of a removal or remedial action, and in evaluations of a removal or remedial action's compliance with ARARs during any subsequent five-year reviews required by CERCLA.

#### NEW SECTION

**WAC 173-408-050 Request for demonstration.** The department or local authority may request that any owner or operator of a MSW landfill demonstrate that the landfill does not meet the applicability

criteria in WAC 173-408-030. Such a demonstration must be submitted to the department or local authority, as applicable, within 90 days of a written request received from the department or local authority.

NEW SECTION

**WAC 173-408-060 Waste in place reporting.** (1) Each owner or operator of a MSW landfill that received solid waste after January 1, 1992, must submit an initial waste in place report to the department in accordance with WAC 173-408-170(1).

(2) Each owner or operator of an active MSW landfill having fewer than 450,000 tons of waste in place must submit an annual waste in place report to the department and local authority in accordance with WAC 173-408-170 (3) and (4) until either:

(a) The active MSW landfill reaches a size of greater than or equal to 450,000 tons of waste in place; or

(b) The owner or operator submits a closure notification under WAC 173-408-170(8).

NEW SECTION

**WAC 173-408-070 Landfill gas heat input capacity (HIC).** (1)

This section applies to each owner or operator of:

(a) An active MSW landfill having waste in place of 450,000 tons or greater; or

(b) A closed MSW landfill having waste in place of 750,000 tons or greater.

(2) Each owner or operator subject to this section must submit an initial landfill gas HIC report to the department in accordance with WAC 173-408-170(2).

(3) Each owner or operator subject to this section must submit an annual landfill gas HIC report to the department and local authority in accordance with WAC 173-408-170 (3) and (5) until either:

(a) The MSW landfill reaches a HIC of 3,000,000 British thermal units per hour recovered or greater; or

(b) The owner or operator submits a closure notification under WAC 173-408-170(8).

(4) Each owner or operator of a MSW landfill that has a HIC of 3,000,000 British thermal units per hour recovered or greater must either:

(a) Meet the requirements of WAC 173-408-080; or

(b) Demonstrate to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of 200 parts per million by volume or greater of methane using the instantaneous surface monitoring procedures specified in WAC 173-408-120 (3)(b). If there is no measured concentration of 200 parts per million by volume or greater of methane, then the following apply:

(i) The owner or operator of an active MSW landfill must recalculate the HIC annually and submit an annual landfill gas HIC report in accordance with subsection (3) of this section, until such time that the owner or operator submits a closure notification under WAC 173-408-170(8).

(ii) The owner or operator of a closed or inactive MSW landfill that meets the requirements of this subsection no longer has to comply with any other requirements of this chapter, provided that the following information is submitted to and approved by the department or local authority:

- (A) A waste in place report prepared in accordance with WAC 173-408-170 (3) and (4); and
- (B) All instantaneous surface monitoring records.

#### NEW SECTION

**WAC 173-408-080 Gas collection and control systems.** (1) General requirements: Except as provided by (a) of this subsection, any owner or operator of a MSW landfill that exceeds the HIC threshold specified in WAC 173-408-070(4) must install a gas collection and control system that meets the requirements of this section.

(a) This section does not apply if, in accordance with WAC 173-408-070 (4)(b), the owner or operator has demonstrated to the satisfaction of the department or local authority that after four consecutive quarterly monitoring periods there is no measured concentration of 200 parts per million by volume or greater of methane, using the instantaneous surface monitoring procedures specified in WAC 173-408-120 (3)(b).

(b) If a MSW landfill partners with a "third-party owner or operator," as defined in WAC 173-408-020, to operate all or a portion of the gas collection and control system or energy recovery device, the owner or operator of the relevant portion of the gas collection and control system or energy recovery device is the responsible party obligated to comply with the requirements of this chapter.

(2) Design plan and installation: If a gas collection and control system that meets the requirements of either subsection (3), (4), or (5) of this section has not been installed, the owner or operator of a MSW landfill must submit a design plan to the department or local authority within one year after the effective date of this chapter, or within one year of detecting any leak on the landfill surface exceeding a methane concentration of 200 ppmv, in accordance with WAC 173-408-070 (3)(b). The department or local authority must review and either approve or disapprove the design plan within 120 days of receipt. The department or local authority may request that the owner or operator submit additional information as part of the review of the design plan.

(a) The design plan must meet the following requirements:

(i) The design plan must be prepared and certified by a "professional engineer," as defined in WAC 173-408-020;

(ii) The following issues must be addressed in the design plan: Depths of solid waste; solid waste gas generation rates and flow characteristics; cover properties; gas system expandability; leachate and condensate management; accessibility; compatibility with filling operations; integration with closure end use; air intrusion control; corrosion resistance; fill settlement; resistance to the solid waste decomposition heat; and ability to isolate individual components or sections for repair or troubleshooting without shutting down the entire collection system;

(iii) A description of the density of wells, horizontal collectors, surface collectors, or other gas extraction devices necessary to

achieve compliance with the concentration limits set forth in WAC 173-408-100(2);

(iv) The design plan must include approved equipment maintenance, calibrations, and schedules according to 40 C.F.R. Part 60, Appendix A (in effect on the date in WAC 173-400-025), as well as vendor specifications;

(v) The design plan must provide for the control of the collected gas through the use of a gas collection and control system meeting the requirements of either subsection (3), (4), or (5) of this section;

(vi) The design plan must include any proposed alternatives to the applicable test methods, procedures, compliance measures, or monitoring requirements, under WAC 173-408-130;

(vii) The design plan must include a description of potential mitigation measures to be used to prevent the release of methane or other air pollutants into the ambient air from the working face; during the installation or preparation of wells, piping, or other equipment; during repairs or the temporary shutdown of gas collection system components; when solid waste is to be excavated and moved; during active mining activities; to prevent or extinguish landfill fires; or, during law enforcement activities requiring excavation;

(viii) For active MSW landfills, the design plan must identify areas of the landfill that are closed;

(ix) The design plan must demonstrate how the gas collection and control system will handle the expected gas generation flow rate from the entire area of the MSW landfill and collect gas at an extraction rate to comply with the surface methane emission limits in WAC 173-408-100(2) and the component leak standard in subsection (3)(b) of this section. The expected gas generation flow rate from the MSW landfill must be calculated in accordance with WAC 173-408-120(5).

Any areas of the landfill that contain only "inert waste or non-decomposable waste(s)," as defined in WAC 173-408-020, may be excluded from gas collection provided that the owner or operator submits documentation to the department or local authority containing the nature, date of deposition, location and amount of inert waste or nondecomposable waste(s) deposited in the area. This documentation may be included as part of the design plan;

(x) The owner or operator must develop acceptable pressure limits for the wellheads and include them in the design plan;

(xi) The owner or operator must place each well or design component as specified in the approved design plan. Following initial construction, each new component must be installed no later than 60 days after the date on which the area controlled by the well is required to be controlled pursuant to this chapter;

(xii) Any owner or operator of an active MSW landfill must install and operate a gas collection and control system not later than 18 months after the date that the landfill is required to comply with this rule, and in accordance with the approved design plan;

(xiii) Any owner or operator of a closed MSW landfill must install and operate a gas collection and control system not later than 30 months after the date that the landfill is required to comply with this rule, and in accordance with the approved design plan;

(xiv) If an owner or operator is modifying an existing gas collection and control system to meet the requirements of this chapter, the existing design plan must be amended to include any necessary updates or addenda and must be certified by a professional engineer;

(xv) An amended design plan must be submitted to the department or local authority within 90 days of any event that warrants a change to the design plan; and

(xvi) The gas collection and control system must be operated, maintained, and expanded in accordance with the procedures and schedules in the approved design plan.

(3) Gas collection and control system requirements: The owner or operator must satisfy the following requirements when operating a gas collection and control system:

(a) Route the collected gas to a gas control device or devices and operate the gas collection and control system continuously except as provided in subsections (7), (8), and (9) of this section, and WAC 173-408-090.

(b) Operate the gas collection and control system so that there is no landfill gas leak that exceeds 500 ppmv, measured as methane, at any component under positive pressure.

(c) The gas collection system must be designed and operated to draw all the gas toward the gas control device or devices.

(d) The landfill gas extraction components must be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to: Convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system must extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors must be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations must be situated with regard to the need to prevent excessive air infiltration.

(e) Vertical wells must be placed so as not to endanger underlying liners and must address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors must be of sufficient cross-section to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices must be designed so as not to allow indirect short circuiting of air into the cover, into the solid waste, into the collection system, or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.

(f) Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly must include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices must be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

(4) Requirements for flares: An MSW landfill owner or operator who operates a flare must ensure the gas collection and control system achieves a methane destruction efficiency of at least 99 percent by weight. The owner or operator must satisfy the following requirements:

(a) Route the collected gas to an enclosed flare that meets the following requirements:

(i) Is equipped with automatic dampers, an automatic shutdown device, a flame arrester, and continuous recording temperature sensors.

(ii) During restart or startup there must be sufficient flow of propane or commercial natural gas to the burners to prevent unburned collected methane from being emitted to the ambient air.

(iii) The gas control device must be operated within the parameter ranges established during the initial or most recent source test.

(b) Route the collected gas to an open flare that meets the following requirements:

(i) The open flare must meet the requirements of 40 C.F.R. 60.18 (in effect on the date in WAC 173-400-025);

(ii) An open flare installed and operating prior to December 31, 2022, may operate until January 1, 2032, unless the owner or operator demonstrates to the satisfaction of the department or local authority that the landfill gas HIC is less than 3,000,000 British thermal units per hour in accordance with WAC 173-408-120(2), and is insufficient to support the continuous operation of an enclosed flare or other gas control device; and

(iii) The owner or operator may temporarily operate an open flare during the repair or maintenance of the gas control system, or while awaiting the installation of an enclosed flare, or to address offsite gas migration issues. Any owner or operator seeking to temporarily operate an open flare must submit a written request to the department or local authority in accordance with WAC 173-408-130.

(5) Requirements of gas control devices other than flares: An MSW landfill owner or operator who operates a gas control device other than a flare must satisfy one of the following requirements:

(a) If a gas collection and control system routes the collected gas to an energy recovery device or devices, the owner or operator of the energy recovery device or devices must comply with the following requirements:

(i) The device or devices must achieve a methane destruction efficiency of at least 97 percent by weight, except for lean-burn internal combustion engines that were installed and operating prior to January 1, 2022, which must reduce the outlet methane concentration to less than 3,000 parts per million by volume, dry basis corrected to 15 percent oxygen; and

(ii) If a boiler or a process heater is used as the gas control device, the landfill gas stream must be introduced into the flame zone, except that where the landfill gas is not the primary fuel for the boiler or process heater, introduction of the landfill gas stream into the flame zone is not required.

(iii) The gas control device must be operated within the parameter ranges established during the initial or most recent source test.

(b) If a gas collection and control system routes the collected gas to a treatment system that processes the collected gas for subsequent sale or use, the owner or operator of the treatment system must ensure the system achieves a methane leak rate of three percent or less by weight. Venting of processed landfill gas to the ambient air is not allowed. If the processed landfill gas cannot be routed for subsequent sale or use, then the treated landfill gas must be controlled according to this subsection (5).

(6) Source test requirements: The owner or operator of a MSW landfill must conduct a source test for any gas control device or devices subject to subsection (4)(a) or (5)(a) of this section using the test methods identified in WAC 173-408-120(6). The gas control device or devices must meet the following requirements:

(a) An initial source test must be conducted within 180 days of initial start-up of the gas collection and control system;

(b) If a gas control device was in compliance with source testing requirements as of June 9, 2022, the owner or operator must conduct the source test no less frequently than once every five years; and

(c) If a gas control device was not in compliance with source testing requirements as of June 9, 2022, or if a subsequent source test shows the gas control device is out of compliance, the owner or operator must conduct the source test no less frequently than once per year until two subsequent consecutive tests both show compliance. Upon two subsequent consecutive compliant tests, the owner or operator may return to conducting the source test no less frequently than once every five years.

(7) Wellhead gauge pressure requirement: Each wellhead must be operated under a vacuum (negative pressure), except as provided in subsections (8) and (9) of this section, WAC 173-408-090, or under any of the following conditions:

- (a) Use of a geomembrane or synthetic cover; or
- (b) A decommissioned well.

(8) Gas collection well casing extension: The requirements of subsections (3)(a) and (b) and (7) of this section do not apply to individual wells involved in well raising, provided the following requirements are met:

(a) New fill is being added or compacted in the immediate vicinity around the well; and

(b) Once installed, a gas collection well extension is sealed and capped until the raised well is reconnected to a vacuum source.

(9) Repairs and temporary shutdown of gas collection system components: The requirements of subsections (3)(a) and (b) and (7) of this section do not apply to individual landfill gas collection system components that must be temporarily shut down to repair or modify components of the gas collection system, to connect new landfill gas collection system components to the existing system, to prevent or extinguish landfill fires, or if the MSW landfill engages in construction, active mining, or law enforcement activities, provided the following requirements are met:

(a) Methane emissions are minimized during shutdown under subsection (2)(a)(vii) of this section;

(b) In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one hour of the collection or control system not operating.

Efforts to repair the collection or control system must be initiated and completed to minimize downtime, and the collection and control system must be returned to operation no more than five calendar days following initial shutdown. In the event the collection and control system cannot be returned to operation in five calendar days following initial shutdown, the owner or operator must submit a notification to the department or local authority in accordance with WAC 173-408-140; and

(c) Records are kept on the actions being taken, in accordance with WAC 173-408-160 (1)(a)(xiv), (xv), and (xvi).

#### NEW SECTION

**WAC 173-408-090 Permanent shutdown and removal of the gas collection and control system.** The owner or operator of a closed MSW landfill may propose to the department or local authority that a gas

collection and control system be decommissioned and removed provided the following requirements are met:

(1) (a) The gas collection and control system has been in operation for at least 15 years after an owner or operator has submitted a closure notification that has been approved, pursuant to WAC 173-408-170(8), or the owner or operator demonstrates to the satisfaction of the department or local authority that, due to declining gas flow, the MSW landfill will be unable to operate the gas collection and control system for a 15-year period after closure; and

(b) The landfill has had no exceedance of the methane concentration limits, as determined by surface emissions monitoring conducted in accordance with WAC 173-408-100(2), on three successive test dates. The test dates must be no less than 90 days apart, and no more than 180 days apart.

(2) The owner or operator conducts a provisional shutdown of the gas collection and control system meeting the following conditions:

(a) The owner or operator of the landfill shuts down the collection and control system and conducts surface emissions monitoring over the portion of the landfill served by the shut-down gas collection and control system, in accordance with WAC 173-408-120(3) and (b) of this subsection, for at least eight consecutive calendar quarters;

(b) During the provisional shutdown period, the surface emissions monitoring walking grid described in WAC 173-408-120 (3)(a)(ii) may be increased to 100-foot spacing so long as the walking grid is offset by 25 feet each quarter so that by the end of one year of monitoring, the entire surface area has been monitored every 25 feet; and

(c) During the provisional shutdown period, if any measured concentration of methane from the surface of the closed landfill exceeds the applicable limit specified in WAC 173-408-100(2), the owner or operator must restart the shut-down portion of the gas collection and control system.

(3) If no surface emissions monitoring result exceeds the applicable limit specified in WAC 173-408-100(2) during the provisional shutdown period, and with the approval of the department or local authority, the owner or operator may proceed with permanent shutdown and removal of the gas collection and control system.

(4) Following approval by the department or local authority for a permanent shutdown of the gas collection and control system, the owner or operator may decommission and remove the gas collection and control system and must submit an equipment removal report to the department or local authority in accordance with WAC 173-408-170(9).

(5) Subsequent to permanent shutdown of the gas collection and control system, any exceedance of the surface methane concentration limits may be cause for the department or local authority to require an owner or operator to control surface methane emissions. The required actions may include reestablishing a gas collection and control system.

(6) Nothing in this subsection may be interpreted to modify or supersede requirements related to the capping or removal of gas collection and control systems that may exist under the state Clean Air Act, the Federal Clean Air Act, or rules adopted pursuant to either the state Clean Air Act or the Federal Clean Air Act.

NEW SECTION

**WAC 173-408-100 Methane concentration limits.** (1) Except as provided in WAC 173-408-080, the methane concentration limits set forth in subsection (2) of this section apply to a MSW landfill subject to this chapter beginning on whichever of the following dates is later:

(a) January 1, 2025;

(b) Upon commencing operation of a newly installed gas collection and control system or modification of an existing gas collection and control system pursuant to WAC 173-408-080; or

(c) A date established by the department to accommodate significant technological improvements, which may include the installation of an energy recovery device or devices, which does not exceed 24 months after the department adopts rules to implement this chapter.

(2) No location on a MSW landfill surface may exceed the following methane concentration limits, dependent upon whether the owner or operator of the MSW landfill conducts instantaneous surface emissions monitoring or integrated surface emissions monitoring in accordance with WAC 173-408-110(1):

(a) Five hundred parts per million by volume, other than when measured by nonrepeatable, momentary readings, as determined by instantaneous surface emissions monitoring; or

(b) An average methane concentration limit of 25 parts per million by volume as determined by integrated surface emissions monitoring.

(3) Any reading exceeding the applicable limit set forth in subsection (2) of this section must be recorded as an exceedance and the following actions must be taken:

(a) The owner or operator must record the date, location, and value of each exceedance, along with retest dates and results. The location of each exceedance must be clearly marked and identified on a topographic map, at a minimum, of the MSW landfill, drawn to scale, with the location of both the monitoring grids and the gas collection system clearly identified;

(b) The owner or operator must take corrective action, which may include, but not be limited to, maintenance or repair of the cover, and well vacuum adjustments. The location or locations of any exceedance must be remonitored within 10 calendar days of a measured exceedance; and

(c) The owner or operator must notify the department or local authority in accordance with WAC 173-408-110 (1)(b).

(4) The requirements of this section do not apply to the following areas, provided that the owner or operator ensures these areas are no larger in size and no longer in duration than is necessary for the specified activity:

(a) The "working face" of the landfill, as defined in WAC 173-408-020;

(b) Areas of the landfill surface where the landfill cover material has been removed for the purpose of installing, expanding, replacing, or repairing components of the landfill cover system, the landfill gas collection and control system, the leachate collection and removal system, or a landfill gas condensate collection and removal system;

(c) Areas of the landfill in which the owner or operator, or a designee, which is a person or entity that has express, written per-

mission from the owner or operator, is engaged in active mining for minerals or metals; or

(d) Areas of the landfill surface where the landfill cover material has been removed for law enforcement activities requiring excavation.

#### NEW SECTION

**WAC 173-408-110 Monitoring.** (1) Surface emissions monitoring:

The owner or operator of a MSW landfill with a gas collection and control system must conduct quarterly instantaneous or integrated surface monitoring of the entire landfill surface according to this subsection and the procedures in WAC 173-408-120(3).

(a) A surface monitoring design plan must be developed that includes a topographical map that, at a minimum, clearly identifies the monitoring traverse and the working face, and describes the rationale for any site-specific deviations. The plan must be updated quarterly if changes are made to the monitoring traverse or working face, and the surface monitoring design plan must be provided upon request by the department or local authority.

(b) The owner or operator of a MSW landfill must notify the department or local authority within two working days after all corrective actions and remonitoring taken to address exceedances detected under (c) or (d) of this subsection, and subsection (2)(c) of this section. The notification must include a description of the corrective actions taken. The owner or operator of a MSW landfill may request alternative compliance measures to replace the requirements of this subsection in accordance with WAC 173-408-130.

(c) Instantaneous surface monitoring: Any reading exceeding the limit in WAC 173-408-100 (2)(a) must be recorded and reported as an exceedance and the following actions must be taken:

(i) The owner or operator must record the date, location, and value of each exceedance, along with retest dates and results. The location of each exceedance must be clearly marked and identified on a topographic map, at a minimum, of the MSW landfill, drawn to scale with the location of both the grids and the gas collection system clearly identified.

(ii) Corrective action must be taken by the owner or operator such as, but not limited to, cover maintenance or repair, and well vacuum adjustments, and the location must be remonitored within 10 calendar days of a measured exceedance.

(A) If the remonitoring of the location shows a second exceedance, additional corrective action must be taken, and the location must be remonitored again within 10 calendar days of the second exceedance.

(B) If the remonitoring required by (c)(ii)(A) of this subsection shows a third exceedance, the owner or operator must install a new or replacement well, or an alternative active methane control approved by the department or local authority, as needed to achieve compliance no later than 120 calendar days after detecting the third exceedance.

(iii) Any closed MSW landfill that has no monitored exceedances of the limit in WAC 173-408-100 (2)(a) after four consecutive quarterly monitoring periods may monitor annually. Any exceedances of the limit in WAC 173-408-100 (2)(a) detected during the annual monitoring will result in a return to quarterly monitoring of the landfill.

(iv) Any exceedances of the limit in WAC 173-408-100 (2)(a) detected during any compliance inspections will result in a return to quarterly monitoring of the landfill.

(d) Integrated surface monitoring: Any reading exceeding the limit in WAC 173-408-100 (2)(b) must be recorded and reported as an exceedance and the following actions must be taken:

(i) The owner or operator must record the average surface methane concentration measured for each grid along with retest dates and results. The location of the grids and the gas collection system must be clearly marked and identified on a topographic map, at a minimum, of the MSW landfill drawn to scale.

(ii) Within 10 calendar days of a measured exceedance, corrective action must be taken by the owner or operator such as, but not limited to, cover maintenance or repair, and well vacuum adjustments, and the grid must be remonitored.

(A) If the remonitoring of the grid shows a second exceedance, additional corrective action must be taken, and the location must be remonitored again within 10 calendar days after the second exceedance.

(B) If the remonitoring required by (d)(ii)(A) of this subsection shows a third exceedance, the owner or operator must install a new or replacement well, or an alternative active methane control approved by the department or local authority, as needed to achieve compliance no later than 120 calendar days after detecting the third exceedance.

(iii) Any closed MSW landfill that has no monitored exceedances of the limit in WAC 173-408-100 (2)(b) after four consecutive quarterly monitoring periods may monitor annually. Any exceedances of the limit in WAC 173-408-100 (2)(b) detected during the annual monitoring event will result in a return to quarterly monitoring of the landfill.

(iv) Any exceedances of the limit in WAC 173-408-100 (2)(b) detected during any compliance inspections will result in a return to quarterly monitoring of the landfill.

(e) An owner or operator of a closed MSW landfill that can demonstrate that, in the three years before the effective date of this chapter, there were no exceedances of the limit in WAC 173-408-100(2), as measured by annual or quarterly monitoring, may monitor annually. Any exceedances of the limit in WAC 173-408-100(2) detected during the annual monitoring event will result in a return to quarterly monitoring of the landfill.

(2) Gas control system equipment monitoring: The owner or operator, or third-party owner or operator, of a MSW landfill with a gas collection and control system must monitor the system according to the following procedures:

(a) For enclosed flares, the following equipment must be installed, calibrated, maintained, and operated according to the manufacturer's specifications:

(i) A temperature monitoring device equipped with a continuous recorder which has an accuracy of plus or minus ( $\pm$ ) one percent of the temperature being measured expressed in degrees Celsius or Fahrenheit, which may be recorded in 15-minute average increments.

(ii) At least one gas flow rate measuring device which must record the flow to the control device(s) at least every 15 minutes.

(b) For a gas control device other than an enclosed flare, the owner or operator must demonstrate compliance by providing information describing the operation of the gas control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The owner or operator, or third-party owner or operator, may request alternative compliance measures to replace the re-

quirements of this subsection in accordance with WAC 173-408-130. The department may specify additional monitoring procedures as a condition of approving alternative compliance measures.

(c) Components containing landfill gas must be monitored quarterly for leaks. Any component leak must be tagged, repaired, and remonitored within 10 calendar days, and the department or local authority must be notified in accordance with subsection (1)(b) of this section.

At facilities which combust landfill gas for energy production, or which treat landfill gas for other beneficial uses, and which are located at MSW landfills subject to this chapter, component leak testing may be conducted prior to scheduled maintenance or planned outage periods, if the maintenance or planned outage periods would conflict with the quarterly monitoring schedule.

(3) Wellhead monitoring: The owner or operator of a MSW landfill with a gas collection and control system must monitor each individual wellhead monthly to determine the gauge pressure. If there is any positive pressure reading other than as provided in WAC 173-408-080(7), the owner or operator must take the following actions:

(a) Initiate corrective action within five calendar days of the positive pressure measurement;

(b) If the problem is not corrected within 15 days of the date the positive pressure was first measured, the owner or operator must initiate further corrective action including, but not limited to, any necessary expansion of the gas collection system, to mitigate any positive pressure readings; and

(c) Corrective actions, including any expansion of the gas collection and control system, must be completed and any new wells must be operating within 120 days of the date the positive pressure was first measured.

#### NEW SECTION

**WAC 173-408-120 Test methods and procedures.** (1) Hydrocarbon detector specifications: Any instrument used for the measurement of methane must be a hydrocarbon detector or other equivalent instrument approved by the department or local authority that meets the following calibration, specifications, and performance criteria, as applicable:

(a) EPA Reference Method 21, Determination of Volatile Organic Compound Leaks, 40 C.F.R. Part 60, Appendix A (in effect on the date in WAC 173-400-025), which is incorporated by reference herein, except as follows:

(i) "Methane" replaces all references to volatile organic compounds (VOC).

(ii) The calibration gas shall be methane.

(b) EPA Other Test Method 51 (OTM-51) as specified in WAC 173-408-990 (Appendix II) of this chapter.

(c) Other approved EPA test methods with concurrent department or local authority approval.

(2) Determination of landfill gas heat input capacity: The landfill gas HIC must be determined in accordance with this subsection:

(a) MSW landfills without carbon adsorption or passive venting systems: The HIC must be calculated using the procedure as specified in WAC 173-408-980 (Appendix I). Additional information may be requested by the department or local authority as necessary to verify the

HIC from the MSW landfill. Site-specific data may be substituted when available.

(b) MSW landfills with carbon adsorption systems: The landfill gas HIC at a MSW landfill with a carbon adsorption system must be determined by measuring:

(i) The actual total landfill gas flow rate, in standard cubic feet per minute (scfm), using a flow meter or other flow measuring device such as a standard pitot tube; and

(ii) The methane concentration (percent by volume) using a hydrocarbon detector meeting the requirements of subsection (1) of this section. The total landfill gas flow rate must be multiplied by the methane concentration and then multiplied by the gross heating value (GHV) of methane of 1,012 Btu/scf to determine the landfill gas HIC.

(c) MSW landfills with passive venting systems: The landfill gas HIC at a MSW landfill with a passive venting system must be determined using both of the following, and is the higher of those determined values:

- (i) The calculation described in (a) of this subsection; and
- (ii) The owner or operator must measure:

(A) The actual landfill gas flow rates (in units of scfm), using a flow meter or other flow measuring device such as a standard pitot tube; and

(B) The methane concentration (percent by volume), using a hydrocarbon detector meeting the requirements of subsection (1) of this section, from each venting pipe that is within the waste mass. Each gas flow rate must then be multiplied by its corresponding methane concentration to obtain the individual methane flow rate. The individual methane flow rates must be added together and then multiplied by the GHV of methane of 1,012 Btu/scf to determine the landfill gas HIC.

(3) Surface emissions monitoring procedures: The owner or operator of a MSW landfill must measure the landfill surface concentration of methane using a hydrocarbon detector meeting the requirements of subsection (1) of this section. The landfill surface must be inspected using the following procedures:

(a) Monitoring area: The entire landfill surface must be divided into individually identified 50,000 square foot grids. The grids must be used for both instantaneous and integrated surface emissions monitoring.

(i) Testing must be performed by holding the hydrocarbon detector's probe within three inches of the landfill surface while traversing the grid, except where alternatives to EPA Reference Method 21 are used.

(ii) The walking pattern must be no more than 25-foot spacing intervals and must traverse each monitoring grid.

(A) If the owner or operator measures no exceedances of the limits in WAC 173-408-100(2), after any four consecutive quarterly monitoring periods, the walking pattern spacing may be increased to 100-foot intervals. The owner or operator must return to a 25-foot spacing interval upon detection of any exceedances of the limits in WAC 173-408-100(2) that cannot be remediated within 10 calendar days or upon any exceedances detected during a compliance inspection.

(B) If an owner or operator of a MSW landfill can demonstrate that in the three years before the effective date of this chapter that there were no measured exceedances of the limits in WAC 173-408-100(2), by annual or quarterly instantaneous surface emissions monitoring, the owner or operator may increase the walking pattern spacing to 100-foot intervals. The owner or operator must return to a

25-foot spacing interval upon detection of any exceedances of the limits in WAC 173-408-100(2) that cannot be remediated within 10 calendar days, or upon any exceedances detected during a compliance inspection. The demonstration must prove to the satisfaction of the department or local authority that any instrument used for methane detection meets the requirements of subsection (1) of this section.

(iii) Surface testing must be terminated when the average wind speed exceeds five miles per hour, or the instantaneous wind speed exceeds 10 miles per hour. Surface testing can continue when the average wind speed is five miles per hour or less. The department or local authority may approve alternatives to this wind speed surface testing termination for MSW landfills consistently having measured winds in excess of these specified limits. Average wind speed must be determined on a 15-minute average using an on-site anemometer with a continuous recorder for the entire duration of the monitoring event.

(iv) Surface emissions testing must be conducted only when there has been no measurable precipitation in the preceding 72 hours. The department or local authority may approve alternatives to this procedure for MSW landfills that cannot meet the requirements of this subsection.

(v) Monitoring should be conducted during average barometric pressure conditions to the extent possible.

(b) Instantaneous surface emissions monitoring procedures:

(i) The owner or operator must record any instantaneous surface readings of methane 200 ppmv or greater, other than those measured by "nonrepeatable, momentary readings," as defined in WAC 173-408-020;

(ii) Surface areas of the MSW landfill that exceed a methane concentration limit of 500 ppmv must be marked and remediated in accordance with WAC 173-408-110 (1)(b) and (c);

(iii) The entirety of landfill surface areas with cover penetrations, distressed vegetation, cracks, or seeps must also be inspected visually and with a hydrocarbon detector that meets the requirements of subsection (1) of this section. Exceedances of a methane concentration limit of 500 ppmv must be marked and remediated in accordance with WAC 173-408-110 (1)(b) and (c);

(iv) The location of each monitored exceedance must be marked, and the location and concentration recorded. The location must be recorded using an instrument with an accuracy of at least 14 feet. The coordinates must be in decimal degrees with at least five decimal places; and

(v) The wind speed and barometric pressure must be recorded during the sampling period.

(c) Integrated surface emissions monitoring procedures:

(i) Integrated surface readings must be recorded and then averaged for each grid;

(ii) Individual monitoring grids that exceed an average methane concentration of 25 ppmv must be identified and remediated in accordance with WAC 173-408-110 (1)(b) and (d); and

(iii) The wind speed and barometric pressure must be recorded during the sampling period.

(4) Gas collection and control system leak procedures: The owner or operator of a MSW landfill, or third-party owner or operator of a landfill gas control system, must measure leaks using a hydrocarbon detector meeting the requirements of subsection (1) of this section.

(5) Determination of expected gas generation flow rate: The expected gas generation flow rate must be determined as prescribed by the 2006 Intergovernmental Panel on Climate Change (IPCC) Guidelines

for National Greenhouse Gas Inventories, Chapter 3, which is incorporated by reference herein, using a recovery rate of 75 percent.

(6) Control device destruction efficiency determination: The control device destruction efficiency must be determined according to the following methods:

(a) Enclosed combustors: One of the following test methods in 40 C.F.R., Part 60, Appendix A (in effect on the date in WAC 173-400-025), must be used to determine the efficiency of the control device:

(i) U.S. EPA Reference Method 18, Measurement of Gaseous Organic Compound Emissions by Gas Chromatography (in effect on the date in WAC 173-400-025);

(ii) U.S. EPA Reference Method 25, Determination of Total Gaseous Nonmethane Organic Emissions as Carbon (in effect on the date in WAC 173-400-025);

(iii) U.S. EPA Reference Method 25A, Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer (in effect on the date in WAC 173-400-025); or

(iv) U.S. EPA Reference Method 25C, Determination of Nonmethane Organic Compounds in Landfill Gases (in effect on the date in WAC 173-400-025).

(v) The following equation must be used to calculate destruction efficiency:

$$\text{Destruction Efficiency} = \left[ 1 - \left( \frac{\text{Mass of Methane} - \text{Outlet}}{\text{Mass of Methane} - \text{Inlet}} \right) \right] \times 100\%$$

(b) Open flares: Open flares must meet the requirements of 40 C.F.R. 60.18 (in effect on the date in WAC 173-400-025).

(7) Determination of gauge pressure: Gauge pressure must be determined using a hand-held manometer, magnehelic gauge, or other pressure measuring device approved by the department or local authority. The device must be calibrated and operated in accordance with the manufacturer's specifications.

(8) Alternative test methods: Alternative test methods may be used if they are approved in writing by the department or local authority.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

**WAC 173-408-130 Alternative compliance measures.** (1) The owner or operator of a MSW landfill, or third-party owner or operator, may request alternatives to the compliance measures, monitoring requirements, and test methods and procedures set forth in WAC 173-408-080, 173-408-110, and 173-408-120. Any alternatives requested by the owner or operator must be submitted in writing to the department.

(2) The criteria that the department may use to evaluate alternative compliance measure requests include, but are not limited to:

(a) Compliance history;

(b) Documentation containing the landfill gas flow rate and measured methane concentrations for individual gas collection wells or components;

- (c) Permits;
- (d) Component testing and surface monitoring results;
- (e) Gas collection and control system operation, maintenance, and inspection records;
- (f) Historical meteorological data;
- (g) Consistency with EPA-approved test methods and procedures;
- and
- (h) Recommendation of the local authority, if applicable.
- (3) The department will review the requested alternatives and either approve or disapprove the alternatives within 120 days of receipt of a complete request.
- (a) The department may request that additional information be submitted as part of the review of the requested alternatives, including additional information requested by a local authority for purposes of providing a recommendation for the department's consideration under subsection (2)(h) of this section. Until the requested information is submitted, the request will be determined as incomplete, and no department actions will be taken to approve or deny the request.
- (b) If the department denies a request for an alternative compliance option, the department will provide written reasons for the denial.
- (c) The department must deny a request for alternative compliance measures if the request does not provide levels of performance, enforceability, or methane emissions control that are equivalent to those set forth in this chapter.

#### NEW SECTION

**WAC 173-408-140 Communications and submittals format.** Any communications, submittals, or requests required by this chapter must be in a format acceptable to the department or the local authority, as applicable.

#### NEW SECTION

**WAC 173-408-150 Certification.** Any application form, report, compliance certification, or other information submitted pursuant to this chapter shall contain the following written certifications made and signed by the person making the submission:

- (1) "I certify under penalty of perjury under the laws of the state of Washington that I am duly authorized to make this submission on behalf of the party that is required to provide the information contained therein pursuant to Chapter 173-408 WAC."
- (2) "I certify under penalty of perjury under the laws of the state of Washington that, based on information and belief formed after reasonable inquiry, all statements and information contained in the submitted document are true, accurate, and complete."

NEW SECTION

**WAC 173-408-160 Recordkeeping requirements.** (1) The owner or operator of a MSW landfill, or a third-party owner or operator, must maintain records as prescribed in this subsection. The records must be provided by the owner or operator to the department or local authority within five business days of a request. Records described in this subsection must be retained in the operating record required by WAC 173-351-200 (10)(a).

(a) An owner or operator must maintain the following records for at least five years:

(i) All surface emission monitoring plans and monitoring records.

(ii) All records of gas collection system downtime exceeding five calendar days, including individual well shutdown and disconnection times, and the reason for the downtime.

(iii) All records of gas control system downtime in excess of one hour, the reason for the downtime, and the length of time the gas control system was shutdown.

(iv) Expected gas generation flow rate calculated in accordance with WAC 173-408-120(5).

(v) Records of all instantaneous surface readings of 200 ppmv or greater, in accordance with WAC 173-408-120 (3)(b)(i).

(vi) All exceedances of the limits set forth in WAC 173-408-100(2), including the location of the leak (or affected grid), leak concentration in ppmv, date and time of measurement, the action(s) taken to repair the leak, date of repair, any required remonitoring and the remonitored concentration in ppmv, wind speed and barometric pressure during surface sampling; and the installation date and location of each well installed as part of a gas collection system expansion.

(vii) Records of any component leak exceedances and corrective actions taken, in accordance with WAC 173-408-110 (2)(c).

(viii) Records of any positive wellhead gauge pressure measurements, the date of the measurements, the well identification number, and the corrective action taken, in accordance with WAC 173-408-110(3).

(ix) Annual solid waste acceptance rate and the current amount of waste in place.

(x) Records of the nature, location, amount, and date of deposition of nondecomposable waste for any landfill areas excluded from the collection system.

(xi) Results of any source tests conducted pursuant to WAC 173-408-120(6).

(xii) Records describing the mitigation measures taken to prevent the release of methane or other emissions into the ambient air:

(A) When solid waste was brought to the surface during the installation or preparation of wells, piping, or other equipment;

(B) During repairs or the temporary shutdown of gas collection system components; or

(C) When solid waste was excavated and moved.

(xiii) Records of the equipment operating parameters specified to be monitored under WAC 173-408-110 (2)(a) and (b), as well as records for periods of operation during which the parameter boundaries established during the most recent source test are exceeded. The records must include the following information:

(A) For enclosed flares, all three-hour periods of operation during which the average temperature difference was more than 28 degrees

Celsius (or 50 degrees Fahrenheit) below the average combustion temperature during the most recent source test at which compliance with WAC 173-408-080 (4) and (5) was determined.

(B) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone pursuant to WAC 173-408-080 (5)(a)(ii).

(C) For any owner or operator who uses a boiler or process heater with a design heat input capacity of 44 megawatts (150 MMBtu/hr) or greater to comply with WAC 173-408-080(5), all periods of operation of the boiler or process heater (e.g., steam use, fuel use, or monitoring data collected pursuant to other federal, state, or local regulatory requirements).

(xiv) Records of any actions involving disturbance or removal of areas of the landfill surface where the landfill cover material has been removed for the purpose of installing, expanding, replacing, or repairing components of the landfill cover system, the landfill gas collection and control system, the leachate collection and removal system, or a landfill gas condensate collection and removal system. The records must contain the following information:

(A) A description of the actions being taken, the areas of the MSW landfill that will be affected by these actions, the reason the actions are required, and any landfill gas collection system components that will be affected by these actions.

(B) Disturbance or removal start and finish dates, projected equipment installation dates, and projected shut down times for individual gas collection system components.

(C) A description of the mitigation measures taken to minimize methane emissions and other potential air quality impacts.

(xv) Records of any active mining activities, as defined in WAC 173-408-020. The records must contain the following information:

(A) A description of the actions being taken, the areas of the MSW landfill that will be affected by these actions, the reason the actions are required, and any landfill gas collection system components that will be affected by these actions.

(B) Active mining start and finish dates and projected shut down times for individual gas collection system components.

(C) A description of the mitigation measures taken to minimize methane emissions and other potential air quality impacts.

(xvi) Records of any law enforcement activities requiring excavation. The records must contain the following information:

(A) A description of the actions being taken, the areas of the MSW landfill that will be affected by these actions, the reason the actions are required, and any landfill gas collection system components that will be affected by these actions.

(B) Law enforcement activity start and finish dates and projected shut down times for individual gas collection system components.

(C) A description of the mitigation measures taken to minimize methane emissions and other potential air quality impacts.

(b) The owner or operator must maintain the following records for the life of each gas control device, as measured during the initial source test or compliance determination:

(i) The control device vendor specifications.

(ii) The expected gas generation flow rate as calculated pursuant to WAC 173-408-120(5).

(iii) The percent reduction of methane achieved by the control device determined pursuant to WAC 173-408-120(6).

(iv) For a boiler or process heater, the description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time-period of the performance test.

(v) For an open flare: The flare type (i.e., steam-assisted, air-assisted, or nonassisted); all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 C.F.R. 60.18 (in effect on the date in WAC 173-400-025), which is incorporated by reference herein; and records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame or the flare flame is absent.

#### NEW SECTION

**WAC 173-408-170 Reporting requirements.** The owner or operator of a MSW landfill must prepare and submit reports as prescribed in this section. Reports required by this subsection must be retained in the operating record required by WAC 173-351-200 (10)(a).

(1) Initial waste in place report: Each owner or operator of a MSW landfill that meets the requirements of WAC 173-408-060(1) must submit an initial waste in place report to the department. The report must be submitted within 90 days of the effective date of this chapter and include the following information:

(a) The landfill information set forth in subsection (3)(b)(i) of this section.

(b) The estimated waste in place, in tons, as of December 31st of the previous year.

(2) Initial landfill gas heat input capacity report: Any owner or operator of a MSW landfill subject to the requirements of WAC 173-408-070(2) must calculate the landfill gas HIC, using the procedures in WAC 173-408-120(2), and submit the calculation to the department. The calculation must be submitted within 90 days of the effective date of this chapter.

(3) Annual reports: The owner or operator of a MSW landfill must prepare an annual report containing the information set forth in subsections (3) through (7) of this section, as applicable.

(a) The annual report must be prepared for the period of January 1st through December 31st of each year and be submitted to the department and local authority by April 1st of the subsequent year.

(b) In each annual report, the following information must be included:

(i) MSW landfill name, owner and operator, address, and facility/site ID (FS ID) number; and

(ii) Most recent topographic map, at a minimum, of the site showing all types of cover (e.g., final, interim, daily) with corresponding percentages over the landfill surface.

(4) Annual waste in place report: Any owner or operator of a MSW landfill subject to the requirements of WAC 173-408-060(2) must include the following information in the annual report required by subsection (3) of this section. The estimated waste in place, in tons, as of December 31st of the previous year.

(5) Annual landfill gas heat input capacity report: Any owner or operator subject to the requirements of WAC 173-408-070(3) must calculate the landfill gas HIC, using the procedures in WAC 173-408-120(2),

and include the calculation in the annual report required by subsection (3) of this section.

(6) Surface emissions monitoring report: Any owner or operator who conducts surface emissions monitoring pursuant to WAC 173-408-110(1), and component monitoring pursuant to WAC 173-408-110 (2)(c), must include the following information in the annual report required by subsection (3) of this section:

- (a) Date(s) of all monitoring;
- (b) Location of the monitoring grid coordinates on a topographic map; and
- (c) Measured concentration of methane in ppmv, exceedances, and all corrective actions taken.

(7) Gas collection and control system operations: Any owner or operator of a MSW landfill that has a gas collection and control system must include the following in the annual report required by subsection (3) of this section:

- (a) Total volume of landfill gas collected (reported in standard cubic feet);
- (b) Average composition of the landfill gas collected over the reporting period (reported in percent methane and percent carbon dioxide by volume);
- (c) Gas control device type, year of installation, rating, fuel type, and total amount of landfill gas combusted in each control device;
- (d) The date that the gas collection and control system was installed and in full operation;
- (e) The percent methane destruction efficiency of each gas control device(s);
- (f) Type and amount of supplemental fuels burned with the landfill gas in each device;
- (g) Total volume of landfill gas shipped off-site, the composition of the landfill gas collected (reported in percent methane and percent carbon dioxide by volume), and the recipient of the gas; and
- (h) A copy of the most recent source test for each gas control device.

(8) Closure notification report: The owner or operator of a MSW landfill that ceases to accept waste must submit a closure notification to the department or local authority in accordance with this subsection. Except as provided in (e) of this subsection, the closure notification must be submitted within 30 days of ceasing to accept waste.

(a) The closure notification must include the last day solid waste was accepted, the anticipated closure date of the MSW landfill, and the estimated waste in place.

(b) If a MSW landfill with greater than or equal to 450,000 tons of waste in place submits a closure notification pursuant to this section, the owner or operator of the landfill must submit a 30-year projection of their estimated HIC calculation, according to the procedures in WAC 173-408-980 (Appendix I), as part of this report.

(c) Additional information may be requested as necessary to verify that permanent closure has taken place in accordance with the requirements of any applicable federal, state, or local statutes, regulations, and ordinances in effect at the time of closure.

(d) If a closure report has been submitted, no additional wastes may be placed into the landfill without filing a notification with the department or local authority.

(e) In lieu of submitting the closure notification report within 30 days of ceasing to accept waste, the owner or operator of an inactive municipal solid waste landfill, as defined in WAC 173-408-020, may submit documentation to the department or local authority demonstrating that all of the following occurred prior to the effective date of this chapter.

(i) The owner or operator notified the jurisdictional health department of the intent to implement an approved closure plan, in compliance with WAC 173-304-407 (5)(a);

(ii) The owner or operator commenced implementation of an approved closure plan within 30 days of ceasing to accept waste, in compliance with WAC 173-304-407 (5)(b); and

(iii) The owner or operator submitted all facility closure plan sheets and certification of closure, in compliance with WAC 173-304-407 (5)(d).

(9) Equipment removal report: The owner or operator of a MSW landfill must submit a gas collection and control system equipment removal report to the department or local authority within 30 days of well capping or the removal or cessation of operation of the gas collection, treatment, or control system equipment. The report must contain the following information:

(a) A copy of the closure notification report submitted pursuant to subsection (8) of this section;

(b) A copy of the initial source test report, prepared pursuant to WAC 173-408-080 (6)(a), or other documentation demonstrating that the gas collection and control system has been installed and operated for a minimum of 15 years, unless the owner or operator can demonstrate that due to declining methane rates the landfill is unable to operate the gas collection and control system for a 15-year period; and

(c) Eight consecutive quarterly instantaneous or integrated emissions monitoring results, collected pursuant to WAC 173-408-090(2), as needed to verify that landfill surface methane concentration measurements do not exceed the limits in WAC 173-408-100(2).

#### NEW SECTION

**WAC 173-408-180 Civil penalty.** (1) Any person who violates any requirement of chapter 70A.540 RCW or this chapter may incur a civil penalty of up to \$10,000 per day for each violation, pursuant to RCW 70A.15.3160.

(2) The department will waive penalties under RCW 70A.15.3160, in accordance with this subsection, in the event the owner or operator of the landfill is actively taking corrective actions to control any methane exceedances.

(a) At least 30 calendar days prior to the department's issuance of a civil penalty, the department will send the owner or operator of the landfill a notice of violation, in accordance with RCW 70A.15.3010.

(b) To demonstrate eligibility for waiver of a civil penalty under this subsection, the owner or operator of the landfill must provide the following information to the department within 30 calendar days of issuance of the notice of violation:

(i) A description of all corrective action(s) that have been initiated to control methane exceedances;

(ii) A description of all corrective action(s) that are being planned to control methane exceedances, including an implementation schedule of the actions;

(iii) Any supporting documentation associated with the corrective actions; and

(iv) A written certification meeting the requirements of WAC 173-408-150.

(c) If the owner or operator does not provide the information required by (b) of this subsection within 30 calendar days of issuance of the notice of violation, and has not received a written extension by the department, the department may proceed with issuance of a civil penalty as appropriate.

(d) The department will determine whether the owner or operator is eligible for waiver of a civil penalty on the basis of the information submitted pursuant to (b) of this subsection.

(i) The department may request additional information from the owner or operator before making a final determination. If the owner or operator does not respond to the department's request for additional information within 30 calendar days, the department may proceed with issuance of a civil penalty as appropriate.

(ii) The department will waive issuance of a civil penalty for the violation(s) identified in the notice of violation if the owner or operator demonstrates to the department's satisfaction that the corrective actions that have been initiated, or that are being planned, resolve the violation(s).

(iii) The department may condition its waiver of a civil penalty under this subsection on the owner or operator's continued implementation and/or completion of the identified corrective action(s). If the owner or operator does not comply with any such condition(s), the department may reconsider its prior determination of eligibility for waiver.

(e) If the department waives issuance of a civil penalty under this subsection, the department may subsequently request submission of documentation regarding the implementation status of the identified corrective action(s). If the owner or operator does not respond to the department's subsequent request(s) within 30 calendar days, the department may reconsider its prior determination of eligibility for waiver.

(3) A "local authority," as defined in WAC 173-408-020, may waive penalties under RCW 70A.15.3160, in accordance with subsection (2) of this section, in the event the owner or operator of the landfill is actively taking corrective actions to control any methane exceedances.

#### NEW SECTION

**WAC 173-408-190 Severability.** If any provision of this chapter or its application is held invalid, the remainder of the chapter or application of the provision is not affected.

#### NEW SECTION

**WAC 173-408-980 Appendix I.**

## 1.0 Calculate Heat Input Capacity

### Equation 1

$$\begin{aligned} \text{Heat Input Capacity} & \left( \frac{\text{MMBtu}}{\text{hr}} \right) \\ & = \text{Methane Gas Generation (scfm)} \times \frac{60 \text{ minutes}}{1 \text{ hour}} \\ & \quad \times \text{Collection Efficient} \times \text{GHV}_{\text{Methane}} \times \frac{1 \text{ MMBtu}}{1,000,000 \text{ Btu}} \end{aligned}$$

Where:

- Collection Efficiency = The landfill gas collection efficiency in percent (%), which is 75 percent.
- GHV (Gross Heating Value) = Gross heating value of methane, which is 1,012<sup>1</sup> in units of British thermal units per standard cubic feet, or Btu/scf.

<sup>1</sup> Landfill Methane Outreach Program (LMOP) Interactive Conversion Tool

## 2.0 Methane Gas Generation

CH<sub>4</sub> Generation is calculated using the following equation:

### Equation 2

$$\begin{aligned} \text{CH}_4 \text{ Generation (Mg)} & \\ & = \left\{ \text{ANDOC}_{\text{year-start}} \times [1 - e^{-k}] \right. \\ & \quad - \text{ANDOC}_{\text{deposited-last year}} \\ & \quad \times \left[ \frac{1}{k} \times \left( e^{-k \times (1 - \frac{M}{12})} - e^{-k} \right) - \frac{M}{12} \times e^{-k} \right] \\ & \quad + \text{ANDOC}_{\text{deposited-same year}} \\ & \quad \times \left. \left[ 1 - \left( \frac{1}{k} \times \left( 1 - e^{-k \times (1 - \frac{M}{12})} + \frac{M}{12} \right) \right) \right] \right\} \times FCH_4 \end{aligned}$$

Where:

- CH<sub>4</sub> Generation = CH<sub>4</sub> generated in the inventory year (Mg of CH<sub>4</sub>).
- FCH<sub>4</sub> = Fraction of decomposing carbon converted into CH<sub>4</sub> (Default = 0.5).<sup>2</sup>
- ANDOC<sub>year-start</sub> = ANDOC in place at the beginning of the inventory year.
- ANDOC<sub>deposited-last year</sub> = ANDOC deposited during the previous inventory year.
- ANDOC<sub>deposited-same year</sub> = ANDOC deposited during the inventory year.

<sup>2</sup> 2006 IPCC Guidelines for National Greenhouse Gas Inventories

## 3.0 To Convert Methane Generated from Mg of CH<sub>4</sub> to SCFM

**Equation 3**

*CH<sub>4</sub> Gas Generated (scfm)*

$$= \frac{CH_4 \text{ Generation (Mg)}}{(year)} \times \frac{1 \text{ (year)}}{525,600 \text{ (minutes)}} \times \frac{1,000,000 \text{ (g)}}{1 \text{ (Mg)}} \\ \times \frac{1 \text{ (mole } CH_4\text{)}}{16.0426 \text{ (g } CH_4\text{)}} \times \frac{0.83662 \text{ (scf)}}{1 \text{ (mole landfill gas)}}$$

**4.0 Define ANDOC%****Equation 4**

$$ANDOC\% = \sum WIPFRAC_j \times TDOC_j \times DANF_j$$

Where:

WIPFRAC<sub>i</sub> = Fraction of the i<sup>th</sup> component in the waste in place.

TDOC<sub>i</sub> = Total Degradable Organic Carbon fraction of the i<sup>th</sup> waste component (Mg of that component/Mg of Total waste in place).

DANF<sub>i</sub> = Decomposable Anaerobic Fraction of the i<sup>th</sup> waste component, that fraction capable of decomposition in anaerobic conditions (Mg of decomposable carbon for that component/Mg TDOC<sub>i</sub> for that component).

**5.0 Define ANDOC****Equation 5**

$$ANDOC = WIP \text{ (tons)} \times \frac{0.9072 \text{ (Mg)}}{(ton)} \times ANDOC\%$$

Where:

ANDOC = Anaerobically Degradable Organic Carbon, carbon that is capable of decomposition in an anaerobic environment (Mg of carbon).

WIP = Waste in place estimate of all the landfilled waste (wet weight) as reported to Ecology's Solid Waste Management Program (tons).

**6.0 Calculate ANDOC<sub>year-end</sub>**

**Equation 6**

$$\begin{aligned}
 ANDOC_{\text{year-end}} &= ANDOC_{\text{year-start}} \times e^{-k} \\
 &+ ANDOC_{\text{deposited-last year}} \\
 &\times \left[ \frac{1}{k} \times \left( e^{-k \times (1 - \frac{M}{12})} - e^{-k} \right) - \frac{M}{12} \times e^{-k} \right] \\
 &+ ANDOC_{\text{deposited-same year}} \times \left[ \frac{1}{k} \times \left( 1 - e^{-k \times (1 - \frac{M}{12})} + \frac{M}{12} \right) \right]
 \end{aligned}$$

Where:

$ANDOC_{\text{year-end}}$	= ANDOC remaining undecomposed at the end of the inventory year.
$ANDOC_{\text{year-start}}$	= ANDOC in place at the beginning of the inventory year.
$ANDOC_{\text{deposited-last year}}$	= ANDOC deposited during the previous inventory year.
$ANDOC_{\text{deposited-same year}}$	= ANDOC deposited during the inventory year.
M	= Assumed delay before newly deposited waste begins to undergo anaerobic decomposition (Months, Default = 6).
k	= Assumed rate constant for anaerobic decomposition; $k = \ln 2 / \text{half-life (years)}$ ; half-life is the number of years required for half of the original mass of carbon to degrade.

Table 1 lists the accepted constant values for the anaerobic decomposition rate ("k").

**Table 1: K Values**

K for Average Rainfall (Inches/Year)			
Inches Rain	<20	20-40	>40
K Value	0.02	0.038	0.057

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

### **WAC 173-408-990 Appendix II. OTM-51 – UAS Application of Method 21 for Surface Emission Monitoring of Landfills.**

#### **1.0 Background on OTM-51**

This method provides procedures for use of unmanned aerial systems (UAS) to perform surface emissions monitoring for MSW landfills. This method was submitted by Sniffer Robotics, LLC to EPA's Office of Air Quality Planning and Standards Measurement Technology group and was included into the Other Test Method (OTM) category on EPA's Air Emission Measurement Center website on 12/15/2022.

OTM-51 is approved for use at MSW landfills for several federal regulations and is approved for use under this chapter, subject to the caveats and additional information specified in section 11.0 of this appendix.

The following application of OTM-51 is only approved for the purpose of compliance with the surface emission monitoring requirements of this chapter, and does not supersede any approved methods, requirements, or regulations regarding the use of OTM-51 for other federal, state, and local laws or regulations.

## 2.0 Scope and Application

**Scope:** This method is an alternative test method for determining compliance with the surface methane operational standard for landfills in lieu of procedures set forth pursuant to WAC 173-408-120 (1)(a).

### Analytes

Analyte	CAS Number
Methane (CH <sub>4</sub> )	74-82-8

## 3.0 Summary of Method

This alternative test method seeks to replicate, to the greatest extent possible, EPA Method 21, but automates surface emission monitoring by utilizing a methane detection payload on an "unmanned aerial system (UAS)," as defined in WAC 173-408-020, coupled with a ground level to UAS sampling system. The methane detector payload includes a hose and custom nozzle design that, when carried by the UAS, places the nozzle inlet within 5-10 cm of the ground. The UAS transmits the geolocated methane readings to the operator via a wireless communication system. The UAS is used to sample large areas for "increased meter readings," as defined in WAC 173-408-020, each of which are then inspected using EPA Reference Method 21.

## 4.0 Equipment and Supplies

(a) The methane detection payload shall have the following specifications:

(i) The methane detection payload shall collect and respond to methane in the air samples; standoff or remote detection technologies are not applicable. Detector types that may meet this requirement include, but are not limited to, flame ionization, nondispersive infrared absorption (NDIR) and tunable diode laser absorption spectroscopy (TDLAS).

(ii) The methane detection payload shall be capable of measuring methane in the range from zero through the increased meter reading up to and above the exceedance limit of 500 ppm specified in this chapter.

(iii) The scale of the methane detection payload shall be readable to  $\pm 2.5$  percent of the increased meter reading level of 200 ppm methane.

(iv) The methane detection payload shall be equipped with a pump that provides the detector a constant sample flow rate. The nominal sample flow rate, as measured at the sample probe nozzle, shall be at least 0.5 l/min when the probe is fitted with the full impedance stack of tubing, filters, and nozzle.

(v) The methane detection payload shall have a known instrument-only response time. Instrument-only response time shall be measured for the methane detection instrument prior to being placed into service but does not have to be repeated at subsequent intervals. Instrument-only response time shall be measured by measuring the T90 response time for a minimum of five unique tube lengths less than 10m, fitting a linear regression to the measured T90 response times and recording the y-intercept as the instrument only response time if the  $r^2$  of the linear regression is greater than 0.95.

(b) The ground level sampling system shall have the following specifications:

(i) The ground level sampling system shall be equipped with a single nozzle with inside diameter such that the air speed into the

nozzle (per the nominal sample flow rate defined in section 4.0(a)(iv) of this appendix) is at least 0.3 m/s.

(ii) The ground level sampling system shall include a hose of sufficient length to drag the nozzle on the ground such that the nozzle is in fluid communication with the methane detection payload.

(iii) Before putting the ground level sampling system into service, determine the "nozzle offset distance," as defined in WAC 173-408-020. If the tube length of the ground sampling density changes or the planned AGL for the ground level sampling system changes, repeat measurements to determine the nozzle offset distance.

(c) The UAS shall have the following specifications:

(i) The UAS shall carry the methane detection payload and the ground level sampling system and use an automated, real-time measurement and control system to fly at a constant AGL of  $\pm 1$  meter.

(ii) The UAS shall include a data acquisition system to record both timestamped drone position (GPS coordinates with an accuracy of no worse than  $\pm 2$  meters) and methane concentration. The data shall be logged at a frequency of at least the instrument-only response time per section 4.0(a)(v) of this appendix.

(iii) The UAS shall have a gimbaled camera that is remotely viewable and controllable by a remote operator in near real-time. The camera and display shall have high enough resolution for the operator to discern indicators of elevated concentrations of landfill gas, including distressed vegetation, cracks or seeps in the cover and cover penetrations from the defined flight AGL. Pictures taken shall be georeferenced via metadata or similar to the GPS accuracy of  $\pm 2$  meters.

(iv) The UAS shall be in communication with an operator display that shows the methane concentration, as measured by the methane detection payload.

(v) If automated flight plans are used to control the path of the UAS, the UAS shall be controllable by the remote operator to deviate from said flight plans to inspect areas where visual observations indicate potential elevated concentrations of landfill gas, such as distressed vegetation, cracks, or seeps in the cover and cover penetrations.

(vi) The UAS shall be equipped with a method to control the forward speed to the value determined to meet the limit under section 7.0 of this appendix.

## **5.0 Reagents and Standards**

(a) Two gas mixtures are required for methane detection payload calibration and performance evaluation:

(i) Zero gas. Air, less than 10 parts per million by volume (ppmv) methane.

(ii) Methane calibration gas. Obtain a known standard in air at a concentration approximately equal to the 500 ppm above background operational limit specified in the regulation.

(b) Cylinder gases: If cylinder calibration gas mixtures are used, they must be analyzed and certified by the manufacturer to be within two percent accuracy, and a shelf life must be specified. Cylinder standards must be either reanalyzed or replaced at the end of the specified shelf life.

## **6.0 Sample Collection, Preservation, Storage, and Transport**

(a) Methane detection payload performance evaluation: Assemble and start up the methane detection payload according to the manufacturer's instructions for recommended warm-up period and preliminary adjustments.

(b) Calibration precision: The calibration precision test shall be completed prior to placing the methane detection payload into service and at subsequent three-month intervals or at the next use, whichever is first.

(i) Make a total of three measurements of both the zero and the methane calibration gas by alternately introducing them where the measurement is collected via the ground level sampling system with all filters, the full tube length, and nozzle present. The introduction of the gas must be done such to not change the flow rate of the system or to pressurize the measurement cell. Record the meter readings.

(ii) Calculate the average algebraic difference between the meter readings and the known value. Divide this average difference by the known calibration value and multiply by 100 to express the resulting calibration precision as a percentage.

(iii) The calibration precision shall be equal to or less than 10.0 percent of the calibration gas value.

(c) Response time: The response time test shall be completed prior to placing the methane detection payload and ground level sampling system into service and at subsequent three-month intervals or at the next use, whichever is first. If a modification to the sample pumping system or flow configuration is made that would change the response time, a new test is required before further use.

(i) Introduce zero gas into the nozzle of the ground level sampling system. When the meter reading has stabilized, switch quickly to the specified calibration gas. After switching, measure the time required to attain 90 percent of the final stable reading. Perform this test sequence three times and record the results. Calculate the average response time.

(ii) The response time shall be equal to or less than 30 seconds. The instrument pump, ground level sampling system with all filters, tubing, and nozzle lengths, which will be used during testing shall all be in place during the response time determination.

(d) Nozzle offset distance: The nozzle offset distance shall be measured prior to placing the methane detection payload into service by recording the time between the UAS passing a known point in space and the nozzle passing the same point in space at a known, consistent speed, hose length and AGL. The horizontal offset distance is the measured temporal offset of the UAS to the nozzle, multiplied by the known, consistent speed.

(e) Offset calculation: Derive the temporal offset from UAS GPS measurement to receipt of quantified methane measurement for each combination of AGL and methane detection payload configuration by adding the response time to the nozzle offset distance divided by speed. Record this time offset for input to the data acquisition system and offset the reported location of all methane measurements along the actual traversed path by this offset (i.e., if the offset is "X" seconds, the location of the measurement shall be reported as the location of the UAS "X" seconds in the past).

(f) Flow rate: The flow rate test shall be completed prior to placing the methane detection payload and ground level sampling system into service and at subsequent three-month intervals or at the next use, whichever is first. If a modification to the sample pumping system or flow configuration is made that would change the flow rate, a new test is required before further use. Measure the flow rate at the distal end of the collection nozzle with a flow meter readable to at least 0.1 l/min per the flow meter manufacturer's specification. Record the flow rate; the flow rate shall be greater than 0.5 l/min.

(g) Instrument calibration: Calibrate the methane detection payload according to section 10.0 of this appendix.

## 7.0 Surface Emissions Monitoring via UAS and Follow-up Ground-based Surveys

(a) Set the UAS terrain following system to fly at the constant AGL for the ground level sampling system characterized in section 4.0(b)(ii) of this appendix. Ensure the remote operator can control the gimbaled camera on the UAS and that the resolution is adequate to make visual observations that indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover and cover penetrations.

(b) Take off and fly the UAS (at the predefined constant AGL) at a speed such that the instrument-only response time multiplied by the forward flight speed does not exceed four meters along a pattern that traverses the landfill at 25-ft intervals. The aggregation of all the surface sampling traverses shall include the perimeter of the collection area, and all locations where visual observations from the gimbaled camera or aerial imagery taken within 120 days indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover.

(i) Surface sampling traverses in accordance with this test method shall only occur during average barometric pressure conditions to the extent possible.

(ii) Surface sampling traverses in accordance with this test method must be terminated when the average wind speed exceeds five miles per hour, or the instantaneous wind speed exceeds 10 miles per hour. Surface testing can continue when the average wind speed is five miles per hour or less. The department or local authority may approve alternatives to this wind speed surface testing termination for MSW landfills consistently having measured winds in excess of these specified limits.

(iii) Surface sampling traverses in accordance with this test method must be conducted only when there has been no measurable precipitation in the preceding 72 hours. The department or local authority may approve alternatives to this procedure for MSW landfills that cannot meet the requirements of this subsection.

(c) During flight, take georeferenced pictures from the UAS gimbaled camera of features that indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover and cover penetrations. Inspect these locations per section 7.0(d) of this appendix.

(d) Increased meter readings: If an increased meter reading is observed or recorded by the UAS data acquisition system, refer to Section 8.3.1 of Method 21 to survey the area of the GPS coordinate of the increased meter reading and the area within a radius of at least 15 meters. While inspecting the increased meter readings and traversing the landfill between said increased meter readings, make visual observations to identify areas that indicate elevated concentrations of landfill gas, such as distressed vegetation, cracks or seeps in the cover and cover penetrations and inspect said areas as increased meter readings.

(e) Cover penetrations: In addition to conducting ground-based surveys where increased meter readings were detected, refer to Section 8.3.1 of Method 21 to survey applicable cover penetrations or openings within the landfill area.

(f) Monitoring route: All measurement points compliant with the specifications of this alternative method shall be plotted on a map that encompasses and includes the perimeter of waste. Any points that deviate from this test method including, but not limited to, manual deviations to the AGL that exceed  $\pm 1$  meter, GPS accuracy worse than  $\pm 2$  meters, presumed or measured flow rate less than 0.5 l/min, ground sampling density worse than 25-ft intervals, etc. shall not be plotted. Any location on the map greater than 15m from a measurement point shall be noted and justified (e.g., noted as an active area, noted hazards that prevent inspection detail, etc.).

(g) Remonitoring: Refer to EPA Reference Method 21 for remonitoring of previously identified exceedances.

## **8.0 Exceedances**

(a) The owner or operator of a MSW landfill must notify the department or local authority within two working days after all corrective actions and remonitoring taken to address exceedances detected using this method. The notification must include a description of the corrective actions taken. The owner or operator of a MSW landfill may request alternative compliance measures to replace the requirements of this subsection pursuant to WAC 173-408-130.

(b) The owner or operator must record the date, location, and value of each exceedance, along with retest dates and results. The location of each exceedance must be clearly marked and identified on a topographic map, at a minimum, of the MSW landfill, drawn to scale with the location of both the grids and the gas collection system clearly identified.

(c) Corrective action must be taken by the owner or operator such as, but not limited to, cover maintenance or repair, and well vacuum adjustments, and the location must be remonitored within 10 calendar days of a measured exceedance.

(i) If the remonitoring of the location shows a second exceedance, additional corrective action must be taken, and the location must be remonitored again within 10 calendar days of the second exceedance.

(ii) If the remonitoring required by section 8.0(c)(i) of this appendix shows a third exceedance, the owner or operator must install a new or replacement well, or an alternative active methane control approved by the department or local authority, as needed to achieve compliance no later than 120 calendar days after detecting the third exceedance.

## **9.0 Quality Control**

Section	Quality Control Measure	Effect
6.0 (Calibration Precision)	Instrument calibration precision check	Ensure precision and accuracy, respectively, of instrument response to standard.
10.0	Instrument calibration	

## **10.0 Calibration and Standardization**

(a) Calibrate the methane detection payload as follows: After the appropriate warm-up period and any internal zero calibration procedure, introduce the calibration gas at the inlet of the ground level sampling system to include all filter, tubing, and the nozzle. Per the manufacturer's guidelines ensure the instrument readout corresponds to the calibration gas value within 10.0 percent.

Note: If the meter readout cannot be calibrated to the proper value and/or a malfunction of the methane detection payload is indicated, corrective actions are necessary before use.

## 11.0 ALT-150 Compliance Letter

The use of OTM-51 for purposes of compliance with this chapter is subject to the following limitations/caveats, as specified in the EPA's ALT-150 letter (dated 12/15/2022):

(a) Entities other than Sniffer Robotics, LLC must submit data comparing OTM-51 and EPA Reference Method 21 to the department or local authority before this alternative test method may be used in lieu of SEM test procedures specified by WAC 173-408-120 (1)(a).

(b) Increased meter readings must be documented as prescribed by OTM-51. When an exceedance of the operational standard is identified, the location of the monitored exceedance must be marked, and the location and concentration recorded as specified in section 8.0 of this appendix. When an increased meter reading is not identified as an exceedance of the operational standard, there must be at a minimum a traditional surface monitoring pattern either in a spiral or serpentine pattern with three-meter intervals that covers a 30-meter radius from the increased meter readings to confirm no exceedance of the operational standard.

(c) Affected landfills using OTM-51 must notify the department or local authority before use of this alternative method and notification must include a copy of this appendix.

(d) Landfills must include a copy of this appendix and method with each report presenting SEM results using OTM-51.

(e) Once an owner or operator of a landfill chooses to use OTM-51, the landfill must continue to use the alternative method in meeting the requirements of this chapter until the owner or operator receives approval from the department or local authority to return to the existing Method 21 or use of a new EPA-test method.

## WSR 24-11-057

## PERMANENT RULES

## DEPARTMENT OF HEALTH

[Filed May 13, 2024, 1:21 p.m., effective June 13, 2024]

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

Purpose: Climate resilience element in water system plans. The department of health adopted amendments to WAC 246-290-100 Water system plans, to add climate resilience element as a requirement for public water systems with 1,000 or more connections. The adopted amendments also make editorial changes to align with the code reviser's 2023 Bill Drafting Guide.

Citation of Rules Affected by this Order: Amending WAC 246-290-100.

Statutory Authority for Adoption: E2SHB 1181 (chapter 228, Laws of 2023); chapter 43.20 RCW.

Other Authority: RCW 43.20.310.

Adopted under notice filed as WSR 24-05-084 on February 21, 2024.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 13, 2024.

Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**OTS-5188.1**

AMENDATORY SECTION (Amending WSR 21-23-097, filed 11/17/21, effective 1/1/22)

**WAC 246-290-100 Water system plan.** (1) The purpose of this section is to establish a uniform process for purveyors to:

(a) Demonstrate system capacity as defined in WAC 246-290-010;

(b) Demonstrate how the system will address present and future needs in a manner consistent with other relevant plans and local, state, and federal laws, including applicable land use plans;

(c) Establish eligibility for funding under chapter 246-296 WAC.

(2) Purveyors of the following categories of community public water systems shall submit a water system plan for review and approval by the department:

- (a) Systems serving ((one thousand)) 1,000 or more service connections;
  - (b) Systems required to develop water system plans under the Public Water System Coordination Act of 1977, chapter 70A.100 RCW;
  - (c) Any system experiencing problems related to system capacity, as determined by the department;
  - (d) All new systems;
  - (e) Any system proposing to:
    - (i) Increase or otherwise modify the service area identified in a previously approved planning document; or
    - (ii) Increase the geographical area where direct service is provided if a planning or engineering document has not been previously approved; or
    - (iii) Install additions, extensions, or changes to existing source, storage, or transmission facilities and increase the approved number of service connections.
  - (f) Any system proposing to use the document submittal exception process in WAC 246-290-125; or
  - (g) Any system operating under or proposing to operate under an unspecified number of service connections.
- (3) The purveyor shall work with the department to establish the relative priority and level of detail for each element of the water system plan. The priority and level of detail must be related to size, complexity, water supply characteristics, forecasted demand characteristics, past performance, planning history, and use of the water system. Project reports may be combined with a water system plan.
- (4) The purveyor shall, at a minimum, address the following elements in the water system plan:
- (a) Description of the water system, including:
    - (i) Ownership and management, including the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system;
    - (ii) System history and background;
    - (iii) Related plans, such as coordinated water system plans, abbreviated coordinated water system plans, local land use plans, groundwater management plans, and basin plans;
    - (iv) Service area maps, including retail service area and future service area, if applicable, and areas where wholesale water is provided to other public water systems. Municipal water suppliers shall identify the area that will expand their water rights' place of use if the requirements under WAC 246-290-107 have been met;
    - (v) Service area characteristics, agreements, and policies;
    - (vi) Satellite management, if applicable.
  - (b) Basic planning data, including:
    - (i) Current population, service connections, water use, and equivalent residential units; and
    - (ii) Sufficient water production and consumption data to identify trends including the following elements:
      - (A) Monthly and annual production totals for each source, including water purchased from another public water system;
      - (B) Annual usage totals for each customer class as determined by the purveyor;
      - (C) Annual usage totals for water supplied to other public water systems; and
      - (D) For systems serving ((one thousand)) 1,000 or more total connections, a description of the seasonal variations in consumption patterns of each customer class defined by the purveyor.

(iii) Designated land use, zoning, population, and water demand within the water system's service area for the plan approval period, and at least a ((twenty)) 20-year planning period.

(c) Demand forecasts, developed under WAC 246-290-221, for the plan approval period, and at least a ((twenty)) 20-year planning period. These must show future use with and without savings expected from the system's water use efficiency program.

(d) For systems serving ((one thousand)) 1,000 or more total connections, a demand forecast for the plan approval period and at least a ((twenty)) 20-year planning period that projects demand if the measures deemed cost-effective per WAC 246-290-810 were implemented.

(e) System analysis, including:

(i) System design standards;

(ii) Water quality analysis;

(iii) Inventory and analysis of water system facilities; and

(iv) Summary of system deficiencies.

(f) Water resource analysis for the plan approval period and at least a ((twenty)) 20-year planning period, including:

(i) A water use efficiency program. Municipal water suppliers must meet the requirements in WAC 246-290-810;

(ii) Source of supply analysis, which includes:

(A) An evaluation of water supply alternatives if additional water rights will be pursued within ((twenty)) 20 years; and

(B) A narrative description of the system's water supply characteristics and the foreseeable effect from current and future use on the water quantity and quality of any body of water from which its water is diverted or withdrawn based on existing data and studies;

(iii) A water shortage response plan as a component of the reliability and emergency response requirements under WAC 246-290-420;

(iv) Water right self-assessment;

(v) Water supply reliability analysis;

(vi) Interties; and

(vii) For systems serving ((one thousand)) 1,000 or more total connections, an evaluation of opportunities for the use of reclaimed water, where they exist, as defined in RCW 90.46.120.

(g) Source water protection program under WAC 246-290-135.

(h) Operation and maintenance program under WAC 246-290-415 and 246-290-654(5), as applicable.

(i) Improvement program, including a capital improvement schedule that identifies all capital improvements scheduled within the plan approval period and any major projects or other capital improvements planned within at least a ((twenty)) 20-year planning period.

(j) Financial program, including demonstration of financial viability by providing:

(i) A summary of past income and expenses;

(ii) A balanced operational budget for the plan approval period;

(iii) A plan for collecting the revenue necessary to maintain cash flow stability and to fund the capital improvement program and emergency improvements; and

(iv) An evaluation that has considered:

(A) The affordability of water rates; and

(B) The feasibility of adopting and implementing a rate structure that encourages water demand efficiency.

(k) Other documents, such as:

(i) Documentation of SEPA compliance;

(ii) Agreements; and

(iii) Comments from each local government with jurisdiction and adjacent utilities.

(1) Systems serving 1,000 or more connections, a climate resilience element as required under RCW 43.20.310.

(5) Purveyors intending to implement the project report and construction document submittal exceptions authorized under WAC 246-290-125 must include:

(a) Standard construction specifications for distribution mains; and/or

(b) Design and construction standards for distribution-related projects, including:

(i) Description of project report and construction document internal review procedures, including engineering design review and construction completion reporting requirements;

(ii) Construction-related policies and requirements for external parties, including consumers and developers;

(iii) Performance and sizing criteria; and

(iv) General reference to construction materials and methods.

(6) Purveyors shall submit reports identifying the progress in developing their water system plans if required by the department.

(7) Purveyors shall transmit water system plans to adjacent utilities and each local government with jurisdiction, to assess consistency with ongoing and adopted planning efforts.

(8) Prior to department approval of a water system plan or a water system plan update, the purveyor shall:

(a) Hold an informational meeting for the water system consumers and notify consumers in a way that is appropriate to the size of the water system; and

(b) Obtain approval of the water system plan from the purveyor's governing body or elected governing board.

(9) Department approval of a water system plan is effective for ((ten)) 10 years from the date of written approval unless:

(a) The purveyor requests and receives a plan approval period of less than ((ten)) 10 years; or

(b) The department requests an updated plan.

(10) The purveyor shall update the water system plan and obtain department approval at or before the expiration of the current plan approval if the system meets any of the conditions of subsection (2) of this section.

(11) Water system plan amendments. A purveyor may submit an amendment to its current approved water system plan for department approval at any time during the plan approval period. Project reports may be included in a water system plan amendment to meet the requirements under WAC 246-290-110(3). Department approval of a water system plan amendment does not alter the current plan approval period in accordance with subsection (9) of this section and does not satisfy the requirement of subsection (2) of this section to update the water system plan.

## WSR 24-11-059

## PERMANENT RULES

## DEPARTMENT OF HEALTH

[Filed May 13, 2024, 1:34 p.m., effective June 13, 2024]

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

Purpose: Medical test site (MTS) licensure for naturopath and licensed midwife professions. To align with federal rules, the department of health (department) is removing the professions of naturopath licensed under chapter 18.36A RCW and midwife licensed under chapter 18.50 RCW from the list of licensed professionals that may perform a provider-performed microscopic procedure (PPMP) in WAC 246-338-020. The department is clarifying that both the laboratory director and testing personnel of PPMP must be a licensed professional. There is also a technical citation adjustment to a definition in WAC 246-338-010.

Citation of Rules Affected by this Order: Amending WAC 246-338-010 and 246-338-020.

Statutory Authority for Adoption: RCW 70.42.220.

Adopted under notice filed as WSR 24-05-019 on February 9, 2024.

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

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 13, 2024.

Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**OTS-5121.3**

AMENDATORY SECTION (Amending WSR 16-18-073, filed 9/2/16, effective 10/3/16)

**WAC 246-338-010 Definitions.** For the purposes of this chapter, the following words and phrases have these meanings unless the context clearly indicates otherwise.

(1) "Accreditation organization" means a public or private organization or agency approved by CMS as having standards which are consistent with federal law and regulation, and judged by the department to be equivalent to this chapter.

(2) "Authorized person" means any individual allowed by Washington state law or rule to order tests or receive test results.

(3) "Biannual verification" means a system for verifying the accuracy of test results, at least twice a calendar year, for those tests for which proficiency testing is not required by the department.

(4) "Calibration" means a process of testing and adjusting an instrument, kit, or test system to provide a known relationship between the measurement response and the value of the substance that is being measured by the test procedure.

(5) "Calibration verification" means the assaying of materials of known concentration in the same manner as patient samples to confirm that the calibration of the instrument, kit, or test system has remained stable throughout the laboratory's reportable range for patient test results.

(6) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use.

(7) "Case" means any slide or group of slides, from one patient specimen source, submitted to a medical test site, at one time, for the purpose of cytological or histological examination.

(8) "CDC" means the federal Centers for Disease Control and Prevention.

(9) "CMS" means the federal Centers for Medicare and Medicaid Services.

(10) "CLIA" means Section 353 of the Public Health Service Act, Clinical Laboratory Improvement Amendments of 1988, and regulations implementing the federal amendments, 42 C.F.R. Part 493-Laboratory Requirements in effect on September 22, 2003.

(11) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use.

(12) "Control slide" means a preparation of a material known to produce a specific reaction which is fixed on a glass slide and is used in the process of quality control.

(13) "Days" means calendar days.

(14) "Deemed status" means recognition that the requirements of an accreditation organization have been judged to be equal to, or more stringent than, the requirements of this chapter and the CLIA requirements, and the accreditation organization has agreed to comply with all requirements of this chapter and CLIA.

(15) "Deficiency" means a finding from an inspection or complaint investigation that is not in compliance with this chapter and requires corrective action.

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

(17) "Direct staff time" means all state employees' work time; travel time; telephone contacts and staff or management conferences; and expenses involved with a complaint investigation or an on-site follow-up visit.

(18) "Director," defined as the designated test site supervisor in RCW 70.42.010, means the individual responsible for the technical functions of the medical test site. This person must meet the qualifications for Laboratory Director, listed in 42 C.F.R. Part 493 Subpart M - Personnel for Nonwaived Testing.

(19) "Disciplinary action" means license or certificate of waiver denial, suspension, condition, revocation, civil fine, or any combination thereof.

tion of the preceding actions, taken by the department against a medical test site.

(20) "Facility" means one or more locations within one campus or complex where tests are performed under one owner.

(21) "Forensic" means investigative testing in which the results are never used for clinical diagnosis, or referral to a health care provider for treatment of an individual.

(22) "HHS" means the federal Department of Health and Human Services.

(23) "High complexity" means a test system, assay, or examination that is categorized under CLIA as a high complexity test.

(24) "May" means permissive or discretionary.

(25) "Medical test site" or "test site" means any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A medical test site does not mean:

(a) A facility or site, including a residence, where a test approved for home use by the Federal Food and Drug Administration is used by an individual to test himself or herself without direct supervision or guidance by another and where this test is not part of a commercial transaction; or

(b) A facility or site performing tests solely for forensic purposes.

(26) "Moderate complexity" means a test system, assay, or examination that is categorized under CLIA as a moderate complexity test.

(27) "Must" means compliance is mandatory.

(28) "Nonwaived" means all tests categorized under CLIA as:

(a) Moderate complexity tests, including provider-performed microscopic procedures; or

(b) High complexity tests.

(29) "Owner" means the person, corporation, or entity legally responsible for the business requiring licensure or a certificate of waiver as a medical test site under chapter 70.42 RCW.

(30) "Patient's personal representative" means a person legally authorized to make health care decisions on an individual's behalf.

(31) "Performance specification" means a value or range of values for a test that describe its accuracy, precision, analytical sensitivity, analytical specificity, reportable range and reference range.

(32) "Person" means any individual, public organization, private organization, agent, agency, corporation, firm, association, partnership, or business.

(33) "Physician" means an individual with a doctor of medicine, doctor of osteopathy, doctor of podiatric medicine, or equivalent degree who is a licensed professional under chapter 18.71 RCW Physicians; chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW Podiatric medicine and surgery.

(34) "Provider-performed microscopic procedures" means only those moderate complexity tests listed under WAC 246-338-020 (2)(b)(i) through (x), when the tests are performed in conjunction with a patient's visit by a licensed professional meeting qualifications specified in WAC 246-338-020 (2)(a)(i) through ((+vi+)) (iv).

(35) "Provisional license" means an interim approval issued by the department to the owner of a medical test site.

(36) "Records" means books, files, reports, or other documentation necessary to show compliance with the quality control and quality assurance requirements under this chapter.

(37) "Reference material" means a material or substance, calibrator, control, or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control.

(38) "Specialty" means a group of similar subspecialties or tests. The specialties for a medical test site are as follows:

- (a) Chemistry;
- (b) Cytogenetics;
- (c) Diagnostic immunology;
- (d) Immunohematology;
- (e) Hematology;
- (f) Histocompatibility;
- (g) Microbiology;
- (h) Pathology; and
- (i) Radiobioassay.

(39) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique standard for the assay regardless of level or purity of the analyte content.

(40) "Subspecialty" means a group of similar tests. The subspecialties of a specialty for a medical test site are as follows, for:

(a) Chemistry, the subspecialties are routine chemistry, urinalysis, endocrinology, and toxicology;

(b) Diagnostic immunology, the subspecialties are syphilis serology and general immunology;

(c) Immunohematology, the subspecialties are ABO grouping and Rh typing, antibody detection, antibody identification, and compatibility testing;

(d) Hematology, the subspecialties are routine hematology and coagulation;

(e) Microbiology, the subspecialties are bacteriology, mycology, parasitology, virology, and mycobacteriology; and

(f) Pathology, the subspecialties are histopathology (including dermatopathology), diagnostic cytology, and oral pathology.

(41) "Supervision" means authoritative procedural guidance by an individual qualified under 42 C.F.R. Part 493 Subpart M - Personnel for Non-waived Testing, assuming the responsibility for the accomplishment of a function or activity by technical personnel.

(42) "Technical personnel" means individuals employed to perform any test or part of a test.

(43) "Test" means any examination or procedure conducted on a sample taken from the human body.

(44) "Validation inspection" means an on-site inspection by the department of an accredited medical test site to determine that the accreditation organization's regulations are equivalent to this chapter and are enforced.

(45) "Waived test" means a test system that is:

- (a) Cleared by the Food and Drug Administration for home use; or
- (b) A simple laboratory examination or procedure that has an insignificant risk of an erroneous result.

In order for a test system to be waived, it must be approved for waiver under CLIA.

(46) "Will" means compliance is mandatory.

AMENDATORY SECTION (Amending WSR 02-12-105, filed 6/5/02, effective 7/6/02)

**WAC 246-338-020 Licensure—Types of medical test site licenses.**

After July 1, 1990, any person advertising, operating, managing, owning, conducting, opening, or maintaining a medical test site must first obtain a license from the department. License types are described in Table 020-1.

(1) Certificate of waiver.

Applicable if the medical test site performs only the tests classified as waived.

(2) Provider performed microscopic procedures (PPMP).

Applicable if the medical test site restricts its testing performance to one or more of the following moderate complexity tests performed by one of the licensed professionals listed, in conjunction with a patient's visit. In addition, the medical test site can perform tests classified as waived with this type of license.

(a) ~~((PPMP may be performed only by one of))~~ The following licensed professionals may serve as the laboratory director and testing personnel for microscopic procedures under a PPMP medical test site license:

(i) Physician licensed under chapter 18.71 RCW, Physicians; chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery; or chapter 18.22 RCW, Podiatric medicine and surgery;

(ii) Advanced registered nurse practitioner, licensed under chapter 18.79 RCW, Nursing care;

(iii) ~~((Midwife licensed under chapter 18.50 RCW, Midwifery;~~

~~((iv)))~~ Physician assistant licensed under chapter 18.71A RCW, Physician assistants; or

~~((v) Naturopath licensed under chapter 18.36A RCW, Naturopathy;~~  
or

~~((vi)))~~ (iv) Dentist licensed under chapter 18.32 RCW, Dentistry.

(b) Microscopic procedures authorized under a PPMP license are:

(i) All direct wet mount preparations for the presence or absence of bacteria, fungi, parasites, and human cellular elements;

(ii) All potassium hydroxide (KOH) preparations;

(iii) Pinworm examinations;

(iv) Fern tests;

(v) Postcoital direct, qualitative examinations of vaginal or cervical mucous;

(vi) Urine sediment examinations;

(vii) Nasal smears for granulocytes;

(viii) Fecal leukocyte examinations;

(ix) Qualitative semen analysis (limited to the presence or absence of sperm and detection of motility); and

(x) Any other tests subsequently categorized under CLIA as provider-performed microscopy procedures.

(3) Moderate/high complexity.

(a) Low volume, Category A-J, as described in Table 990-1.

Applicable if the medical test site performs any tests that are not classified as waived or qualified as PPMP under subsection (2) of this section. Under this type of license, the medical test site may also perform tests classified as waived.

(b) Accredited: Low volume, Category A-J, as described in Table 990-1.

Applicable if the medical test site performs any tests that are not classified as waived, and is accredited and inspected by an accreditation organization approved by the department under WAC 246-338-040. Under this type of license, the medical test site may also perform tests classified as waived.

#### **020-1 Table of Requirements for Each License Type**

LICENSE TYPE	REQUIREMENTS	INSPECTIONS	
		TYPE	FREQUENCY
(1) <b>Certificate of Waiver</b>	<ul style="list-style-type: none"> <li>• Restrict testing to tests classified as waived.</li> <li>• Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections.</li> <li>• Follow manufacturers' instructions for performing the test.</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint</li> <li>• Technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>• When indicated</li> </ul>
(2) <b>PPMP</b>	<ul style="list-style-type: none"> <li>• Restrict testing to tests classified as PPMP or waived.</li> <li>• Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control.</li> <li>• Follow manufacturers' instructions for performing the test.</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint</li> <li>• Technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>• When indicated</li> </ul>
(3) <b>Moderate/High Complexity</b>			
(a) <b>Low Volume, Category A-J</b>	<ul style="list-style-type: none"> <li>• Perform tests classified as moderate or high complexity.</li> <li>• Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control.</li> <li>• Follow manufacturers' instructions for performing test.</li> </ul>	<ul style="list-style-type: none"> <li>• Initial</li> <li>• Routine</li> <li>• Complaint</li> <li>• On-site follow-up</li> <li>• Technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>• First 6 months of license</li> <li>• Every 2 years</li> <li>• When indicated</li> <li>• When indicated</li> <li>• When indicated</li> </ul>
(b) <b>Accredited: Low Volume,</b>	• Perform tests classified as moderate or high complexity.	• Validation	• 2.5% of accredited sites annually

LICENSE TYPE	REQUIREMENTS	INSPECTIONS								
Category A-J	<ul style="list-style-type: none"> <li>• Meet the requirements of WAC 246-338-020 Licensure—Types of Medical Test Site Licenses; WAC 246-338-022 Initial Application for Medical Test Site License; WAC 246-338-024 License Renewal/Reapplication Process; WAC 246-338-026 Notification Requirements; WAC 246-338-028 On-site Inspections; WAC 246-338-050 Proficiency Testing (if applicable); WAC 246-338-060 Personnel; WAC 246-338-070 Records; WAC 246-338-080 Quality Assurance; WAC 246-338-090 Quality Control.</li> <li>• Follow manufacturers' instructions for performing the test.</li> <li>• Submit to the department upon request, or authorize the accreditation organization to submit: <ul style="list-style-type: none"> <li>• Proof of accreditation;</li> <li>• On-site inspection results;</li> <li>• Statement of deficiencies;</li> <li>• Plan of correction for the deficiencies cited;</li> <li>• Any disciplinary action and results of any disciplinary action taken by the accreditation organization against the medical test site.</li> </ul> </li> </ul>	<table border="1"> <thead> <tr> <th>TYPE</th><th>FREQUENCY</th></tr> </thead> <tbody> <tr> <td>• Complaint</td><td>• When indicated</td></tr> <tr> <td>• On-site follow-up</td><td>• When indicated</td></tr> <tr> <td>• Technical assistance</td><td>• When indicated</td></tr> </tbody> </table>	TYPE	FREQUENCY	• Complaint	• When indicated	• On-site follow-up	• When indicated	• Technical assistance	• When indicated
TYPE	FREQUENCY									
• Complaint	• When indicated									
• On-site follow-up	• When indicated									
• Technical assistance	• When indicated									

**WSR 24-11-060****PERMANENT RULES****DEPARTMENT OF HEALTH**(Pharmacy Quality Assurance Commission)  
[Filed May 13, 2024, 1:42 p.m., effective June 13, 2024]

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

Purpose: Citation and technical changes to pharmacy rules in chapter 246-945 WAC. Following the rules consolidation project that resulted in the creation of chapter 246-945 WAC in 2020, the pharmacy quality assurance commission (commission) discovered some references in need of updating, with grammatical errors to be corrected and other technical changes that do not materially change the subject of the rule. The secretary also finalized updated fees for commission licensees since that time and updates are now needed to correct all fee rule references.

Citation of Rules Affected by this Order: Amending WAC 246-945-001, 246-945-011, 246-945-014, 246-945-018, 246-945-063, 246-945-156, 246-945-170, 246-945-173, 246-945-175, 246-945-200, 246-945-217, 246-945-230, 246-945-417, and 246-945-590.

Statutory Authority for Adoption: RCW 18.64.005.

Adopted under notice filed as WSR 23-23-153 on November 20, 2023.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 14, Repealed 0.

Date Adopted: May 13, 2024.

Kenneth Kenyon, PharmD, BCPS, Chair  
Pharmacy Quality Assurance Commission

**OTS-4837.4**

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-001 Definitions.** The definitions in chapters 18.64 and 18.64A RCW and those in this section apply throughout this chapter unless otherwise stated.

(1) "ACPE" means accreditation council for pharmacy education.

(2) "Active ingredient" means any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of humans or other animals. The term includes those components that may undergo chemical

change in the manufacture of the drug product and be present in that drug product in a modified form intended to furnish the specified activity or effect.

(3) "Adulterated" refers to a drug that was produced and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with WAC 246-945-550 as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess.

(4) "Animal control agency" means any agency authorized by law to euthanize or destroy animals; to sedate animals prior to euthanasia or to engage in chemical capture of animals.

(5) "Approved legend drugs" means any legend drug approved by the commission for use by registered humane societies or animal control agencies for the sole purpose of sedating animals prior to euthanasia, when necessary, and for use in chemical capture programs.

(6) "Audit trail" means all materials and documents required for the entire process of filling a prescription, which shall be sufficient to document or reconstruct the origin of the prescription, and authorization of subsequent modifications of that prescription.

(7) "Blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

(8) "Blood component" means that part of the blood separated by physical or mechanical means.

(9) "Central fill pharmacy" means a pharmacy contracting with an originating pharmacy, or having the same owner as an originating pharmacy, that provides centralized prescription filling on behalf of the originating pharmacy pursuant to these rules.

(10) "Chemical capture program" means wildlife management programs registered under RCW 69.41.080 and 69.50.320 to use approved legend drugs and controlled substance for chemical capture. Chemical capture includes immobilization of individual animals in order for the animals to be moved, treated, examined, or for other legitimate purposes.

(11) "Collaborative drug therapy agreement" or "CDTA" means a written guideline or protocol previously established and approved by a practitioner authorized to prescribe drugs that enables a pharmacist to exercise prescriptive authority.

(12) "Controlled substances" has the same meaning as RCW 69.50.101.

(13) "Controlled substance wholesaler" means a wholesaler licensed under RCW 18.64.046 to possess and sell controlled substances to a licensed pharmacy or other legally licensed or authorized person.

(14) "Commission" means the pharmacy quality assurance commission.

(15) "Counterfeit" means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such drug and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor.

(16) "CPE" means continuing pharmacy education accredited by the ACPE.

(17) "Consultation" means:

(a) A communication or deliberation between a pharmacist and a patient, a patient's agent, or a patient's health care provider in which the pharmacist uses professional judgment to provide advice about drug therapy.

(b) A method by which the pharmacist meets patient information requirements as set forth in WAC 246-945-325.

(18) "Credential" means a license, certification, or registration under the chapters specified in RCW 18.130.040 issued to a person to practice a regulated health care profession. Whether the credential is a license, certification, or registration is determined by the law regulating the profession.

(19) "DEA" means the United States Drug Enforcement Administration.

(20) "Delegated tasks" means tasks that are performed pursuant to a pharmacist's direction, without the exercise of the pharmacy ancillary personnel's own judgment and discretion, and which do not require the pharmacy ancillary personnel's to exercise the independent professional judgment that is the foundation of the practice of the profession of pharmacy.

(21) "Department" means the Washington state department of health.

(22) "Dose" means the amount of drug to be administered at one time.

(23) "Drug(s) of concern" are those drugs identified by the commission as demonstrating a potential for abuse by all professionals licensed to prescribe, dispense, or administer such substances in this state.

(24) "Drug price advertising" means the dissemination of nonpromotional information pertaining to the prices of legend or prescription drugs.

(25) "Drug product" means a finished dosage form (e.g., tablet, capsule, solution) that contains an active drug ingredient generally, but not necessarily, in association with inactive ingredients. The term also includes a finished dosage form that does not contain an active ingredient but is intended to be used as a placebo.

(26) "Drug sample" means a unit of prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

(27) "Drug standard and information sources" means industry recognized reference and resources.

(28) "Drug storage area" means an area where legend drugs, controlled substances, or other restricted items are stored, compounded, or dispensed.

(29) "Drug utilization review" includes, but is not limited to, the following activities:

(a) Evaluation of prescriptions and patient records for known allergies, rational therapy-contraindications, appropriate dose, and route of administration and appropriate directions for use;

(b) Evaluation of prescriptions and patient records for duplication of therapy;

(c) Evaluation of prescriptions and patient records for interactions between drug-drug, drug-food, drug-disease, and adverse drug reactions; and

(d) Evaluation of prescriptions and patient records for proper utilization, including over- or under-utilization, and optimum therapeutic outcomes.

(30) "Electronic means" means an electronic device used to send, receive, ((and/)) or store prescription information, including computers, facsimile machines, etc.

(31) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

(32) "Enrolled student" means a student who has accepted an offer of admission in writing and the student has made the appropriate deposit securing admission to an accredited school or college of pharmacy.

(33) "Equivalent manager" means an individual authorized to act on behalf of a pharmaceutical firm not licensed as a pharmacy to serve as the primary contact for the department and is responsible for managing the facility operations which includes, but is not limited to, actively involved in and aware of the daily operations of the facility.

(34) "Export wholesaler" means any wholesaler authorized by the commission to export legend drugs and nonprescription (OTC) drugs to foreign countries.

(35) "FDA" - United States Food and Drug Administration.

(36) "Full-line wholesaler" means a drug wholesale distributor that is licensed under RCW 18.64.046 to possess and sell legend drugs, controlled substance and nonprescription drugs to a licensed pharmacy or other legally licensed or authorized person.

(37) "FPGEC" means foreign pharmacy graduate examination committee.

(38) "FPGE" means foreign pharmacy graduate equivalency examination.

(39) "Generic substitution" means the act of switching between a branded drug and its therapeutically equivalent generic version.

(40) "HIPAA" means Health Insurance Portability and Accountability Act.

(41) "Hospital" means any institution licensed under chapter 70.41 or 71.12 RCW or designated under RCW 72.23.020.

(42) "Hospital pharmacy" means that portion of a hospital licensed under RCW 18.64.043 which is engaged in the manufacture, production, preparation, dispensing, sale, or distribution of drugs, components, biologicals, chemicals, devices and other materials used in the diagnosis and treatment of injury, illness and diseases.

(43) "Hospital pharmacy associated clinic" or "HPAC" means an individual practitioner's office or multipractitioner clinic owned, operated, or under common control of a parent hospital or health system, where the physical address of the office or clinic is identified on a hospital pharmacy license.

(44) "Immediate supervision" means supervision by a pharmacist who is immediately available at all times the delegated tasks are being performed; who is aware of delegated tasks being performed; and who provides personal assistance, direction and approval throughout the time the delegated tasks are being performed.

(a) "Immediately available" means the pharmacist and pharmacy ancillary personnel or interns are on the same physical premises, or if not, technology is used to enable real time, two-way communications between the pharmacist and ((technician(s))) pharmacy ancillary personnel and interns.

(b) Use of technology: A pharmacist, as an adjunct to assist in the immediate supervision of the pharmacy ancillary personnel or in-

tern, may employ technological means to communicate with or observe the pharmacy ancillary personnel or intern. A pharmacist shall make certain all applicable state and federal laws including, but not limited to, confidentiality, are fully observed when employing technological means of communication and observation. If technology is being used to provide immediate supervision of pharmacy ancillary personnel or intern such technology shall be sufficient to provide the personal assistance, direction and approval required to meet the standard of practice for the delegated tasks.

(45) "Inoperable" means a credential status indicating that an individual cannot practice because he or she is not actively participating or enrolled in a required training program when this condition is a requirement of the credential. Inoperable status is not the result of enforcement action. The health care professional can resume practice when appropriately enrolled in a required training program and the credential is reactivated.

(46) "Internal test assessment" means, but is not limited to, conducting those tests of quality assurance necessary to ensure the integrity of the test.

(47) "Investigational drug" means any article drug that has an investigational drug application (INDA) that has been approved by the FDA.

(48) "Key party" means immediate family members and others who would be reasonably expected to play a significant role in the health care decisions of the patient or client and includes, but is not limited to, the spouse, domestic partner, sibling, parent, child, guardian and person authorized to make health care decisions of the patient or client.

(49) "Law enforcement" means any general or limited authority Washington peace officer or federal law enforcement officer or tribal officer.

(50) "License transfer" means the process used by licensed pharmacists to transfer their existing pharmacist license to Washington using NABP's Electronic Licensure Transfer Program® (e-LTP™).

(51) "Lot" means a batch or a specific identified portion of a batch having uniform character and quality within specified limits, or in the case of a drug product produced by continuous process, it is a specific identified amount produced in a unit of time or quantity in a manner that assures it is having uniform character and quality within specified limits.

(52) "Manual signature" means a printed or wet signature.

(53) "Misbranded" applies to all drugs the package or label of which bears any statement, design or device regarding such article or the ingredients or substances contained therein which is false or misleading in any particular way, and drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

(54) "NABP" means the National Association of Boards of Pharmacy.

(55) "NDC" means National Drug Code.

(56) "Nuclear pharmacy" means a pharmacy providing radiopharmaceutical services.

(57) "Nuclear pharmacist" means a pharmacist licensed under RCW 18.64.080 who holds an endorsement that meets the requirements of WAC 246-945-180.

(58) "Originating pharmacy" means a pharmacy that receives a prescription from a patient, the patient's agent, or a prescriber, out-

sources prescription filling or processing functions to another pharmacy, and ultimately dispenses the prescription drug or device to the patient or the patient's agent. This does not include pharmacies engaged in shared pharmacy services in accordance with RCW 18.64.570.

(59) "Over-the-counter drugs" or "OTC" means "nonlegend" or "non-prescription" drugs, and any drugs which may be lawfully sold without a prescription.

(60) "Over-the-counter only wholesaler" means any wholesaler licensed under RCW 18.64.046 to possess and sell OTC drugs to any outlets credentialed for resale.

(61) "Pharmaceutical firm" means a business engaged in the dispensing, delivering, distributing, manufacturing, or wholesaling of prescription drugs or devices within or into Washington state.

(62) "Pharmacy intern" means a person who is registered with the commission under RCW 18.64.080(3) as a pharmacy intern.

(63) "Pharmacy services" means any services provided that meet the definition of the practice of pharmacy, RCW 18.64.011.

(64) "Plan of correction" is a proposal devised by the applicant or credential holder that includes specific corrective actions that must be taken to correct identified unresolved deficiencies with time frames to complete them.

(65) "Precursor drugs" as defined in chapter 69.43 RCW.

(66) "Prescription drug" means any drug, including any biological product required by federal statute or regulation to be dispensed only by a prescription, including finished dosage forms and bulk drug substances subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

(67) "Protocol" means a written set of procedures, steps or guidance.

(68) "Radiopharmaceutical service" means, but is not limited to:

(a) The preparing, compounding, dispensing, labeling, and delivery of radiopharmaceuticals;

(b) The participation in radiopharmaceutical selection and radiopharmaceutical utilization reviews;

(c) The proper and safe storage and distribution of radiopharmaceuticals;

(d) The maintenance of radiopharmaceutical quality assurance;

(e) The responsibility for advising, where necessary or where regulated, of therapeutic values, hazards and use of radiopharmaceuticals; or

(f) The offering or performing of those acts, services, operations or transactions necessary in the conduct, operation management and control of a nuclear pharmacy.

(69) "Radiopharmaceutical" means any substance defined as a drug in section 201 (g)(1) of the Federal Food, Drug, and Cosmetic Act which exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or nuclide generator which is intended to be used in the preparation of any such substance but does not include drugs such as carbon-containing compounds or potassium-containing salts which contain trace quantities of naturally occurring radionuclides. The term "radioactive drug" includes a "radioactive biological product."

(70) "Radiopharmaceutical quality assurance" means, but is not limited to, the performance of appropriate chemical, biological and physical tests on radiopharmaceuticals and the interpretation of the resulting data to determine their suitability for use in humans and

animals, including internal test assessment authentication of product history and the keeping of proper records.

(71) "Readily retrievable" means a record that is kept by automatic data processing systems or other electronic, mechanized, or written recordkeeping systems in such a manner that it can be separated out from all other records in a reasonable time.

(72) "Reverse distributor" means a pharmaceutical wholesaler that receives drugs for destruction, return credit, or otherwise disposes of drugs received from a registrant that holds a credential to dispense or possess drugs.

(73) "Secretary" means the secretary of the Washington state department of health.

(74) "Strength" means:

- (a) The concentration of the drug product; ((and/)) or
- (b) The potency, that is, the therapeutic activity of the drug product as indicated by appropriate laboratory tests or by adequately developed and controlled clinical data.

(75) "U.S. jurisdiction" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(76) "USP" means the United States Pharmacopeia.

(77) "Therapeutic substitution" means the act of dispensing an alternative drug that is believed to be therapeutically similar but may be chemically different, in a different category, or with different pharmacokinetic properties. This substitution is based on the premise that the substituted drug will provide similar clinical efficacy, desired outcome, and safety profile.

(78) "TOEFL iBT" means an internet based test which measures the ability to use and understand English. It evaluates the combined use of reading, listening, speaking and writing skills.

(79) "Virtual manufacturer" means an individual or facility that sells his or her own prescription drugs, but never physically possesses the drugs.

(80) "Virtual wholesaler" means an individual or facility that sells a prescription drug ((and/)) or device, but never physically possesses the product.

(81) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) The sale, purchase, or trade of a drug, an offer to sell, purchase or trade a drug, or the dispensing of a drug pursuant to a prescription;

(b) The lawful distribution of drug samples by manufacturers' representatives or distributors' representatives;

(c) The sale, purchase, or trade of blood and blood components intended for transfusion;

(d) Intracompany sales, being defined as any transaction or transfer between any division, subsidiary, parent ((and/)) or affiliated, or related company under the common ownership and control of a corporate entity, unless such transfer occurs between a wholesale distributor and a health care entity or practitioner; or

(e) The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug for emergency medical reasons, for purposes of this section, "emergency medical reasons" includes transfers of prescription drugs by retail pharmacy to another retail pharmacy or practitioner to alleviate a temporary shortage, except that the gross

dollar value of such transfers shall not exceed five percent of the total prescription drug sale revenue of either the transferor or transferee pharmacy during any ((twelve)) 12 consecutive month period.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-011 Prescription validity.** (1) Prior to dispensing and delivering a prescription, a pharmacist shall verify its validity.

(2) A prescription shall be considered invalid if:

(a) At the time of presentation, the prescription shows evidence of alteration, erasure, or addition by any person other than the person who wrote it;

(b) The prescription does not contain the required information as provided in WAC 246-945-010;

(c) The prescription is expired; or

(d) The prescription is for a controlled substance and does not comply with the requirements in RCW 69.50.308.

(3) A prescription is considered expired when:

(a) The prescription is for a controlled substance listed in Schedule II through V and the date of dispensing is more than six months after the prescription's date of issue.

(b) The prescription is for a noncontrolled legend drug or ((OTC's)) OTC and the date of dispensing is more than ((twelve)) 12 months after the prescription's date of issue.

AMENDATORY SECTION (Amending WSR 21-17-062, filed 8/11/21, effective 9/11/21)

**WAC 246-945-014 Electronic prescribing mandate waiver.** (1) A practitioner may submit an attestation to the department for a waiver from the electronic prescribing mandate in RCW 69.50.312, if the practitioner is experiencing an economic hardship, technological limitations not reasonably in the control of the practitioner, or other exceptional circumstance. A practitioner does not need to submit a waiver if exempted from the mandate under RCW 69.50.312 (2)(a) through (j). A practitioner must submit an attestation for the waiver using forms provided by the department. The department shall deem the waiver granted upon submission of an attestation and the practitioner will be deemed exempt under RCW 69.50.312 (2)(k).

(2) A practitioner who has submitted an attestation for a waiver from the mandate in RCW 69.50.312 is exempt from the electronic prescribing mandate for the calendar year in which the attestation is signed, beginning with the effective date of this section.

(a) For economic hardship and ((technical)) technological limitations, a practitioner may attest to the need for a waiver up to three times, giving the practitioner three years to come into compliance with the mandate.

(b) There is no limit on the number of other exceptional circumstance waivers under subsection (3)(c) of this section that a practitioner can submit.

(3) A practitioner required to electronically prescribe under RCW 69.50.312 may submit an attestation for a waiver from this mandate due to:

(a) Economic hardship in the following circumstances:

(i) A bankruptcy in the previous year or submitted an attestation for a waiver under this chapter due to a bankruptcy in the previous year;

(ii) Opening a new practice after January 1, 2020;

(iii) Intent to discontinue operating in Washington prior to December 31, 2022; or

(iv) Operating a low-income clinic, that is defined as a clinic serving a minimum of ((thirty)) 30 percent medicaid patients.

(b) Technological limitations outside the control of the practitioner if the practitioner is in the process of transitioning to an electronic prescription system.

(c) Other exceptional circumstances include:

(i) The practitioner is providing services at a free clinic;

(ii) The practitioner generates fewer than ((one hundred)) 100 prescriptions of Schedules II through V drugs in a one-year period, including both new and refill prescriptions;

(iii) The practitioner is located in an area without sufficient internet access to comply with the e-prescribing mandate; or

(iv) Unforeseen circumstances that stress the practitioner or health care system in such a way that compliance is not possible. Examples may include, but are not limited to, natural disasters, widespread health care emergencies, unforeseeable barriers to electronic prescribing, or unforeseen events that result in a statewide emergency.

(4) The department may audit waiver attestations submitted by a practitioner to determine compliance with this chapter. Knowingly submitting a false attestation is grounds for disciplinary action against a practitioner's license by the appropriate disciplinary authority as well as fines pursuant to RCW 69.50.312(5).

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-018 Prescriptions—Labeling—Prepackage medications.**

Prepackage medications dispensed pursuant to RCW 70.41.480, medications dispensed in unit dose form, and medications dispensed by a pharmacy to a long-term care facility must include a label with the following information:

(1) Drug name;

(2) Drug strength;

(3) Expiration date in accordance with WAC 246-945-016(3);

(4) The manufacturer's name and lot number, if not maintained in a separate record; and

(5) The identity of the pharmacist or provider responsible for the prepackaging, if not maintained in a separate record.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-063 Precursor definitions.** The definitions in this section apply to WAC 246-945-065 through 246-945-088.

(1) "((Registered)) Restricted product" means any nonprescription product containing any detectable quantity of ephedrine, pseudoephedrine, and phenylpropanolamine or their salts or isomers, or salts of isomers.

(2) "Retailer" means a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW that sells, dispenses, or otherwise provides restricted products to purchasers.

(3) "Sale" means the transfer, selling, or otherwise furnishing of any restricted product to any person.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-156 Pharmacy intern—Temporary practice permit.** (1) An individual that holds a pharmacy intern registration in another U.S jurisdiction, that has registration standards substantially equivalent to Washington, may request a temporary practice permit if:

(a) The applicant is not subject to denial of a credential or issuance of a conditional or restricted credential in any state;

(b) Does not have a criminal record in Washington state;

(c) The applicant's fingerprint-based national background check results are pending; and

(d) The applicant meets WAC 246-945-155 (1)(a) or (b).

(2) To request a temporary practice permit, the pharmacy intern applicant shall submit a written request for a temporary practice permit, and any applicable fees in accordance with ((chapter 246-907)) WAC 246-945-990 through 246-945-992.

(3) A temporary practice permit expires:

(a) When the pharmacy intern registration is issued;

(b) When a notice of decision on the pharmacy intern registration application is mailed to the applicant; or

(c) Ninety days after the temporary practice permit is issued.

The applicant may obtain a one-time extension of up to ((ninety)) 90 days with approval of the commission.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-170 Pharmacist licensure by license transfer—Temporary practice permits.** (1) An individual who holds an active pharmacist license, in good standing, issued by another U.S. jurisdiction may apply for a pharmacist license in Washington by license transfer. In addition to the completion of the commission's application, the applicant must:

(a) File for license transfer using the NABP eLTP process; and

(b) Take and pass the approved jurisprudence examination.

(2) A temporary practice permit to practice pharmacy may be issued to an applicant for a pharmacist license by license transfer if the applicant meets all of the requirements and qualifications in subsection (1) of this section, and the following criteria are met:

(a) The applicant is not subject to denial of a credential or issuance of a conditional or restricted credential in any U.S. jurisdiction;

(b) Does not have a criminal record in Washington state;

(c) The applicant's fingerprint-based national background check results are pending; and

(d) To request a temporary practice permit, the applicant shall submit a written request for a temporary practice permit, and pay the applicable fees in accordance with ((chapter 246-907)) WAC 246-945-990 through 246-945-992.

(3) A temporary practice permit expires:

(a) When the pharmacist license is issued;

(b) When a notice of decision on the pharmacist license application is mailed to the applicant; or

(c) One hundred eighty days after the temporary practice permit is issued. The applicant may obtain a one-time extension of ((one hundred eighty)) 180 days with approval of the commission.

(4) A temporary practice permit holder cannot qualify as a responsible pharmacy manager.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-173 Expired pharmacist license.** To return to active status a pharmacist with an expired license shall pay the applicable fees in accordance with ((chapter 246-907)) WAC 246-945-990 through 246-945-992 and:

(1) If the pharmacist license has been expired for less than three years the pharmacist shall meet the requirements of ((chapter 246-12 WAC, Part 2)) WAC 246-12-040 and ((fifteen)) 15 CPE hours per year the license has been expired.

(2) If the pharmacist license has been expired for three years or more, and the pharmacist holds an active credential in another U.S. jurisdiction, and is in good standing, the pharmacist shall:

(a) Meet the requirements ((in chapter 246-12 WAC, Part 2)) of WAC 246-12-040;

(b) Provide certification of an active pharmacist license which includes:

(i) Name and license number;

(ii) Issue and expiration date; and

(iii) Verification that the license has not been the subject of final or pending disciplinary action.

(c) Submit verification of current active pharmacy practice from another U.S. jurisdiction; and

(d) Take and pass the commission approved jurisprudence examination.

(3) If a pharmacist license has been expired for three years or more, and the pharmacist has not been in active practice in another U.S. jurisdiction, the pharmacist shall:

(a) Meet the requirements of ((chapter 246-12 WAC, Part 2)) WAC 246-12-040;

- (b) Serve an internship of ((three hundred)) 300 hours in compliance with WAC 246-945-163; and
- (c) Take and pass the commission approved jurisprudence and licensure examinations.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-175 Inactive pharmacist license.** (1) A pharmacist may obtain an inactive license by meeting the requirements of WAC 246-12-090 and RCW 18.64.140.

(2) An inactive license can be renewed in accordance with ((chapter 246-12)) WAC 246-12-100 and by paying the applicable fees in accordance with WAC 246-945-990 through 246-945-992.

(3) If a license is inactive for three years or less, to return to active status a pharmacist shall meet the requirements of ((chapter 246-12 WAC, Part 4)) WAC 246-12-110.

(4) If a license is inactive for more than three years, and the pharmacist has been in active practice in another U.S. jurisdiction, to return to active status the pharmacist must:

(a) Provide certification of an active pharmacist license which includes:

- (i) Name and license number;
- (ii) Issue and expiration date; and

(iii) Verification that the license has not been the subject of final or pending disciplinary action.

(b) Submit verification of current active pharmacy from another U.S. jurisdiction;

(c) Meet the requirements of ((chapter 246-12 WAC, Part 4)) WAC 246-12-110; and

(d) Take and pass the commission approved jurisprudence examination.

(5) If a pharmacist license has been inactive for more than three years, and the pharmacist has not been in active practice in another U.S. jurisdiction, to return to active status, the pharmacist shall comply with the requirements of WAC 246-945-173(3).

AMENDATORY SECTION (Amending WSR 23-09-062, filed 4/18/23, effective 5/19/23)

**WAC 246-945-200 Pharmacy assistants.** (1) To become registered as a pharmacy assistant an applicant shall submit an application to the commission that meets the requirements of WAC 246-12-020.

(2) The supervising pharmacist, shall instruct the pharmacy assistant regarding their scope of practice.

(3) To renew a registration a pharmacy assistant shall submit an application to the commission with the applicable fees in accordance with WAC 246-945-990 through 246-945-992.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-217 Expired pharmacy technician certification.** To return to active status a pharmacy technician with an expired certification shall pay the applicable fees in accordance with ((chapter 246-907)) WAC 246-945-990 through 246-945-992, and:

(1) If a pharmacy technician's certification has expired for five years or less, the pharmacy technician shall meet the requirements of ((chapter 246-12 WAC, Part 2)) WAC 246-12-040.

(2) If the pharmacy technician's certification has expired for over five years and they have not been in active practice in another U.S. jurisdiction, the pharmacy technician shall:

(a) Complete the requirements for certification under WAC 246-945-205; and

(b) Meet the requirements of ((chapter 246-12 WAC, Part 2)) WAC 246-12-040.

(3) If the pharmacy technician's certification has expired for over five years and they have been in an active practice in another U.S. jurisdiction with duties that are substantially equivalent to a pharmacy technician in Washington state, the pharmacy technician shall:

(a) Submit verification of current active pharmacy practice in another U.S. jurisdiction; and

(b) Meet the requirements of ((chapter 246-12 WAC, Part 2)) WAC 246-12-040.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-230 General information, change of location, ownership or new construction.** (1) The definitions in this subsection apply throughout WAC 246-945-230 through 246-945-247 unless otherwise specified:

(a) "License" includes "licensing," "licensure," "certificate," "certification," and "registration."

(b) "Facility" includes pharmacies, nonresident pharmacies, health care entities, hospital pharmacy associated clinics, wholesalers, and manufacturers.

(2) The commission shall license a facility that:

(a) Submits a completed application for the license applied for on forms provided by the commission;

(b) Pays the applicable fees in accordance with ((chapter 246-907)) WAC 246-945-990 through 246-945-992. This fee will not be prorated under any circumstances;

(c) Undergoes an inspection by the commission if the facility is located in Washington pursuant to WAC 246-945-005 that results in either no deficiencies or an approved plan of correction; and

(d) Obtains a controlled substances registration from the commission and is registered with the DEA if the facility intends to possess or distribute controlled substances.

(3) Once an initial license is issued, a licensed facility must:

(a) Notify the commission and pay a facility inspection fee in lieu of paying an ((original)) initial license fee for modifications or remodels. A modification or remodel of a pharmacy location includes

changes to a previously approved area, room or pharmacy building which result in changes in the pharmacy that affects security, square footage, access to drugs, compounding or necessitates temporary relocation of pharmacy services.

(b) Submit a new application on forms provided by the commission and pay the ((original)) initial license fee as established in ((chapter 246-907)) WAC 246-945-990 through 246-945-992 if the facility changes location to a different address. If located in Washington, a facility may not relocate prior to the inspection of the new premises.

(c) Notify the commission and pay the ((original)) initial license fee in accordance with ((chapter 246-907)) WAC 246-945-990 through 246-945-992 whenever there is a change of ownership. Change in ownership includes changes in business or organizational structure such as a change from sole proprietorship to a corporation, or a change of more than ((fifty)) 50 percent ownership in a corporation.

(i) Upon receipt of a change of ownership application and fees, the purchaser may begin operations prior to the issuance of a new pharmacy license only when the purchaser and seller have a written power of attorney agreement. This agreement shall delineate that violations during the pending application process shall be the sole responsibility of the seller.

(ii) This agreement shall be provided to the commission upon request.

(d) Notify the commission within ((thirty)) 30 days of any changes to the information provided on their application.

(e) Notify the commission of any changes in their responsible pharmacy manager in accordance with WAC 246-945-480, if a responsible pharmacy manager is required for initial licensure.

(f) Renew their license in accordance with ((chapter 246-907)) WAC 246-945-990 through 246-945-992.

(4) A license is issued to a location and is not transferable.

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-417 Electronic systems for patient medication records, prescriptions, chart orders, and controlled substance records.**

(1) A pharmacy shall use an electronic recordkeeping system to establish and store patient medication records, including patient allergies, idiosyncrasies or chronic conditions, and prescription, refill, transfer information, and other information necessary to provide safe and appropriate patient care.

(a) Systems must prevent auto-population of user identification information.

(b) Pharmacies that provide off-site pharmacy services without a pharmacist for product fulfillment or prescription processing must track the identity of each individual involved in each step of the off-site pharmacy services.

(2) The electronic recordkeeping system must be capable of real-time retrieval of information pertaining to the ordering, verification, and processing of the prescription where possible.

(3) The electronic recordkeeping system must include security features to protect the confidentiality and integrity of patient records including:

(a) Safeguards designed to prevent and detect unauthorized access, modification, or manipulation of prescription information and patient medication records; and

(b) Functionality that documents any alteration of prescription information after a prescription is dispensed, including the identification of the individual responsible for the alteration.

(4) The pharmacy shall have policies and procedures in place for system downtime.

(a) The procedure shall provide for the maintenance of all patient recordkeeping information as required by this chapter.

(b) Upon restoration of operation of the electronic recordkeeping system the information placed in the auxiliary recordkeeping procedure shall be entered in each patient's records within two working days, after which the auxiliary records may be destroyed.

(c) This section does not require that a permanent dual record-keeping system be maintained.

(5) The pharmacy shall maintain records in accordance with WAC 246-945-020.

(6) Electronic prescriptions for prescription drugs must be maintained by the pharmacy in a system that meets the requirements of 21 C.F.R. Sec. 1311.

(7) HCEs or HPACs that maintain an electronic record system must be done in accordance with subsections ((+2)) (1) through ((+7)) (6) of this section.

**AMENDATORY SECTION** (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

**WAC 246-945-590 Wholesaler—Policies and procedures.** Wholesalers shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, transport, and shipping and wholesale distribution of drugs, including policies and procedures for identifying, recording, and reporting losses or thefts and for correcting all errors and inaccuracies in inventories. Wholesalers shall include the following in their written policies and procedures:

(1) A procedure to be followed for handling recalls and withdrawals of drugs. Such procedure shall be adequate to deal with recalls and withdrawals due to:

(a) Any action initiated at the request of FDA or any other federal, state, or local law enforcement or other government agency, including the commission; or

(b) Any volunteer action by the manufacturer to remove defective or potentially defective drugs from the market.

(2) A procedure to ensure that wholesalers prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of a strike, fire, flood, or other natural disaster, or other situations of local, state, or national emergency.

(3) A procedure to ensure that any outdated drugs shall be segregated from other drugs and either returned to the manufacturer or destroyed in accordance with federal and state laws, including all necessary documentation and the appropriate witnessing. This procedure shall provide for written documentation of the disposition of outdated drugs.

(4) A procedure for the destruction of outdated drugs in accordance with federal and state laws.

(5) A procedure for the disposing and destruction of containers, labels, and packaging to ensure that the containers, labels, and packaging cannot be used in counterfeiting activities, including all necessary documentation, and the appropriate witnessing of the destruction of any labels, packaging, immediate containers, or containers in accordance with all applicable federal and state requirements.

(6) A procedure for identifying, investigating, and reporting significant drug inventory discrepancies involving counterfeit, suspect of being counterfeit, contraband, or suspect of being contraband, in the inventory and reporting of such discrepancies (~~((as required to the FDA, commission and/or appropriate federal or state agency)) to the FDA, commission, and, as applicable, the DEA~~ upon discovery of such discrepancies.

(7) A procedure for reporting criminal or suspected criminal activities involving the inventory of drug(s) as required to the commission, FDA, and if applicable, DEA.

(8) Procedures addressing:

(a) The design and operation of the suspicious order monitoring and reporting system;

(b) Mandatory annual training for staff responsible for identifying and reporting suspicious orders and potential diversion activities. Such training must include the following:

(i) The wholesaler's suspicious order monitoring system;

(ii) The process to collect all relevant information on customers in accordance with WAC ~~((246-960-330))~~ 246-945-585; and

(iii) The requirement and process for submission of suspicious order and information on customers who engage in potential diversion activities.

(9) A procedure for timely responding to customers who submit purchase orders for patients with emergent needs.

**WSR 24-11-066  
PERMANENT RULES  
OLYMPIC REGION  
CLEAN AIR AGENCY**

[Filed May 14, 2024, 10:30 a.m., effective June 14, 2024]

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

Purpose: To add an exemption to Rule 4.1 for gasoline dispensing facilities with an annual throughput less than 50,000 gallons of gasoline for three consecutive years.

Citation of Rules Affected by this Order: Amending Olympic Region Clean Air Agency Regulation 4, Rule 4.1.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Adopted under notice filed as WSR 24-05-050 on February 16, 2024.

Date Adopted: April 10, 2024.

Jeff C. Johnston, Ph.D.  
Executive Director

**AMENDED SECTION**

**RULE 4.1 REGISTRATION REQUIRED**

**(a)** All stationary sources within the jurisdiction of the Agency, except for any stationary sources required to obtain an air operating permit under chapter 173-401 WAC, must be registered with the Agency. Notwithstanding the exemptions provided in Rule 4.1(b), the following stationary sources must be registered with the Agency:

**(1)** Any stationary source subject to a standard under New Source Performance Standards, 40 CFR Part 60, except; New Residential Wood Heaters (Subpart AAA); Kraft Pulp Mills (Subpart BB); and Primary Aluminum Reduction Plants (Subpart S);

**(2)** Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, except for asbestos demolition and renovation projects subject to 40 CFR Part 61 Subpart M;

**(3)** Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63;

**(4)** Any stationary source that includes equipment or control equipment subject to an Approval Order issued by the Agency.

**(b)** The following stationary sources are exempt from registration requirements under Regulation 4. All stationary sources exempt from registration under Regulation 4 are still required to comply with other applicable air pollution requirements.

Maintenance/construction:

**(1)** Cleaning and sweeping of streets and paved surfaces;

**(2)** Concrete application, and installation;

**(3)** Dredging wet spoils handling and placement;

**(4)** Paving application and maintenance, excluding asphalt plants;

**(5)** Plant maintenance and upkeep activities (grounds keeping, general repairs, routine housekeeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

**(6)** Plumbing installation and plumbing protective coating application associated with plant maintenance activities;

**(7)** Roofing application;

**(8)** Insulation application and maintenance, excluding products for resale;

**(9)** Janitorial services and consumer use of janitorial products;

(10) Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage);

(11) Blast cleaning equipment that uses a suspension of abrasives in liquid water;

(12) Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

Storage tanks:

(13) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

(14) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(15) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions;

(16) Process and white-water storage tanks;

(17) Storage tanks and storage vessels, with lids or other appropriate closure and less than 260-gallon capacity (35 cu ft);

(18) Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, used for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);

(19) Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC), with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);

(20) Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;

(21) Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases, and acids;

(22) Storage tanks used exclusively for storage of diesel fuel;

(23) Loading and unloading equipment used exclusively for the storage tanks exempted under this rule.

Combustion:

(24) Fuel burning equipment (not including incinerators) that:

(i) is used solely for a private dwelling serving five families or less; or

(ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or

(iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or

(iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70A.15.4510; or

(v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.

(25) All stationary gas turbines with a rated heat input less than 10 million Btu per hour.

(26) Stationary internal combustion engines having rated capacity:

(i) less than 50 horsepower output; or

(ii) less than 500 horsepower and used only for standby emergency power generation.

(27) Nonroad engines.

Material handling:

(28) Storage and handling of water-based lubricants for metal working where organic content of the lubricant is less than 10%;

(29) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallons, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

Water treatment:

(30) Septic sewer systems, not including active wastewater treatment facilities;

(31) NPDES permitted ponds and lagoons used solely for settling suspended solids and skimming of oil and grease;

(32) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

(33) Process water filtration system and demineralizer vents;

(34) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

(35) Demineralizer tanks;

(36) Alum tanks;

(37) Clean water condensate tanks;

(38) Oil/water separators, except those at petroleum refineries;

(39) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes;

(40) Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, if they do not use anaerobic digesters, chlorine disinfections or sewer sludge incinerators.

Environmental chambers and laboratory equipment:

(41) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

(42) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

(43) Laboratory fume hoods;

(44) Laboratory calibration and maintenance equipment.

Monitoring/quality assurance/testing:

(45) Equipment and instrumentation used for quality control/assurance or inspection purpose;

(46) Hydraulic and hydrostatic testing equipment;

(47) Sample gathering, preparation and management;

(48) Vents from continuous emission monitors and other analyzers.

Miscellaneous:

(49) Single-family residences and duplexes;

(50) Plastic pipe welding;

(51) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

(52) Insecticide, pesticide, or fertilizer spray equipment;

(53) Comfort air conditioning;

(54) Flares used to indicate danger to the public;

(55) Natural and forced air vents and stacks for bathroom/toilet activities;

(56) Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;

(57) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

(58) Tobacco smoking rooms and areas;

- (59) Noncommercial smokehouses;
- (60) Blacksmith forges for single forges;
- (61) Vehicle maintenance activities, not including vehicle surface coating;
- (62) Vehicle or equipment washing;
- (63) Wax application;
- (64) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;
- (65) Ozone generators and ozonation equipment;
- (66) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;
- (67) Electrical circuit breakers, transformers, or switching equipment installation or operation;
- (68) Pneumatically operated equipment, including tools and hand-held applicator equipment for hot melt adhesives;
- (69) Firefighting and similar safety equipment and equipment used to train fire fighters;
- (70) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
- (71) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
- (72) Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm HG @21°C, and not containing toxic air pollutants (as defined in chapter 173-460 WAC);
- (73) Surface coating, aqueous solution or suspension containing less than 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;
- (74) Cleaning and stripping activities and equipment using solutions having less than 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
- (75) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC;
- (76) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric;
- (77) Residential composting facilities;
- (78) Restaurants and other retail food preparing establishments;
- (79) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics;
- (80) Steam cleaning equipment used exclusively for office or residential housekeeping;
- (81) Vacuum cleaning systems used exclusively for office or residential housekeeping;
- (82) Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source;
- (83) Vents used exclusively for:
  - (i) Sanitary or storm drainage systems; or
  - (ii) Safety valves.
- (84) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process;
- (85) Welding, brazing or soldering equipment;
- (86) Coffee roaster with a design capacity less than 10 pounds per batch;
- (87) Bark and soil screening operations;

(88) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 150 tons per hour;

(89) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 25 tons per hour;

(90) Any portable stationary source approved by the Agency for temporary operation at a single location.

(91) Gasoline dispensing facilities who adequately demonstrate that gasoline throughput from the last three consecutive years was less than 50,000 gallons each year. The demonstration must be submitted in writing to the Executive Director with a request to be removed from ORCAA's registration program. Once granted, this exemption will continue to apply provided gasoline throughput remains below 50,000 gallons a year.

## WSR 24-11-070

## PERMANENT RULES

## EMPLOYMENT SECURITY DEPARTMENT

[Filed May 14, 2024, 12:06 p.m., effective June 14, 2024]

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

Purpose: The paid family and medical leave (PFML) program (Title 50A RCW) is adopting amendments to the definition of "placement" to clarify under which circumstances family leave can be taken to bond with a child placed in the home. Clarification was also added that an employee is only entitled to a maximum of 12 weeks of family leave for the placement of a child.

In addition, the PFML program is adopting amendments to outline that a decision appealed to the commissioner's review office may be made available to the public and that all personal identifying information will be redacted. If a commissioner's decision is appealed to superior court, the employment security department is required to file the record unsealed and court rules will apply if an interested party moves to seal the record.

Citation of Rules Affected by this Order: Amending WAC 192-500-195 Placement and 192-800-155 When are proceedings open to the public, and what information from a proceeding before the appeal tribunal or commissioner is publicly available.

Statutory Authority for Adoption: RCW 50A.05.060.

Adopted under notice filed as WSR 24-07-082 on March 18, 2024.

A final cost-benefit analysis is available by contacting Janette Benham, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-790-6583, Washington relay 711 (contact Teresa Eckstein at 360-507-9890 for accommodations), email [rules@esd.wa.gov](mailto:rules@esd.wa.gov), website <https://paidleave.wa.gov/rulemaking/>.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 14, 2024.

April Amundson  
Policy and Rules Manager  
ESPI, Leave and Care Programs

OTS-5267.1

AMENDATORY SECTION (Amending WSR 23-11-083, filed 5/17/23, effective 7/1/23)

**WAC 192-500-195 Placement.** (1) For the purposes of qualifying for paid family leave to bond with a child under RCW 50A.05.010, "placement" means the adoptive, guardianship, foster care, ((or)) non-parental custody placement, or legal adoption of a child under the age of 18 with the employee. A placement is considered:

(a) An adoptive placement when the employee is legally and permanently assuming the responsibility of raising the child as their own, and the placement of the child into the employee's home is made through a private arrangement, a child placement agency, or a government agency((or));

(b) A guardianship placement when the employee is granted guardianship of a child by court order, and the child is placed in the home under:

(i) Title 11 RCW;

(ii) Title 13 RCW; or

(iii) Any other applicable guardianship that reflects the purpose, permanency, and legal authority of guardianships under Titles 11 and 13 RCW, including guardianships granted out of this state or country((or));

(c) A foster care placement when the employee is providing care for a child placed in the employee's home. Such placements must involve voluntary or involuntary removal of the child from the child's parents or guardian, and an agreement between a government agency and the foster family that the foster family will take care of the child. Although foster care placement may be with a relative of the child or another individual who may not have a foster care license, government agency action must be involved in the removal of the child((or));

(d) A nonparental custody placement when the child is placed into the home of the employee by court order granting the employee nonparental custody; or

(e) A legally finalized adoption as described in chapter 26.33 RCW.

(2) For the purposes of this section, a "government agency" may include an agency of any branch of government at the county, state, or federal level, or a foreign jurisdiction.

(3) The entitlement to paid family leave benefits for placement of a child expires at the end of the 12-month period ((beginning on)):

(a) From the date the child was first placed in the home; or

(b) From the date the child's adoption was legally finalized as described in chapter 26.33 RCW if no leave was taken within 12 months of when the child was first placed in the home.

(4) When applying for paid family leave to bond with a child, the employee must provide documentation referenced in WAC 192-610-025 to verify placement of the child.

(5) Qualifying paid family leave to bond with a child placed for adoption, guardianship, foster care, or nonparental custody does not include:

(a) Any arrangement where the child is already in the care and custody of a parent and remains in that same parent's care and custody;

(b) Any arrangement where a child is returned to the care and custody of a parent or is placed with a parent whose entitlement to family leave to bond with that child has already expired; and

(c) Any adoptive, guardianship, foster care, or nonparental custody placement of a child with an employee that occurs more than 12 months after that child is first placed in the employee's home, except for leave taken under subsection (1)(e) of this section.

(6) An employee is only entitled to a maximum of 12 weeks of family leave for the placement of a child.

**OTS-5268.1**

**AMENDATORY SECTION** (Amending WSR 21-11-009, filed 5/7/21, effective 6/7/21)

**WAC 192-800-155 When are proceedings open to the public, and what information from a proceeding before the appeal tribunal or commissioner is publicly disclosable?** (1) To maintain confidentiality of records under chapter 50A.25 RCW:

((1)) (a) All proceedings will be closed to the public unless otherwise agreed upon by all parties appearing for hearing;

((2)) (b) All proceeding records will be sealed for hearings closed to the public and are not publicly disclosable; and

((3)) (c) All personal identifying information concerning an individual or employer will be redacted from the record if the hearing is open to the public.

(2) If a decision is appealed to the commissioner's review office, that decision may be published online or in another manner approved by the department. All personal identifying information concerning an individual or employer will be redacted if the decision is made public.

(3) If an interested party appeals a commissioner's decision to superior court, the department will file the record with the court unsealed as required by RCW 34.05.566. Any interested party may move to seal those records under applicable court rules.

**WSR 24-11-073****PERMANENT RULES****DEPARTMENT OF REVENUE**

[Filed May 15, 2024, 8:47 a.m., effective June 15, 2024]

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

**Purpose:** The amendments to WAC 458-20-19402 (Rule 19402) aim to enhance clarity in the apportionment analysis and provide improved guidance. Since amending Rule 19402 in 2015, the department of revenue (department) has continued to receive public comments requesting additional guidance on Part 3 - "How to Attribute Receipts." Most comments have been with regard to subsection (303)(c) of the rule, concerning services relating to a taxpayer's customer's business activities. The department is therefore augmenting the rule, incorporating interim guidance, and adding examples to the rule based on stakeholder feedback.

**Citation of Rules Affected by this Order:** Amending WAC 458-20-19402.

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

**Adopted under notice filed as WSR 23-24-096 on December 6, 2023.**

**Changes Other than Editing from Proposed to Adopted Version:** Subsection (301)(a)(ii) was revised to reference Examples 5-6, which address a reasonable method of proportional attribution based on customer billing addresses. Subsection (302)(c)(i) was revised to explicitly clarify that neither taxpayers nor the department may use or propose an attribution method that unfairly attributes, or distorts the apportionment of, the taxpayer's apportionable receipts. Additionally, subsection (302)(c)(ii) was slightly modified to clarify that the records used to "demonstrate" that the attribution method used is fair must also support that method. The term "directly" was removed from subsection (303)(c)(i), which had immediately preceded subsections [(303)(c)(i)](A)-(D) in the previous proposed version. Although not a substantive change, whether taxpayer activities fall within the criteria in subsection (303)(c)(i)(A)-(D) remains a fact-dependent determination that must be made on a case-by-case basis. Finally, subsection (303)(c)(iii)(C) was corrected to reference subsections (303)(c)(iii)(A) and (B), rather than subsections (303)(c)(iv)(A) and (B).

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

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

**Number of Sections Adopted on the Agency's own Initiative:** New 0, Amended 1, Repealed 0.

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

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

**Date Adopted:** May 15, 2024.

Brenton Madison  
Rules Coordinator

OTS-3536.6

AMENDATORY SECTION (Amending WSR 15-04-004, filed 1/22/15, effective 2/22/15)

**WAC 458-20-19402 Single factor receipts apportionment—Generally.**

**PART 1. INTRODUCTION.**

(101) **General.** RCW 82.04.462 establishes the ((apportionment)) method for ((businesses engaged in apportionable activities and that have nexus with Washington for)) determining the portion of a person's apportionable income that is derived from business activities performed within Washington and subject to business and occupation (B&O) tax ((liability incurred)) for periods after May 31, 2010. The express purpose of the ((change in the law was)) apportionment framework set out in RCW 82.04.462 is to require businesses that "((earn(ing))) earn significant income from Washington residents from providing services" to "pay their fair share of the cost of services that this state renders and the infrastructure it provides." Section 101, chapter 23, 1st special session, 2010.

(102) **Guide to this rule.**

(a) This rule is divided into six parts, as follows:

1. Introduction.
2. Overview of single factor receipts apportionment.
3. How to attribute receipts.
4. Receipts factor.
5. How to determine Washington taxable income.
6. Reporting instructions.

(b) (i) Examples included in this rule identify a number of facts and then state a conclusion; they should be used only as a general guide. The tax results of all situations must be determined after a review of all the relevant facts and circumstances.

(ii) The examples in this rule assume all gross income received by the taxpayer is from engaging in apportionable activities.

(iii) When an example uses a particular reasonable method of proportionally attributing the benefit of a service, this does not preclude the existence of other reasonable methods of proportionally attributing the benefit of a service depending on the specific facts and circumstances of a taxpayer's situation.

(103) **Scope of rule.** This rule applies to the apportionment of income from engaging in apportionable activities ((as defined in WAC 458-20-19401)), except:

(a) To the apportionment of income received by financial institutions and taxable under RCW 82.04.290((, which is governed by WAC 458-20-19404)); and

(b) To the attribution of royalty income from granting the right to use intangible property((, which is governed by WAC 458-20-19403)).

(104) **Separate accounting and cost apportionment.** ((The apportionment method explained in this rule replaces the previously allowed separate accounting and cost apportionment methods.)) Separate accounting and cost apportionment methods are not authorized for periods after May 31, 2010.

(105) **Other rules.** Taxpayers may also find helpful information in the following rules:

(a) WAC 458-20-19401 (Minimum) **Substantial nexus ((thresholds for apportionable activities))**. This rule ((describes minimum nexus thresholds applicable to apportionable activities that are effective after May 31, 2010)) explains the standards for substantial nexus in Washington beginning June 1, 2010.

(b) WAC 458-20-19403 **Royalty receipts attribution**. This rule describes the attribution of royalty income for the purposes of single factor receipts apportionment ((and applies only to tax liability incurred)) for periods after May 31, 2010.

(c) WAC 458-20-19404A and 458-20-19404 **Single factor receipts apportionment—Financial institutions**. ((This)) These rules describe((s)) the application of single factor receipts apportionment to certain income of financial institutions ((and applies only to)), for tax liability incurred ((after May 31, 2010).

(d) WAC 458-20-194 **Doing business inside and outside the state**. This rule describes separate accounting and cost apportionment and applies only to tax liability incurred from January 1, 2006, through May 31, 2010.

(e) WAC 458-20-14601 **Financial institutions—Income apportionment**. This rule describes the apportionment of income for financial institutions for tax liability incurred prior to June 1, 2010)) between June 1, 2010, and December 31, 2015, and on or after January 1, 2016, respectively.

(106) **Definitions**. The following definitions apply to this rule:

(a) **"Apportionable activities"** has the same meaning as used in WAC 458-20-19401 Minimum nexus thresholds for apportionable activities.

(b) **"Apportionable income"** means apportionable receipts less the deductions allowable under chapter 82.04 RCW.

(c) **"Apportionable receipts"** means gross income of the business from engaging in apportionable activities, including income received from apportionable activities attributed to locations outside this state. **"Apportionable receipts"** does not include amounts that are exempt under chapter 82.04 RCW.

(d) **"Business activities tax"** means a tax measured by the amount of, or economic results of, business activity conducted in a state. The term includes taxes measured in whole or in part on net income or gross income or receipts. ((In the case of sole proprietorships and pass-through entities,)) The term also includes personal income taxes or corporate income taxes if the gross income from apportionable activities is included in the gross income subject to the personal income tax or corporate income tax, as the case may be. The term "business activities tax" does not include retail sales tax, use tax, or similar transaction taxes, imposed on the sale or acquisition of goods or services, whether or not ((named)) labeled as a gross receipts tax or a tax imposed on the privilege of doing business.

(e) **"Customer"** means a person or entity to whom the taxpayer makes a sale, grants the right to use intangible property, or renders services or from whom the taxpayer otherwise directly or indirectly receives gross income of the business.

(i) If the taxpayer ((performs)) engages in apportionable ((services)) activities for the benefit of a third party, the term "customer" means the third-party beneficiary.

**Example 1.** Assume a parent purchases apportionable tax preparation services for their child. The child is the customer for the purpose of determining where the benefit is received.

(ii) The department will consider the terms of the contract and all other books and records as a whole to determine whether a "third-party beneficiary" relationship exists. A third-party beneficiary exists if the contracting parties intend that the taxpayer will assume a direct obligation to the intended beneficiary at the time they enter into a contract. This element of "intent" is met if performance under the contract would necessarily and directly benefit the third party.

(iii) Where the taxpayer does not render services under a contract or otherwise does not provide the department with a contract, the department will proceed, in such manner as it may deem best, to obtain facts and information to identify the customer.

(f) "**Reasonable method of proportionally attributing**" means a method of determining where the benefit of an activity is received and where the receipts are attributed that is uniform, consistent, fair, and ((~~accurately reflects the market, and~~)) does not distort the taxpayer's market.

(g) "**State**" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

(h) (i) "**Taxable in another state**" means either:

(A) The taxpayer is subject to a business activities tax by another state on the taxpayer's income received from engaging in apportionable activity; or

(B) The taxpayer is not subject to a business activities tax by another state on the taxpayer's income received from engaging in apportionable activity, but the taxpayer meets the substantial nexus thresholds described in WAC 458-20-19401 for that state.

(ii) The determination of whether a taxpayer is taxable in a foreign country or political subdivision of a foreign country is made at the country or political subdivision level.

**Example 2.** Assume Taxpayer A is subject to a business activity tax in State X of Mexico (e.g., Taxpayer pays tax to State X), but nowhere else in Mexico. Also, assume that Taxpayer A is not subject to any national business activity tax in Mexico and does not meet the substantial nexus thresholds described in WAC 458-20-19401 for Mexico as a whole. In this case, Taxpayer is "taxable in another state," namely the Mexican state of State X, but not taxable in any other portion or any other state of Mexico.

**Example 3.** Assume Taxpayer B is not subject to any business activity taxes in Mexico, but satisfies the substantial nexus thresholds described in WAC 458-20-19401 for Mexico as a whole. Taxpayer B is "taxable in ((all)) another state," namely the foreign country of Mexico.

#### PART 2. OVERVIEW OF SINGLE FACTOR RECEIPTS APPORTIONMENT.

(201) **Single factor receipts apportionment generally.** ((Except as provided in WAC 458-20-19404 persons earning apportionable income who))

(a) Persons, other than financial institutions, that have substantial nexus with Washington as specified in WAC 458-20-19401 and ((who are)) earn apportionable income that is also taxable in another state must use the apportionment ((method provided)) formula described in this rule to determine their taxable income from apportionable activities for B&O tax purposes. The apportionment formula that applies to financial institutions is described in WAC 458-20-19404 and 458-20-19404A.

(b) Taxable income is determined by multiplying apportionable income from each apportionable activity by the receipts factor for that apportionable activity.

This formula is:

$$\text{(Taxable income)} = \text{(Apportionable income)} \times \text{(Receipts factor)}$$

See Part 4 of this rule for a discussion of the receipts factor.

(202) **Tax year.** The receipts factor applies to each tax year. A tax year is the calendar year, unless the taxpayer has specific permission from the department to use another period. (RCW 82.32.270.) For the purposes of this rule, "tax year" and "calendar year" have the same meaning.

#### PART 3. HOW TO ATTRIBUTE RECEIPTS.

(301) **Attribution of receipts generally.** Except as specifically provided for in WAC 458-20-19403 for the attribution of apportionable royalty receipts, this Part 3 explains how to attribute apportionable receipts (the attribution method). Receipts are attributed to states based on a cascading method or series of steps. ((The department expects that most taxpayers will attribute apportionable receipts based on (a)(i) of this subsection because the department believes that either the taxpayer will know where the benefit is actually received or a "reasonable method of proportionally attributing receipts" will generally be available. These)) The steps in this cascading series are:

(a) Gross income of the business is attributed to a specific state(s) where the customer received the benefit of the taxpayer's service (see subsections ((+302)) (303) through (304) of this rule for an explanation and examples of the benefit of the service) ((+)):

(i) If a taxpayer can reasonably determine the amount of a specific apportionable receipt that relates to a specific benefit of the services received in a state, that specific apportionable receipt is attributable to the state in which the benefit is received (see Example 12 in this rule). ((When))

(ii) If a taxpayer is unable to attribute an apportionable receipt under (a)(i) of this subsection, and a customer receives the benefit of the taxpayer's services in this and one or more other states and the amount of gross income of the business that was received by the taxpayer in return for the services received by the customer in this state can be reasonably determined by the taxpayer, such amount of gross income must be attributed to this state. This may be shown by application of a reasonable method of proportionally attributing the benefit among states. The result determines the receipts attributed to each state. Under certain situations, the use of data based on ((an)) another attribution method specified in ((b) through (+f))) subsection (301)(c) through (g) of this ((subsection)) rule may also be a reasonable method of proportionally attributing receipts among states (see Examples (4 and 5 below)) 5 and 6 in this rule).

((iii)) (b) If a taxpayer is unable to separately determine or use a reasonable method of proportionally attributing the benefit of the services in specific states under subsection (301)(a)((i)) of this ((subsection)) rule, and the customer received the benefit of the service in multiple states, the apportionable receipt is attributed to the state in which the customer primarily received the benefit of the service ((was primarily received)). Primarily means, in this case, more than ((fifty)) 50 percent.

((b)) (c) If the taxpayer is unable to attribute an apportionable receipt under subsection (301)(a) or (b) of this ((subsection)) rule, the apportionable receipt must be attributed to the state from which the customer ordered the service. Subsection (306) of this rule explains the meaning of "unable to attribute."

((e)) (d) If the taxpayer is unable to attribute an apportionable receipt under subsection (301)(a) ((or)), (b), or (c) of this ((subsection)) rule, the apportionable receipt must be attributed to the state to which the billing statements or invoices are sent to the customer by the taxpayer.

((d)) (e) If the taxpayer is unable to attribute an apportionable receipt under subsection (301)(a), (b), ((or)) (c), or (d) of this ((subsection)) rule, the apportionable receipt must be attributed to the state from which the customer sends payment to the taxpayer.

((e)) (f) If the taxpayer is unable to attribute an apportionable receipt under subsection (301)(a), (b), (c), ((or)) (d), or (e) of this ((subsection)) rule, the apportionable receipt must be attributed to the state where the customer is located as indicated by the customer's address:

(i) Shown in the taxpayer's business records maintained in the regular course of business; or

(ii) Obtained during consummation of the sale or the negotiation of the contract, including any address of a customer's payment instrument when readily available to the taxpayer and no other address is available.

((f)) (g) If the taxpayer is unable to attribute an apportionable receipt under subsection (301)(a), (b), (c), (d), ((or)) (e), or (f) of this ((subsection)) rule, the apportionable receipt must be attributed to the commercial domicile of the taxpayer.

((g)) **(302) Application of cascading steps.**

(a) The department expects that most taxpayers will be able to attribute apportionable receipts based on subsection (301)(a) of this rule because the taxpayer will either have access to books and records that contain sufficient information from which to determine where the customer actually received the benefit of the taxpayer's service, or will be able to use a "reasonable method of proportionally attributing receipts" that fairly apportions, and does not distort the apportionment of, where the customer received the benefit of the taxpayer's service.

(b) If a taxpayer is affiliated with another entity that has information indicating where the customer received the benefit of the taxpayer's service, the department will presume, unless the facts indicate otherwise, that the taxpayer is able to access that information from the affiliated entity (see Example 20 in this rule).

(c) (i) Neither the taxpayer nor the department may ((not)) use an attribution method that unfairly attributes, or distorts the apportionment of, the taxpayer's apportionable receipts.

((302) **Examples.** Examples included in this rule identify a number of facts and then state a conclusion; they should be used only as a general guide. The tax results of all situations must be determined after a review of all the facts and circumstances. The examples in this rule assume all gross income received by the taxpayer is from engaging in apportionable activities. Unless otherwise stated, the examples do not apply to tax liability prior to June 1, 2010.

When an example states that a particular attribution method is a reasonable method of proportionally attributing the benefit of a service, this does not preclude the existence of other reasonable methods

of proportionally attributing the benefit depending on the specific facts and circumstances of a taxpayer's situation.)

(ii) A taxpayer that has Washington apportionable receipts must keep all suitable books and records that are necessary to demonstrate that the attribution method used fairly apportions, and does not distort, the taxpayer's apportionable receipts. Such records must support the attribution method used and be provided upon request from the department.

(d) Except as otherwise provided in this rule, the taxpayer must use the same attribution method for all apportionable receipts in a tax year from the same service.

**Example 4.** Engineering Co. negotiates with Phone Manufacturer 1 and Phone Manufacturer 2 to provide design services for both manufacturers' upcoming lines of cell phones. Engineering Co. must use the same attribution method for its apportionable receipts from Phone Manufacturer 1 and Phone Manufacturer 2 for design services, because Engineering Co. is providing the same service to both customers.

Engineering Co. separately charges Phone Manufacturer 1 to solicit sales of Phone Manufacturer 1's phones on a commissioned sales basis. Engineering Co. would separately determine the attribution methods for its apportionable receipts from design services and commissioned sales for Phone Manufacturer 1, even if both services are taxable under the same B&O tax classification, because the design services and commissioned sales are separate services.

**Example ((4)) 5.** Assume Law Firm has thousands of charges to clients((.)), and that Law Firm can show it is not commercially reasonable for Law Firm to track each charge to each client to determine where the benefit related to each service is received. Assume the scope of Law Firm's practice is such that it is reasonable to assume that the benefits of Law Firm's services are received at the location of the customer as reflected by the customer's billing address. Under these circumstances, Law Firm can use the billing addresses of each client as a reasonable method of proportionally attributing the benefit of its services.

**Example ((5)) 6.** Same facts as Example ((4)) 5 except, Law Firm has a ((single)) client that represents a ((statistically)) significant portion of its revenue ((and whose)) from legal services (five percent for purposes of this example). Law Firm has records substantiating that the billing address of this client is unrelated to any of the services provided. In this case, using the billing address of this client would not fairly relate to where the customer received the benefit of the services. Using the billing address for this client to determine where the benefit is received would ((significantly distort)) not fairly represent, or distort, the apportionment of Law Firm's receipts. Therefore, Law Firm would need to evaluate the specific services provided to that client to determine where the benefits of those services are received ((and)). Similarly, use of billing address would not be a reasonable method of proportionally attributing the benefit of Law Firm's services for any other clients representing five percent or more of Law Firm's revenue from legal services. Law Firm would need to evaluate the specific services provided to these clients to determine where the benefits are received. However, Law Firm may use billing addresses to attribute the income received from other clients representing less than five percent of Law Firm's legal service revenue if appropriate.

**Example ((6)) 7.** Assume Taxpayer R attributes an apportionable receipt based on its customer's billing address, using ((e))) subsec-

tion (301)(d) of this ((subsection)) rule, and the billing address is a P.O. Box located in another state. Taxpayer R also knows that mail delivered to this P.O. Box is automatically forwarded to the customer's actual location. In this case, use of the billing address is not allowed because it would not fairly apportion, or would distort the apportionment of, Taxpayer R's receipts.

(303) **Benefit of the service explained.** The first two cascading steps (subsection (301)(a)((i)) and ((ii)) (b) of this rule) used to attribute apportionable receipts to a state are based on where the taxpayer's customer receives the benefit of the service. This subsection explains the framework for determining where the customer receives the benefit of a service ((is received)).

(a) (i) **If the taxpayer's service relates to real property, then the customer receives the benefit ((is received)) where the real property is located.**

(ii) The following is a nonexclusive list of services that relate to real property:

- ((i)) (A) Architectural;
- ((ii)) (B) Surveying;
- ((iii)) (C) Janitorial;
- ((iv)) (D) Security;
- ((v)) (E) Appraisals; and
- ((vi)) (F) Real estate brokerage.

(b) **((If the taxpayer's service relates to tangible personal property, then the benefit is received where the tangible personal property is located or intended/expected to be located.))**

(i) Tangible personal property is generally treated as located where the place of principal use occurs. If the tangible personal property is subject to state licensing (e.g., motor vehicles), the principal place of use is presumed to be where the property is licensed; or

(ii) If the tangible personal property will be created or delivered in the future, the principal place of use is where it is expected to be used or delivered.

(iii) The following is a nonexclusive list of services that relate to tangible personal property:

- (A) Designing specific/unique tangible personal property;
- (B) Appraisals;
- (C) Inspections of the tangible personal property;
- (D) Testing of the tangible personal property;
- (E) Veterinary services; and
- (F) Commission sales of tangible personal property.) **(Reserved.)**

(c) **If ((the taxpayer's service does not relate to real or tangible personal property,)) subsection (303)(a) of this rule does not apply, the taxpayer's service is provided to a customer engaged in business, and the service relates to the customer's business activities, then the customer receives the benefit ((is received)) of the service where the customer's related business activities occur.**

**A customer's related business activities will generally occur either in the customer's market or at the customer's business location(s).**

(i) Customer's market. The determination of a customer's market depends on the customer's facts and circumstances. The customer's related business activities occur in the customer's market if the taxpayer's service is:

- (A) Promoting the customer's products (goods and services);
- (B) Engaging in or completing sales of the customer's products;

(C) Obtaining or facilitating payment of amounts owed to the customer from the sale of its products; or

(D) Establishing or maintaining the customer's market. In determining whether a service is establishing or maintaining the customer's market, the department will consider the nonexclusive list of activities provided by WAC 458-20-193 (102) (d) (vi), but for purposes of this consideration, will replace any references to "this state" or "Washington" with "any state."

(ii) Customer's business location(s). The customer's related business activities occur at the customer's business location(s) if subsection (303)(c)(i) of this rule does not apply.

(iii) The customer's business location(s) is determined as follows:

(A) If the taxpayer's service requires the customer to be physically present, the customer's business location(s) is where the customer is located when the taxpayer provides the service.

(B) If the taxpayer's service does not require the customer to be physically present, and the taxpayer's service relates to a specific, known business location(s), the customer's business location(s) is that specific, known business location(s).

(C) If subsection (303)(c)(iii)(A) and (B) of this rule do not apply, then the customer's business location is the customer's principal place of business or commercial domicile.

(iv) The following is a nonexclusive list of business-related services:

((i)) (A) Designing, appraisal, inspection, or testing of tangible personal property;

(B) Developing a business management plan;

((ii)) (C) Commission sales (other than sales of real ((or tangible personal)) property);

((iii)) (D) Debt collection services;

((iv)) (E) Legal and accounting services not specific to real ((or tangible personal)) property; and

((v)) (F) Advertising services((, and

(vi) Theater presentations)).

(d) If ((the taxpayer's service does not relate to real or tangible personal property, is either provided to a customer not engaged in business or unrelated to the customer's business activities; and)) subsection (303)(a) and (c) of this rule do not apply, then the location(s) where the customer receives the benefit of the service is determined as follows:

(i) If the taxpayer's service requires the customer to be physically present, then the customer receives the benefit ((is received)) of the service where the customer is located when the taxpayer performs the service ((is performed)). The following is a nonexclusive list of services that require the customer to be physically present:

(A) Medical examinations;

(B) Hospital stays;

(C) Haircuts; and

(D) Massage services.

(ii) If the taxpayer's service does not require the customer to be physically present, and the taxpayer's service relates to a specific, known location(s), then the customer receives the benefit ((is received)) at ((those)) that location(s). The following is a nonexclusive list of services related to a specific, known location(s):

(A) Wedding planning;

(B) Receptions;

- (C) Party planning;
- (D) Travel agent and tour operator services (see Example 40); and
- (E) Preparing ((and/or)) or filing state and local tax returns (see Example 39).

(iii) If subsection (303)(d)(i) and (ii) of this ((subsection)) rule do not apply, the customer receives the benefit of the service ((is received)) where the customer resides. The following is a nonexclusive list of services whose benefit is received at the customer's residence:

- (A) Drafting a will (see Example 41);
- (B) Preparing ((and/or)) or filing federal tax returns (see Examples 39 and 42);
- (C) Selling investments; and
- (D) Blood tests (not blood drawing).

(e) **Special rule for extension of credit.** See subsection (305) of this rule for special rules attributing income related to loans (secured and unsecured) and credit cards that is received by persons who are not financial institutions as defined in WAC 458-20-19404.

**(304) Examples of the application of the benefit of service analysis and reasonable methods of proportionally attributing receipts.**

**(a) Services related to real property:**

**Example ((7)) 8.** Architect drafts plans for a building to be built in Washington. Architect's services relate to real property, which is located in Washington, therefore the customer receives the benefit of that service in Washington at the location of the real property. Architect's receipts for this service are solely attributed to Washington because the customer receives the entire benefit ((is received)) in Washington.

**Example ((8)) 9.** Franchisor hires Taxpayer, an architect, to create a design of a standardized building that will be used at four locations in Washington and two locations in Oregon. Taxpayer's services relate to real property at those six locations, therefore the customer receives the benefit of the service at the four Washington locations and the two Oregon locations. Taxpayer will attribute 2/3 (4 of 6 sites) of the receipts for this service to Washington and 1/3 (2 of 6 sites) of the receipts to Oregon.

**Example ((9)) 10.** Assume the same facts as Example ((8)) 9 except Franchisor will use the same design in all 50 states for all its franchisee's locations. Taxpayer and Franchisor do not know at the time the service is provided (and cannot reasonably estimate) how many franchise locations will exist in each state. ((Therefore,)) If there is no reasonable means of proportionally attributing receipts at the time the services are performed, and it is clear that no state will have a majority of the franchise locations((. Accordingly)), the apportionable receipts must be attributed following the steps in subsection (301) ((b) through (f))) (c) through (g) of this rule.

**Example ((10)) 11.** Real estate broker located in Florida receives a commission for arranging the sale of real property located in Washington. The real estate broker's service is related to the real property, therefore the customer receives the benefit ((is received)) in Washington, where the real property is located, and the commission income is attributed to Washington.

**(b) ((Services related to tangible personal property)) Reserved.**

((**Example 11.** Big Manufacturing hires an engineer to design a tool that will only be used in a factory located in Brewster, Washington. Big Manufacturing receives the benefit of the engineer's services at a single location in Washington where the tool is intended to be

used. Therefore, 100% of engineer's receipts from this service must be attributed to Washington.

**Example 12.** The same facts as in Example 11, except Big Manufacturing will use the tool equally in factories located in Brewster and in Kapa'a, Hawai'i. Therefore, Big Manufacturer receives the benefit of the service equally in two states. Because the benefit of the service is received equally in both states, a reasonable method of proportionally attributing receipts would be to attribute 1/2 of the receipts to each state.

**Example 13.** Taxpayer, a commissioned salesperson, sells tangible personal property (100 widgets) for Distributor to XYZ Company for delivery to Spokane. Distributor receives the benefit of Taxpayer's service where the tangible personal property will be delivered. Therefore, Taxpayer will attribute the commission from this sale to Washington.

**Example 14.** Same facts as in Example 13, but the widgets are to be delivered 50 to Spokane, 25 to Idaho, and 25 to Oregon. In this case, the benefit is received in all three states. Taxpayer shall attribute the receipts (commission) from this sale 50% to Washington, 25% to Idaho, and 25% to Oregon where the tangible personal property is delivered to the buyer.

**Example 15.** Training Company provides training to Customer's employees on how to operate a specific piece of equipment used solely in Washington. Customer receives the benefit of the service where the equipment is used, which is in Washington. Therefore, Training Company will attribute 100% of its receipts received from Customer to Washington.)

(c) **Services related to customer's business activities.** The examples in this subsection assume that the customer is engaged in business and the services relate to the customer's business activities.

((**Example 16.** Manufacturer hires Law Firm to defend Manufacturer in a class action product liability lawsuit involving Manufacturer's Widgets. The benefit of Law Firm's services relates to Manufacturer's widget selling activity in various states. A reasonable method of proportionally attributing receipts in this case would be to attribute the receipts to the locations where the Manufacturer's Widgets were delivered, which relates to Manufacturer's business activities.)) (i) The following are examples where the customer's related business activities occur in the customer's market.

**Example 12.** Taxpayer, a commissioned salesperson, sells tangible personal property (100 widgets) for Distributor to XYZ Company for delivery to Spokane. Taxpayer's service is engaging in Distributor's product sales. Distributor receives the benefit of Taxpayer's service in its market, which in this case is Spokane, the location where XYZ Company receives the widgets. Taxpayer will attribute the commission income from this sale to Washington.

**Example 13.** Same facts as in Example 12, but 50 of the widgets are to be delivered to Spokane, 25 to Idaho, and 25 to Oregon. In this case, Distributor receives the benefit of Taxpayer's services in all three states. Taxpayer will attribute the receipts (commission income) from this sale 50% to Washington, 25% to Idaho, and 25% to Oregon, the locations where XYZ receives the widgets. It is assumed that the commission income is not proportionally different from percentage of widgets delivered into each state.

**Example ((17)) 14.** Debt Collector provides debt collection services to ABC. ((The benefit of Debt Collector's services relates to ABC's selling activity in various states.)) Debt Collector's service

is obtaining and facilitating amounts owed to ABC from the sale of ABC's products. ABC receives the benefit of Debt Collector's service in ABC's market. It is reasonable to assume that ABC's market is where the debtors are located ((is the same as where ABC's business activity occurred) in various states). If Debt Collector is able to attribute specific receipts to a specific debtor, then the receipt is attributed to where the debtor is located.

**Example ((18)) 15.** Same facts as Example ((17)) 14, except Debt Collector is paid a lump sum amount and is unable to attribute specific benefits with specific debtors. In this case, a reasonable method of proportionally attributing benefits/receipts should be employed. Depending on Debt Collector's specific facts and circumstances, a reasonable method of proportionally attributing benefits/receipts could be: Relative number of debtors in each state; relative debt actually collected from debtors in each state; the relative amount of debt owed by debtors in each state; or another method that fairly apportions, and does not distort the apportionment of, Debt Collector's receipts.

((**Example 19.** Training Company provides training to Customer's employees who are all located in State A. The training is provided in State B. The training relates to the employees' ethical behavior within Customer's organization. Customer receives the benefit of Training Company's service in State A, where Customer's office is located and the employees presumably practice their ethical behavior. Training Company must attribute the apportionable receipts to State A where the benefit is solely received.)

**Example 20.** Same facts as Example 19, except the training is provided for employees from several states and Training Company knows where each employee works. The benefit of the Training Company's services is received in those several states. Attributing receipts from the training based on where the employees work is a reasonable method of proportionally attributing the receipts income.))

**Example ((21)) 16.** Call Center provides "customer service" services to Retailer who has customers in all 50 states. Call Center handles inquiries from Retailer's customers on how to install and use Retailer's products, and troubleshoots customer issues related to the products sold. Call Center also informs Retailer's customers about package deals and other discounts on Retailer's new lines of products. Call Center's services ((relate to Retailer's selling activity in all 50 states, therefore)) are promoting Retailer's products by incentivizing customers to make additional purchases, and establishing or maintaining Retailer's market by supporting existing customers. Retailer receives the benefit of Call Center's services in its market, which in this case is all 50 states. Call Center has offices in Iowa and Alabama that answer questions about Retailer's products. Call Center records Retailer's ((customer's)) customers' calls by area code. Call Center may attribute receipts received from Retailer based on the number of calls from area codes assigned to each state. This would be a reasonable method of proportionally attributing receipts notwithstanding the fact that mobile phone numbers and related area codes may not exactly reflect the physical location of the customer in all cases.

**Example ((22)) 17.** Taxpayer provides internet advertising services to national retail chains, regional businesses, businesses with a single location, and businesses that operate solely over the internet. Taxpayer's services are promoting customers' products. Generally, each customer receives the benefit of ((the)) Taxpayer's advertising services ((is received where the customer's related business activities

occur)) in each customer's market. Taxpayer determines, based on its books and records, where each customer receives the benefit in its market. If Taxpayer cannot obtain this information, it would then use a reasonable method of proportionally attributing the benefit of its service to the customer's market. Depending on what products or services ((are being provided by)) Taxpayer's customers are providing, the use of relative ((population)) internet connections in the customer's market based on Federal Communications Commission (FCC) data may be a reasonable method of proportionally attributing the benefit of Taxpayer's services to customers' markets.

**Example ((23)) 18.** Oregon Newspaper sells newspaper advertising to Merlin's Potion Shop. Merlin's only makes over-the-counter sales from its single location in Vancouver, Washington. Oregon Newspaper is promoting Merlin's Potion Shop's products. Merlin's Potion Shop receives the benefit of ((the)) Oregon Newspaper's advertising services in its market in Washington, where it makes sales to its customers. In this case Oregon Newspaper will report 100% of its receipts ((received)) from Merlin's to Washington.

**Example 19.** Recording Company provides content development services for its customer, Licensing Company. Recording Company's content development services consist of recording and developing a live television program, and selling this program to Licensing Company. Before Recording Company records and develops the program, Licensing Company has already sold the broadcasting rights for this program to third-party broadcasters. Licensing Company does not conduct any further development of its own on the television program. Recording Company's service is completing Licensing Company's sales. Licensing Company receives the benefit of Recording Company's service in Licensing Company's market. In this case Licensing Company's market is where the broadcasters use Licensing Company's rights to the television program.

**Example 20.** Marketer A contracts with Seller to conduct a "marketing campaign" service for Seller. Marketer A's marketing campaign consists of researching population groups most likely to purchase Seller's products, developing targeted promotional materials, and distributing those materials to the identified population groups via mail and social media. Marketer A subcontracts with Marketer B, for Marketer B to conduct the marketing campaign service.

Marketer A's services are promoting Seller's products. Seller receives the benefit of Marketer A's services in Seller's market, where Seller sells the products being promoted by Marketer A's campaign.

Marketer B's services are completing Marketer A's product sales. By conducting the marketing campaign for Marketer A, Marketer B is fulfilling Marketer A's contractual obligations to Seller. Marketer A receives the benefit of Marketer B's services in Marketer A's market. In this case, Marketer A's market is the same as Seller's market, where Seller receives the benefit of Marketer A's service.

Marketer B will attribute its receipts from Marketer A to Seller's market using information supplied by Marketer A about Seller's market. If Marketer A and Marketer B are affiliated, the presumption is that Marketer A should be able to provide to Marketer B the information about Seller's market.

**Example 21.** Investment Manager contracts with a mutual fund company to manage a fund. Investment Manager receives a fee from the mutual fund company for managing the fund based on the value of the assets in the fund on particular days. Responsibilities in managing the fund consist of: Helping the fund execute business strategies through daily management of the fund, overseeing the buying and selling of

fund holdings, and investor servicing. Investment Manager determines what assets the fund will buy with investors' money. The fund manager is responsible for making sure the portfolio is earning the expected return, which is a significant consideration when investors decide which fund to invest their money in. The mutual fund discloses to investors in the fund's prospectus statement who the Investment Manager is and the management fees paid. Investment Manager knows or should know the identity of the investors in the fund and their mailing addresses. Investment Manager's service is establishing or maintaining the mutual fund company's market. In this case, it is reasonable to assume that the mutual fund company's market is where the investors are located. Investment Manager will attribute its receipts from managing the fund to those investor locations.

**Example 22.** Staffing Co. contracts with ISP Inc., an internet service provider, to provide supplemental marketing staff at ISP's sole office in State A. The supplemental marketing staff make calls to current and prospective customers of ISP, offering additional or enhanced services such as faster internet speed, ad blocking, and video conferencing. ISP sells internet services in States A, B, and C. The activities of Staffing Co.'s supplemental marketing staff are promoting ISP's products. ISP receives the benefit of Staffing Co.'s service in ISP's market, which in this case is States A, B, and C.

**Example 23.** Management Co. provides customer support services to Customer A. Customer A's only physical location is its office in State Z. Customer A makes sales throughout the United States. Per the contract between Management Co. and Customer A, customer support services provided by Management Co. consist of operating a call center to handle Customer A's calls and emails related to services and sales. Management Co.'s customer support services are establishing and maintaining Customer A's market. Customer A receives the benefit of Management Co.'s service in Customer A's market throughout the United States.

(ii) The following are examples where the customer's related business activities occur at the customer's business location(s). In these examples, the taxpayer's service is not promoting the customer's products, is not engaging in or completing sales of the customer's products, is not obtaining or facilitating payment of amounts owed to the customer from the sale of its products, and is not establishing or maintaining the customer's market.

**Example 24.** Same facts as Example 22, except Staffing Co. provides supplemental human resources staff to support business operations at ISP Inc.'s office in State A. Some of the supplemental staff work remotely, while others work at ISP's office. The supplemental human resources staff's work consists of recruiting and onboarding employees, facilitating communications between employees and management, managing employee benefits, and handling internal disciplinary actions. ISP receives the benefit of Staffing Co.'s service at ISP's business location(s). ISP's only office location is in State A. In this case the staffing service does not require ISP to be physically present, but relates to a specific, known business location, ISP's office in State A. ISP receives the benefit of Staffing Co.'s service in State A.

**Example 25.** Same facts as Example 23, except Management Co. also provides network support services to Customer A. Per the contract between Management Co. and Customer A, network support services provided by Management Co. consist of providing administrative, technical, and engineering support staff to develop, implement, and maintain all internal software elements for Customer A. Customer A's internal soft-

ware allows Customer A's employees to perform their job duties, and includes operating systems, recordkeeping, filesharing, data and anti-virus protection, and timekeeping software. Customer A receives the benefit of Management Co.'s service at Customer A's business location(s). In this case the network support services do not require Management Co. to be physically present, but relate to a specific, known business location, Customer A's physical location in State Z. Customer A receives the benefit of Management Co.'s network support services in State Z.

**Example 26.** Big Manufacturing hires an engineer to design a tool that will only be used in a factory located in Brewster, Washington. Big Manufacturing receives the benefit of the engineer's services at its business location. In this case the design service does not require Big Manufacturing to be physically present, but relates to a specific, known business location, the single location in Washington where Big Manufacturing intends to use the tool. One hundred percent of engineer's receipts from this service must be attributed to Washington.

**Example 27.** The same facts as in Example 26, except Big Manufacturing will use the tool equally in factories located in Brewster and in Kapa'a, Hawai'i. Big Manufacturing receives the benefit of the service at its business locations equally in two states. As a result, a reasonable method of proportionally attributing receipts would be to attribute 1/2 of the receipts to each state.

**Example 28.** Training Company provides training to Customer's employees on how to operate a specific piece of equipment used solely in Washington. Customer receives the benefit of the service at its business location(s). In this case the training service does not require the customer to be physically present, but relates to a specific, known business location in Washington, where employees use the equipment. Training Company will attribute 100% of its receipts received from Customer to its business location in Washington.

**Example 29.** Training Company provides manufacturing process improvement training to Customer's employees who are all located in State A. The training is provided from State B. Customer receives the benefit of Training Company's service at Customer's business location(s). In this case the training service does not require Customer's employees to be physically present, but it relates to the specific, known business location at Customer's office in State A, where the employees improve the manufacturing process. Training Company must attribute the apportionable receipts to State A where Customer solely receives the benefit of Training Company's service.

**Example 30.** Same facts as Example 29, except the training is provided for employees from several states and Training Company knows where each employee is assigned to work. Training Company's services relate to Customer's specific, known business locations where the employees are assigned to work in those several states, which is presumed to be where the employees use the training. Attributing receipts from the training based on where the employees are assigned to work is a reasonable method of proportionally attributing the receipts income.

**Example 31.** Training Company provides sales strategy training to Retailer's sales employees who are all located at Retailer's office in State A but make sales to Retailer's customers in all 50 states. The training is provided from State B via a combination of in-person and virtual attendance. Retailer receives the benefit of Training Company's service at Retailer's business location(s). In this case the training service does not require Retailer's employees to be physical-

ly present, but it relates to the specific, known business location at Retailer's office in State A, where Retailer's employees are assigned to work. This location is presumed to be where Retailer's sales employees use their improved skill sets from the training. Retailer receives the benefit of Training Company's service at Retailer's business location in State A.

**Example 32.** Manufacturer hires Law Firm to defend Manufacturer in a class action product liability lawsuit involving Manufacturer's Widgets. Manufacturer's principal place of business is in Washington. Manufacturer receives the benefit of Law Firm's service at Manufacturer's business location(s). In this case, Law Firm's service does not require Manufacturer to be physically present, and does not relate to a specific, known business location(s). Manufacturer's business location is its principal place of business or commercial domicile in Washington, where Manufacturer receives the benefit of Law Firm's services.

**Example 33.** Game Publisher hires Developer to perform software development services in connection with a new computer game that Game Publisher will release in the following year. Under the contract between Game Publisher and Developer, Developer's primary duty is to deliver a "beta" version of the computer game that Game Publisher will use for further development. Developer performs all of its software development activities at its office in Seattle. After Developer delivers a beta version of the game, Game Publisher will perform additional development on the game at its locations in California. Game Publisher receives the benefit of Developer's service at Game Publisher's business location(s). In this case Developer's service does not require Game Publisher to be physically present, but relates to the specific, known business locations in California where Game Publisher performs additional development. Developer will attribute 100% of its receipts from Game Publisher to California where Game Publisher receives the benefit of the service.

**Example 34.** Game Publisher received consumer complaints about its game console overheating and contracts with QA Company to determine the cause of and a possible solution to the problem. Under the contract, QA Company will receive compensation for providing testing services specific to the game console. Game Publisher will use QA Company's findings and recommendation to determine how to repair the video game console at its manufacturing location in California. Game Publisher receives the benefit of QA Company's service at Game Publisher's business location(s). In this case QA Company's service does not require Game Publisher to be physically present, but relates to the specific, known business location(s) in California where Game Publisher will perform additional development to resolve the issue. QA Company will attribute 100% of its receipts from Game Publisher to California where Game Publisher receives the benefit of the service.

**Example ((24)) 35.** Company A provides human resources services to Racko, Inc. which has three offices that use those services in Washington, Oregon, and Idaho. Racko sells widgets and has customers for its widgets in all 50 states. Racko receives the benefit of ((the)) Company A's services ((performed by Company A is received)) at Racko's business locations. In this case Company A's services do not require Racko's employees to be physically present, but relate to the specific, known business locations of Racko's offices in Washington, Oregon, and Idaho. Assuming that each office is approximately the same size and uses the services to approximately the same extent, then attributing 1/3 of the receipts to each of the states in which Racko has loca-

tions using the services is a reasonable method of proportionally attributing Company A's receipts from Racko.

**Example ((25)) 36.** Director serves on the board of directors for DEF, Inc. Director's services relate to the general management of DEF((, Inc.)). DEF((, Inc.)) is Director's customer and receives the benefit of Director's services at ((its corporate)) DEF's business location(s). In this case Director's services do not require any employees of DEF to be physically present, and do not relate to any specific, known business location. DEF's business location is its principal place of business or commercial domicile. ((Therefore,)) Director must attribute the receipts earned from Director's services to DEF to DEF's ((corporate)) principal place of business or commercial domicile.

**Example 37.** Insurance Company hires Law Firm to provide insurance defense services. Law Firm's insurance defense services involve representing one of Insurance Company's policyholders to minimize liability in a third-party lawsuit claiming damages against that policyholder. Insurance Company receives the benefit of Law Firm's service at Insurance Company's business location(s). In this case, Law Firm's service does not require Insurance Company to be physically present. However, Law Firm's service relates to a specific, known business location(s) that can be tied to its representation of the specific policyholder. Law Firm knows or should know the jurisdiction where the third party files its lawsuit against the policyholder, or where settlement occurs. This jurisdiction is the business location where Law Firm represents the policyholder and minimizes Insurance Company's liability. Insurance Company receives the benefit of Law Firm's service at this jurisdiction where the third party files its lawsuit, or where settlement occurs.

(d) Services not related to real ((or tangible personal)) property and either provided to customers not engaged in business or unrelated to the customer's business activities.

**Example ((26)) 38.** A Washington resident travels to California for a medical procedure. Because the Washington resident must be physically present in California, the Washington resident receives the benefit of the service in California. ((Therefore,)) The service provider must attribute its income from the procedure to California.

**Example ((27)) 39.** Washington accountant prepares a Nevada couple's Arizona and Oregon state income tax returns as well as their federal income tax return. The benefit of the accountant's service associated with the state income tax returns is attributed to Arizona and Oregon because these returns relate to specific locations (states). The benefit associated with the federal income tax return is attributed to the couple's residence. The fees for the state tax returns are attributed to Arizona and Oregon, respectively, and the fee for the federal income tax return is attributed to Nevada.

**Example ((28)) 40.** Tour Operator provides cruises through Washington's San Juan Islands for four days and Victoria, British Columbia for one day. Tour Operator's customers receive the benefit of ((the tour is received)) Tour Operator's services where the tour occurs. Tour Operator may use a reasonable method of proportionally attributing the benefit to determine that its customers receive 80% of the benefit in Washington and 20% outside of Washington. ((Therefore,)) Tour Operator must attribute 80% of apportionable receipts to Washington and 20% to British Columbia.

**Example ((29)) 41.** A Washington couple hires a Washington attorney to prepare a last will and testament for Daughter who lives in California. Daughter is a third-party beneficiary and receives the

benefit of the attorney's services in California because that is where Daughter lives. Washington Attorney must attribute the fee to California.

**Example ((30)) 42.** A Washington couple hires a California accountant to prepare their joint federal income tax return. Because the couple does not have to be physically present for the accountant to perform services and services are not related to a specific location, the Washington couple receives the benefit of the accountant's services at their residence in Washington. California accountant must attribute its fee for this service to Washington.

**Example ((31)) 43.** An Arizona resident retains a Washington stockbroker to handle its investments. The stockbroker receives orders from the client and executes trades of securities on the New York Stock Exchange. Because (a) the Arizona resident is not investing as part of a business; (b) the activity does not relate to real (~~or tangible personal~~) property; (c) ((and)) the client does not need to be physically present for the stockbroker to perform its services; and (d) the services are not related to a specific location, the client receives the benefit of the services at client's place of residence. Washington stockbroker must attribute the fee to Arizona.

(~~Example 32.~~ Investment Manager manages a mutual fund. Investment Manager receives a fee for managing the fund based on the value of the assets in the fund on particular days. Investment Manager knows or should know the identity of the investors in the fund and their mailing addresses. The fees received by Investment Manager (whether from the mutual fund or from individual investor's accounts) are for the services provided to the investors. Investment Manager's services do not relate to real or tangible personal property and do not require that the client be physically present, therefore, the benefit of Investment Manager's services is received where the investors are located and Investment Manager's apportionable receipts must be attributed to those locations.))

(305) **Special rules related to extending credit performed by non-financial institutions.** Businesses not included in the definition of a financial institution under WAC 458-20-19404 that provide services related to the extension of credit must attribute their income from such activities as follows:

(a) **Activities related to extending credit where real property secures the debt.** Such activities include, but are not limited to, servicing loans, making loans subject to deeds of trust or mortgages (including any fees in the nature of interest related to the loan), and buying and selling loans. Apportionable receipts from these activities are attributed in the same manner as a financial institution attributes these apportionable receipts under WAC 458-20-19404.

(b) **Activities related to credit cards.** Such activities include, but are not limited to, issuing credit cards, servicing, and billing. Apportionable receipts from these activities are attributed to the billing address of the card holder.

(c) **Other activities related to extending credit where real property does not secure the debt.** Such activities include, but are not limited to, servicing loans, making loans (including any fees related to such loans), and buying and selling loans. Apportionable receipts from these activities are attributed in the same manner a financial institution attributes income under WAC 458-20-19404.

(d) **All other apportionable receipts.** All other apportionable receipts from such businesses are attributed using subsections (301) through (304) of this rule or WAC 458-20-19403.

(306) **What does "unable to attribute" mean?** A taxpayer is "unable to attribute" apportionable receipts when the taxpayer has no commercially reasonable means to acquire the information necessary to attribute the apportionable receipts. Cost and time may be considered to determine whether a taxpayer has no commercially reasonable means to acquire the information necessary to attribute apportionable receipts. See Examples 44 through 46 below, as well as Examples 5 through 7 in this rule.

**Example ((33)) 44.** ((One)) The marketing office of ZYX LLC has information that can easily be used to determine a reasonable proportional attribution of receipts from providing marketing services to customers, but does not provide this information to the accounting office preparing the tax returns. ZYX ((LLC)) must use the information maintained by the marketing office to attribute its receipts.

**Example ((34)) 45.** CBA, Inc. is entitled to receive information from an affiliate or unrelated third party which it could use to determine where the customer receives the benefit of ((its)) CBA's services ((is received)), but chooses not to obtain that information. CBA((, Inc.)) must use the information maintained by the affiliate or unrelated third party to attribute its apportionable receipts.

**Example ((35)) 46.** Same facts as Example ((34)) 45, except that the information is raw data that must be formatted and otherwise processed at a cost that exceeds a reasonable estimate of the possible difference in the amount of tax CBA((, Inc.)) would owe if it used another attribution method authorized in subsection (301) ((b) through (f))) (c) through (g) of this rule. In this case, it is not commercially reasonable for CBA((, Inc.)) to use this data to determine where to attribute its income.

#### PART 4. RECEIPTS FACTOR.

(401) **General.** The receipts factor is a fraction that applies to apportionable income for each calendar year. Taxpayers must calculate a separate receipts factor for each apportionable activity ((business and occupation)) B&O tax classification engaged in.

(402) **Receipts factor calculation.** The receipts factor is: Washington-attributed apportionable receipts divided by world-wide apportionable receipts less throw-out income (see subsection (403) of this section). The receipts factor expressed algebraically is:

$$\text{(Receipts factor)} = \frac{\text{(Washington apportionable receipts)}}{(\text{(Worldwide apportionable receipts)} - \text{(Throw-out income)})}$$

(a) The numerator of the receipts factor is: The total apportionable receipts attributable to Washington during the calendar year from engaging in the apportionable activity.

(b) The denominator of the receipts factor is: The total (world-wide, including Washington) apportionable receipts from engaging in the apportionable activity during the calendar year, less throw-out income.

**Example ((36)) 47.** NOP, Inc. has \$400,000 of receipts attributed to Washington and \$1,000,000 of worldwide receipts. Assuming that there is no throw-out income, NOP's receipts factor is 40% ( $400,000/1,000,000$ ).

(c) In the very rare situation where the receipts factor (after reducing the denominator by the throw-out income) is zero divided by zero, the receipts factor is deemed to be zero.

(403) **Throw-out income.** Throw-out income includes all apportionable receipts attributed to states where the taxpayer:

- (a) Is not taxable (see subsection (106) of this rule); and
- (b) At least part of the activity of the taxpayer related to the throw-out income is performed in Washington.

**Example ((37)) 48.** During 2019, XYZ Corp. performs all services in Washington and has apportionable receipts attributed using the criteria listed in subsections (301) through (305) of this rule or WAC 458-20-19403 as follows: Washington \$500,000; Idaho ~~(\$200,000)~~ \$50,000; Oregon \$100,000; and California \$300,000. XYZ ~~((Corp.))~~ is subject to Oregon and Idaho corporate income tax, but does not owe any California business activities taxes. XYZ does not have any throw-out income because Oregon and Idaho impose a business activities tax on its activities and it is deemed to be taxable in California because it satisfies the minimum nexus standards for 2019 explained in WAC 458-20-19401 ~~((more than \$250,000 in receipts))~~. XYZ's receipts factor is: ~~((500,000/1,100,000 or 45.45%))~~ 500,000/950,000 or 52.63%. See current minimum nexus standard for periods beginning January 1, 2020.

**Example ((38)) 49.** Same facts as Example ((37)) 48 except Idaho does not impose any tax on XYZ ~~((Corp.))~~. The ~~(((\$200,000))~~ \$50,000 attributed to Idaho is throw-out income that is excluded from the denominator because: XYZ ~~((Corp.))~~ is not subject to Idaho business activities taxes ~~((+))~~, does not have substantial nexus with Idaho under Washington standards ~~((+))~~, and performs in Washington at least part of the activities related to the receipts attributed to Idaho. The receipts factor is 500,000/900,000 or 55.56%.

**Example ((39)) 50.** The same facts as Example ((38)) 49 except XYZ ~~((Corp.))~~ performs no activities in Washington related to the ~~(((\$200,000))~~ \$50,000 attributed to Idaho. In this situation, the ~~(((\$200,000))~~ \$50,000 is not throw-out income and remains in the denominator. The receipts factor is: ~~((500,000/1,100,000 or 45.45%))~~ 500,000/950,000 or 52.63%.

#### PART 5. HOW TO DETERMINE WASHINGTON TAXABLE INCOME.

(501) **General.** Washington taxable income is determined by multiplying apportionable income by the receipts factor for each apportionable activity the taxpayer engages in. While the receipts factor is calculated without ~~((regard to))~~ accounting for deductions authorized under chapter 82.04 RCW, apportionable income is determined by reducing the apportionable receipts by amounts that are deductible under chapter 82.04 RCW, regardless of where the deduction may be attributed. This formula can be expressed algebraically as:

$$\text{(Taxable Income)} = \text{(Receipts Factor)} \times \text{(Apportionable receipts deductions)}$$

**Example ((40)) 51.** Calculating apportionable income. Corporation A received \$2,000,000 in apportionable receipts from its worldwide apportionable activities, which included \$500,000 of receipts that are deductible under Washington law. Corporation A's total apportionable income is \$1,500,000 (\$2,000,000 minus \$500,000 of deductions). If Corporation A's receipts factor is 31.25%, then its taxable income is \$468,750 (\$1,500,000 multiplied by 0.3125).

#### PART 6. REPORTING INSTRUCTIONS.

##### (601) **General.**

(a) Taxpayers required to use this rule's apportionment method may report their taxable income based on their apportionable income

for the reporting period multiplied by the receipts factor for the most recent calendar year the taxpayer has available.

(b) If a taxpayer does not calculate its taxable income using (a) of this subsection, the taxpayer must use actual current calendar year information.

(602) **Reconciliation.** Regardless of how a taxpayer reports its taxable income under subsection (601)(a) or (b) of this rule, ((when the)) a taxpayer ((has the information)) that has reportable apportionable income must file a reconciliation to determine the receipts factor for an entire calendar year((, it must file a)) by October 31st of the following year. If the date for filing falls on a Saturday, Sunday, or legal holiday, the reconciliation will be considered timely if filed on the next business day. The reconciliation filing must be on the department's "annual reconciliation of apportionable income" form. The reconciliation ((and)) may result in the taxpayer either ((obtain)) obtaining a refund or ((pay)) paying any additional tax due. ((The reconciliation must be filed on a form approved by the department.)) In either event (refund or additional taxes due), interest will apply in a manner consistent with tax assessments. If the reconciliation is completed ((prior to)) and any additional tax shown on the reconciliation has been paid by the October 31st ((of the following year)) due date, no penalties will apply to ((any)) the additional tax ((that may be due)) shown on the reconciliation.

**WSR 24-11-074  
PERMANENT RULES  
DEPARTMENT OF**

**CHILDREN, YOUTH, AND FAMILIES**

[Filed May 15, 2024, 8:56 a.m., effective June 15, 2024]

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

Purpose: The department of children, youth, and families is creating a new guardianship assistance program (GAP) and extended guardianship assistance program (EGAP), chapter 110-85 WAC. These new rules are needed to establish eligibility, application, and program standards consistent with the 42 U.S.C. 673 to ensure guardianship subsidy payments comply with the guidelines for expenditures for federal grant monies for relatives and state monies for other nonrelated guardians.

The new rules create and clarify the GAP and EGAP application process, eligibility requirements, program standards, and the process for adjudicating denied applications.

Citation of Rules Affected by this Order: New WAC 110-85-0010, 110-85-0020, 110-85-0030, 110-85-0040, 110-85-0050, 110-85-0060, 110-85-0070, 110-85-0080, 110-85-0090, 110-85-0100, 110-85-0110, 110-85-0120, 110-85-0130, 110-85-0140, 110-85-0150, 110-85-0160, 110-85-0170, 110-85-0180, 110-85-0190, 110-85-0200, 110-85-0210, 110-85-0220, 110-85-0230, 110-85-0240, and 110-85-0250.

Statutory Authority for Adoption: RCW 74.13.062 and 13.36.090.

Other Authority: 42 U.S.C. 673.

Adopted under notice filed as WSR 24-06-049 on March 1, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 25, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 25, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: May 15, 2024.

Brenda Villarreal  
Rules Coordinator

**OTS-5162.5**

**Chapter 110-85 WAC  
GUARDIANSHIP ASSISTANCE PROGRAM (GAP) AND EXTENDED GUARDIANSHIP ASSISTANCE PROGRAM (EGAP)**

**LEGAL BASIS, PURPOSE, AND DEFINITIONS**NEW SECTION

**WAC 110-85-0010 Legal basis for the department's guardianship assistance program (GAP) and extended guardianship assistance program (EGAP).** The legal basis for the department's GAP and EGAP are:

- (1) RCW 13.36.090;
- (2) RCW 74.13.031;
- (3) RCW 74.13.062;
- (4) 42 U.S.C. § 671-675;
- (5) 45 C.F.R. § 205.10;
- (6) 45 C.F.R. § 1355; and
- (7) 45 C.F.R. § 1356.

NEW SECTION

**WAC 110-85-0020 Purpose.** GAP was established as a subsidy to support the care of children or youth entering into a guardianship under chapter 13.36 RCW or RCW 11.130.215. GAP encourages guardianship for children or youth in the legal custody of public or tribal child welfare agencies for whom permanency would not be an option if support for the child or youth was not available.

NEW SECTION

**WAC 110-85-0030 Definitions.** The following definitions apply to this chapter:

**"Administrative law judge"** or "**ALJ**" means an impartial decision-maker who is an attorney and presides over an adjudicative proceeding resulting in an initial order, or resulting in a final order if no appeal of the initial order is properly made or if no further agency appeal is available.

**"Applicant"** means individuals or couples applying for GAP on behalf of a child or youth for whom the individual or couple plans to be guardians.

**"Department"** or "**DCYF**" means the Washington state department of children, youth, and families.

**"Extended guardianship assistance program"** or "**EGAP**" means the department's extended guardianship assistance program (EGAP), for eligible youth 18 through 20 years of age.

**"Extenuating circumstances"** means a finding by an administrative law judge or a review judge that one or more qualifying conditions or events occurred that erroneously prevented an otherwise eligible child or youth from receiving a GAP subsidy before the guardianship was established.

**"GAP"** means the department's guardianship assistance program (GAP), for eligible children and youth birth to their 18th birthday.

**"Guardians"** means the individuals or couples who have been appointed by a court as a legal guardian of the child or youth in a chapter 13.36 RCW or RCW 11.130.215 guardianship. The term includes a coguardian, but does not include a guardian ad-litem.

**"Guardianship"** means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to chapter 11.130 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**"Guardianship assistance program agreement"** or **"GAP agreement"** means a written contract between the guardian and the department that identifies the terms and conditions of the agreement and specific subsidy, per WAC 110-85-0040, available to the guardian.

**"Guardianship assistance program cash payment"** or **"GAP cash payment"** means the monthly cash payment paid by the department to the guardian on behalf of the child or youth pursuant to a guardianship assistance program agreement.

**"Indian children"** means any unmarried and unemancipated Indian person who is under age 18 and is, as determined by the Indian child's tribe or tribes, one of the following:

- (a) A member of an Indian tribe; or
- (b) Is eligible for membership in an Indian tribe.

**"Medical services"** means services covered by medicaid and administered by the state medical assistance administration.

**"Negotiation"** means the process when the department and the applicant attempt to reach an agreement on the terms of the GAP agreement.

**"Nonrecurring guardianship expenses"** means expenses directly related to the cost of establishing the chapter 13.36 or 11.130 RCW guardianship of a dependent child or youth.

**"OAH"** means the office of administrative hearings.

**"Relatives"** means the same as defined in RCW 13.36.020(5), described in RCW 74.15.020(2) and 11.130.010(32), or caregivers of Indian children or youth who are defined by their tribal code or custom as relatives or extended family.

**"Resident state"** means the state in which the child or youth physically resides for purposes of their medicaid eligibility. In some cases, this may be different from the state of the guardian's legal residence.

**"Subsidy"** is a benefit given to an individual by DCYF including, but not limited to, cash payments and payment for services.

**"Successor guardian"** means an individual who has become the child's or youth's guardian due to the death or incapacity of the original guardian and was named in the GAP agreement.

**"Title IV-E administering agency"** means DCYF and federally recognized tribes with federally approved Title IV-E plans pursuant to section 471 of the Social Security Act or an approved operational agreement with DCYF.

**SUBSIDY AND ELIGIBILITY**NEW SECTION

**WAC 110-85-0040 Subsidy that may be available to guardians through GAP.** GAP may provide guardians the following subsidy:

- (1) Reimbursement for nonrecurring guardianship finalization expenses;
- (2) Cash payments as negotiated by the guardian and the department;
- (3) Medical services through the medicaid program; and
- (4) Evidence based programs contracted by the department to help stabilize the child or youth in the guardianship home if the department determines the programs are pertinent to the needs of the child or youth and family.

NEW SECTION

**WAC 110-85-0050 Eligibility criteria for GAP.** (1) In order for children or youth to be eligible for GAP, they must be:

- (a) Under 18 years old when the department and the applicant sign the GAP agreement and order establishing the guardianship is entered by the court;
  - (b) A dependent of a Title IV-E administering agency or federally recognized tribe located in Washington state; and
  - (c) Placed for at least six consecutive months with the prospective guardian who has been fully licensed and receiving foster care maintenance payments for at least six consecutive months.
- (2) The department must not use the applicants' income as a basis to determine the children's or youth's eligibility for GAP. However, the department will consider the applicant's income and other financial circumstances when determining the amount of the GAP cash payments.

**GAP APPLICATION AND AGREEMENT PROCESS**NEW SECTION

**WAC 110-85-0060 Submitting the GAP application.** Applicants must complete the GAP application and worksheet and submit the completed

paperwork to the department prior to the finalization of the guardianship in court.

NEW SECTION

**WAC 110-85-0070 GAP application process.** The department will review applications and determine if the child or youth and applicant meet the eligibility requirements. If the eligibility requirements are met, the department must:

- (1) Provide the applicant with the application and worksheet used to negotiate the amount of GAP subsidy;
- (2) Verify the eligibility criteria in WAC 110-85-0050 continues to be met;
- (3) Negotiate the GAP cash payment amount with the applicant;
- (4) Complete the GAP agreement and request the applicant's signature on the agreement; and
- (5) Provide a copy of the signed agreement to the applicant.

NEW SECTION

**WAC 110-85-0080 GAP agreement purpose.** (1) The purpose of the GAP agreement is to define terms of financial and medical assistance provided to qualified applicants by DCYF on behalf of eligible children or youth.

(2) The GAP agreement is a binding agreement between guardians and the department that identifies the terms and conditions that DCYF and the guardian must follow.

NEW SECTION

**WAC 110-85-0090 GAP agreement requirements.** The GAP agreement must be signed by the applicant and the department before the court establishes the guardianship and must include the following:

- (1) The amount of any GAP cash payment the department must make to the guardian on behalf of the child or youth;
- (2) A statement that includes:
  - (a) The child or youth is eligible for medical services through medicaid;
  - (b) GAP subsidy will continue as long as the child or youth is eligible, regardless of where the guardianship family resides;
  - (c) A change in the guardianship family's circumstances or the child's or youth's needs may warrant further renegotiation and adjustment of the GAP cash payment as mutually agreed by the guardian and the department. The terms of the agreement may be modified under the requirements of WAC 110-85-0140;
  - (d) The basis for termination or suspension of subsidy under the agreement; and
  - (e) The name of a successor guardian in the event of the guardian's incapacity or death.

NEW SECTION**WAC 110-85-0100 Factors that determine the amount of the GAP cash payment.**

(1) The amount of the GAP cash payment is determined by negotiations between the applicant and the department based on the following factors:

(a) The child's or youth's needs and the applicant's circumstances. The agreed GAP cash payment and applicant's resources should combine to cover the child's or youth's current and anticipated ordinary and special needs projected over the period of the GAP agreement.

(b) The applicant's foster care maintenance payment level, which is based on the level they were receiving prior to the guardianship.

(c) The GAP monthly subsidy amount, which cannot exceed the following statutory caps for foster care maintenance payments for the child or youth if they had remained in foster care during the same period:

(i) Infants and children birth through age four may receive up to 80 percent of the foster care maintenance payment.

(ii) Children age five through nine may receive up to 90 percent of the foster care maintenance payment.

(iii) Children or youth age 10 to 18 may receive up to 95 percent of the foster care maintenance payment.

(d) The family circumstances including, but not limited to:

(i) Size, including the identified child or youth for whom the guardianship applies;

(ii) Normal living expenses;

(iii) Income;

(iv) Guardianship family's financial resources; and

(v) Additional miscellaneous expenses related to the child or youth.

(2) The department must not consider previously approved child care, medical related expenses, or exceptional costs when calculating the GAP subsidy amount.

(3) Under no circumstances may the amount of the GAP cash payment exceed the statutory cap for the maintenance payment, under RCW 74.13A.047. DCYF has adopted the percentage caps in adoption support under RCW 74.13A.047.

NEW SECTION**WAC 110-85-0110 Effective date of the GAP agreement.**

The GAP agreement must be signed prior to entry of the order establishing guardianship. The agreement takes effect on the date the court enters an order establishing the guardianship.

**NONRECURRING GUARDIANSHIP EXPENSES**

NEW SECTION

**WAC 110-85-0120 Reimbursement for nonrecurring guardianship expenses.** (1) The department will reimburse some or all of the guardian's nonrecurring guardianship expenses associated with establishing the guardianship and as specified in the agreement up to \$2,000 per child or youth.

(2) The department will reimburse for the following nonrecurring guardianship expenses:

- (a) Court costs associated with establishing the guardianship;
- (b) Attorney fees directly related to finalizing a guardianship;
- (c) Costs associated with a home study; and
- (d) Other costs directly related to establishing the guardianship of the child or youth.

(3) The department will not reimburse nonrecurring guardianship expenses that are reimbursable from other sources including, but not limited to, the guardian's employer.

NEW SECTION

**WAC 110-85-0130 Reimbursement process.** (1) Guardians requesting reimbursement must submit to the department a copy of the bills or receipts itemizing the expenses specified in the agreement for which they are seeking reimbursement.

(2) The department must reimburse documented actual costs up to the maximum amount specified in the agreement, which must not exceed \$2,000 per child or youth.

**GAP AGREEMENT MODIFICATION, SUSPENSION, AND TERMINATION**NEW SECTION

**WAC 110-85-0140 Modification of GAP agreement.** (1) The terms of a GAP agreement may be modified only if both the guardian and the department agree to the modification. The department will consider a modification when:

- (a) Requested by the guardian;
- (b) Specific circumstances warrant renegotiation and adjustment of the GAP cash payment as determined by the department; or
- (c) The child or youth is placed outside of the guardian's home and the guardian is not providing financial or other support for the care of the child or youth.

(2) Guardians may request a modification to the GAP agreement at any time.

(3) When guardians request to modify their GAP agreement's cash payment:

- (a) Guardians must:

(i) Submit their request in writing to the regional GAP gatekeeper explaining how the child's or youth's needs or circumstances of the family have changed.

(ii) Provide supporting documentation upon the department's request.

(b) The regional GAP gatekeeper must initiate a review of the GAP agreement no later than 30 calendar days after receipt of the guardian's request for modification.

(c) Guardians and the department will renegotiate the GAP cash payment.

(4) If the guardians and the department agree to modify the GAP agreement:

(a) The regional GAP gatekeeper will use the date the department received the guardian's written request for the modification as the effective date on the modified GAP agreement.

(b) Guardians and the department must sign an amendment to the GAP agreement.

(5) If the guardians and department cannot reach an agreement on the modification, the department will deny the guardian's request for modification and provide them with written notice of the denial and their right to appeal the denial, per chapter 110-03 WAC.

#### NEW SECTION

**WAC 110-85-0150 Suspension of GAP agreement subsidy.** (1) The department may suspend a guardian's GAP agreement subsidy if:

(a) They cannot establish that the:

(i) Guardian is legally responsible for the support of the child or youth; or

(ii) Child or youth is receiving any support from the guardians.

(b) They have provided notice to the guardian of the department's determination under (a)(i) or (ii) of this subsection and of their intent to suspend the GAP subsidy payment in 30 calendar days and the guardian does not provide documentation within that time frame to refute the department's determination; and

(c) The guardian fails to provide satisfactory documentation that the guardian is legally responsible for the support of the child or youth or that they are providing support to the child or youth.

(2) If the guardian:

(a) Provides the department with satisfactory documentation of continued legal responsibility or financial support for the child or youth, the subsidy will not be suspended.

(b) Fails to provide the department satisfactory documentation, the department must send a notice stating the date the subsidy will be suspended. When this occurs, the guardian has a right to request an administrative hearing to challenge the suspension and the department must provide notice of that right, per chapter 110-03 WAC.

#### NEW SECTION

**WAC 110-85-0160 Circumstances to terminate the GAP agreement.**

The GAP agreement will be terminated if the terms of the GAP agreement are not met or any one of the following events occur:

- (1) The youth reaches 18 years of age and the GAP agreement is not eligible to be extended under WAC 110-85-0210;
- (2) The youth turns 21 years of age;
- (3) The child or youth dies;
- (4) The guardian of the child or youth dies or becomes incapacitated, unless a successor guardian has been named in:
  - (a) The GAP agreement and named successor guardian becomes the guardian; or
  - (b) An amended GAP agreement and the named successor guardian becomes the guardian;
- (5) The child or youth is under 18 years old and the department determines the child or youth is no longer receiving any support from the guardian or the guardian is no longer legally responsible for the child or youth; or
- (6) Upon the request of the guardian.

#### NEW SECTION

##### **WAC 110-85-0170 Guardian's right to an administrative hearing.**

- (1) Guardians have the right to an administrative hearing, per chapter 110-03 WAC, to contest the following department actions:
  - (a) Failure to respond with reasonable promptness to a written application for modification or request for services;
  - (b) Denial of a written request to modify the GAP cash payment or preauthorized services in the GAP agreement;
  - (c) Delay of more than 30 calendar days when responding to a written request for modification of the GAP agreement;
  - (d) Denial of a request for nonrecurring guardianship expenses;
  - (e) Suspension of GAP subsidy; and
  - (f) Termination of GAP subsidy.
- (2) To request an administrative hearing, guardians must submit a request to the OAH within 90 calendar days of receipt of any of the department's decisions listed in subsection (1) of this section.
- (3) The OAH must apply the rules in this chapter.

#### **SUBSIDY RELATED QUESTIONS**

#### NEW SECTION

##### **WAC 110-85-0180 GAP subsidies and other financial programs to meet the children's and youth's basic needs.** (1) Guardians may not receive foster care payments for a child or youth while receiving GAP cash payments for the same child or youth.

- (2) If the guardian is receiving a GAP cash payment for a child or youth, they are not eligible for a nonneedy relative grant, in loco parentis, or legal guardian grant through the department of social and health services community services office.

(3) Guardians may not request GAP subsidies after finalizing the guardianship, unless an extenuating circumstance described in WAC 110-85-0250 exists.

NEW SECTION

**WAC 110-85-0190 Duty to inform the department of a family's change in circumstance.** (1) Guardians must inform the department's regional GAP gatekeeper within 30 days of the change in circumstance that might affect the child's or youth's eligibility for GAP subsidy. Failure to report a change in circumstance may result in:

- (a) An overpayment;
- (b) Missed payment;
- (c) Lead to modification of their agreement; or
- (d) A suspension of their GAP subsidy.

(2) Changes in circumstance that must be reported include, but are not limited to:

- (a) Significant changes in the child's or youth's physical, mental, or behavioral condition;
- (b) The guardian's marital status;
- (c) The legal or physical custody of the child or youth;
- (d) The family's mailing address;
- (e) The child's or youth's enrollment in school; or
- (f) Changes to the youth's eligibility criteria for EGAP subsidy.

NEW SECTION

**WAC 110-85-0200 Guardianship family resides in or moves to another state.** If the guardianship family resides in or moves to another state, the GAP subsidy is affected as follows:

- (1) The Washington state department remains responsible for any GAP cash payments; and
  - (2) Medical services:
    - (a) If the child or youth is eligible for Title IV-E medical services through the medicaid program, the state in which the guardian family resides is responsible for providing their medical benefits; and
      - (b) If the resident's state plan does not include the needed service that Washington state's medicaid plan includes, then it remains Washington state's responsibility to provide the needed service subject to Washington state's medicaid plan's limits and requirements.

NEW SECTION

**WAC 110-85-0210 EGAP agreement and subsidy program.** (1) The GAP agreement subsidy may be extended when the youth reaches 18 years of age and the following criteria is met:

- (a) The guardian contacts the regional GAP gatekeeper prior to the youth's 18th birthday:
  - (i) To request services continue; and

(ii) Provides documentation of their continued eligibility, per WAC 110-85-0050.

(b) They meet the eligible criteria for the guardianship subsidies in RCW 74.13.031.

(2) If subsection (1)(a) and (b) of this section occurs:

(a) The department may enter into an EGAP agreement so long as the youth continues to meet at least one eligibility criteria and the guardian continues to provide ongoing support or the youth turns 21.

(b) Under no circumstances may the department continue the EGAP agreement beyond the youth's 21st birthday.

(c) The guardian will continue to receive the GAP cash payments.

(3) To transfer EGAP to a successor guardian, they must have been named as the successor guardian on the GAP agreement.

#### NEW SECTION

**WAC 110-85-0220 Transferring GAP subsidy to a subsequent successor guardian.** (1) In the event of the death or incapacity of the guardian, the GAP subsidy will transfer to the successor guardian named in the GAP agreement.

(2) The GAP agreement must be amended when the named successor guardian becomes the guardian.

(3) Before the GAP cash payment is transferred to the successor guardian:

(a) The successor guardian and all individuals aged 16 and older living in the successor guardian's home must pass the department's background check requirements.

(b) The successor guardian must establish guardianship of the child or youth.

(4) The successor guardian does not need to be a relative or have a foster care license to receive the GAP subsidy.

#### NEW SECTION

**WAC 110-85-0230 GAP subsidies and residential treatment placement services.** If a child or youth needs residential treatment, no additional GAP subsidies will be provided to pay for residential treatment placements.

#### NEW SECTION

**WAC 110-85-0240 GAP subsidy and out-of-home placement.** If children or youth are receiving GAP subsidy and are placed in out-of-home care, the department may:

(1) Continue the GAP subsidy during their out-of-home placement as long as the permanency plan is to return home.

(2) Terminate the GAP agreement, per WAC 110-85-0160, if the guardian is no longer legally responsible for the child or youth.

**EXTENUATING CIRCUMSTANCES**NEW SECTION

**WAC 110-85-0250 Extenuating circumstances.** (1) If both the child or youth and guardian met eligibility requirements in WAC 110-85-0050 before the guardianship was established, but the guardian did not have a GAP agreement, the guardian may still obtain the subsidy if an ALJ makes a finding of extenuating circumstances through an administrative hearing, per chapter 110-03 WAC.

(2) If the guardians believe extenuating circumstances exist, the:

- (a) Guardians must apply for GAP subsidy.
- (b) Department will deny the application.

(c) Guardians may then request a review by an ALJ to determine if extenuating circumstances exist that authorized the guardian and the department to enter into a GAP agreement after the guardianship has been established.

(3) An ALJ may make a finding of extenuating circumstances if one or more of the following situations exist:

(a) The agency that placed the child or youth for guardianship was aware of relevant facts regarding the child or youth, the biological family, or child's or youth's background that were not presented to the guardian prior to the guardianship;

(b) The department gave erroneous advice or made an erroneous determination that a child or youth is ineligible for GAP; or

(c) The department failed to advise the guardian regarding the availability of GAP.

(4) If an administrative hearing results in the finding of extenuating circumstances, the effective date of a GAP agreement is the date the guardianship was established, unless the guardianship was established two or more years prior to the date of the order finding extenuating circumstances.

(5) Under no circumstances may the department back date a GAP agreement more than two years from the date of the order finding extenuating circumstances, which authorizes the department to enter a GAP agreement.

**WSR 24-11-087****PERMANENT RULES****GAMBLING COMMISSION**

[Filed May 16, 2024, 1:19 p.m., effective June 16, 2024]

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

Purpose: This new rule enacts more explicit requirements related to licensees' duty to display problem gambling signage at all public entrances and exits to the gambling area of the business, in or near the gambling area(s), and in any areas where cash or electronic transfers of funds are available to patrons within the designated gambling area. The proposed rule would also require all advertising material to contain a responsible gambling message. Finally, the proposed rule would require a clear "opt-out" method on advertising materials that would allow patrons to unsubscribe from receiving future advertising, marketing, or promotional communications.

Citation of Rules Affected by this Order: New WAC 230-06-068.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 24-08-012 on March 21, 2024.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

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

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

Date Adopted: May 16, 2024.

Adam Amorine  
Legal Manager and Rules Coordinator

**OTS-5248.1****NEW SECTION**

**WAC 230-06-068 Problem gambling signage and posting requirements.** (1) The commission will provide licensees with problem gambling, gambling disorder, and responsible gambling informational signs, which include a responsible gambling message and a toll-free helpline number for problem gambling and gambling disorders. The signs must be conspicuously posted: At all public entrances and exits to the gambling area of the business; in or near the gambling area(s); and in any areas where cash or electronic transfers of funds are available to patrons within the designated gambling area.

(2) All advertising materials must contain a responsible gambling message.

(a) Advertising is any notice or communication to the public of any information concerning the gambling-related business of the licen-

see through broadcasting, publication, or any other means of dissemination.

(b) For bingo licensees conducting bingo on more than three occasions per week, advertisements must follow RCW 9.46.072.

(c) The responsible gambling message must include, at a minimum, the statement "play responsibly" or similar language and the toll-free telephone helpline number for problem gambling and gambling disorders. Provided, an alternative to the responsible gambling message would be to contain the words "If you or someone you know has been harmed by gambling and wants help, call 1-800-GAMBLER."

(3) All direct advertising, marketing, or promotional materials must include a clear and conspicuous method allowing patrons to unsubscribe from future advertising, marketing, or promotional communications.

(4) This rule does not apply to major, mid-level, or ancillary sports wagering vendors.

## WSR 24-11-102

## PERMANENT RULES

## EASTERN WASHINGTON UNIVERSITY

[Filed May 17, 2024, 12:56 p.m., effective June 17, 2024]

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

Purpose: Adds a cross-reference to an Eastern Washington University (EWU) policy offering a partial tuition waiver for EWU employees' dependents and spouses.

Citation of Rules Affected by this Order: Amending WAC 172-11-040.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Adopted under notice filed as WSR 24-02-073 on January 2, 2024.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 17, 2024.

Annika Scharosch  
Associate Vice President for Civil Rights  
Compliance and Business Services

**OTS-5106.1**

AMENDATORY SECTION (Amending WSR 21-07-010, filed 3/4/21, effective 4/4/21)

**WAC 172-11-040 Waiver of tuition.** (1) The board of trustees is authorized to grant tuition waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. A number of these statutes authorize, but do not require, the board of trustees to grant waivers for different categories of students and provide waivers of different fees. For waivers that are authorized but not required by state law, the board of trustees delegates to the president or designee the authority to implement voluntary tuition waivers. The permissive waivers that EWU has implemented are identified below in subsection (3) of this section. A full list of permissive waivers and mandatory waivers is available from EWU's financial aid and scholarships office. These waivers may be modified at any time. Eligibility is based on the term for which the student is seeking a waiver and both the waiver and eligibility criteria may be subsequently modified or revoked with or without notice to a student. Awarding of a waiver for one term is not a guarantee that the waiver will be awarded in a subsequent term.

(2) Even if EWU has implemented a permissive waiver, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to all students who may be eligible under the terms of the laws due to funding limitations and enrollment strategies. The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific programs, and management decisions regarding the array of academic programs offered. The university may choose not to exercise the full funding authority granted under RCW 28B.15.910 and may limit the total funding available under RCW 28B.15.915.

(3) Pursuant to RCW 28B.15.910, EWU adopts the following tuition waivers with the following limitations. These limitations are in addition to any limitations set forth in state or federal law.

(a) RCW 28B.15.014(1);

(b) RCW 28B.15.014(2). Waivers under this subsection for the non-resident tuition fee differential shall be restricted to three quarters within the first year from the employee's initial date of employment with EWU. The employee must be employed on or before the first day of the quarter for which the waiver is requested;

(c) RCW 28B.15.544. Applicants must meet initial enrollment and academic eligibility requirements available on the financial aid office's website;

(d) RCW 28B.15.556. Limitations are included in specific student exchange agreements;

(e) RCW 28B.15.558. All waivers authorized by RCW 28B.15.558 shall be subject to additional limitations as determined by the university. The details of EWU's program of tuition waivers for state, teachers and other certificated instructional staff, and K-12 classified staff are set forth in EWU Policy 409-04. As authorized by RCW 28B.15.558(5), waivers may be awarded to eligible EWU employees before considering waivers for eligible persons who are not employed by EWU. These waivers are not available for self-support courses or individualized instruction;

(f) RCW 28B.15.615;

(g) RCW 28B.15.621(2). This waiver is limited to Washington residents who are enrolled full-time and pursuing their first undergraduate degree and is only a partial waiver. Information about eligibility for this waiver is available on the financial aid office's website. To qualify as an eligible veteran or National Guard member, the person seeking the waiver must provide proof of domicile in Washington state and either a DD Form 214 or other documentation establishing they meet the criteria in RCW 28B.15.621(8);

(h) RCW 28B.15.740 (1) and (2); ((and))

(i) RCW 28B.70.050; and

(j) Pursuant to the general authority granted in RCW 28B.15.740(1), an employee dependent children and spouses' tuition waiver as detailed in EWU Policy 405-01.

(4) Any waivers identified in subsection (3) of this section only apply to the operating portion of tuition for state supported courses or programs, unless otherwise required by law. They do not apply to self-support courses or programs.

(5) Additional procedures and requirements for the waivers identified in subsection (3) of this section may be included in EWU policies. EWU may offer additional waivers at its discretion under RCW 28B.15.915.

(6) Information about fee waivers is available from ((~~Student Financial Services~~) Financial Aid & Scholarships Office, ((202)) 102 Sutton Hall, Cheney, WA 99004, phone ((509-359-6372)) 509-359-2314.

## WSR 24-11-103

## PERMANENT RULES

## DEPARTMENT OF HEALTH

[Filed May 17, 2024, 1:34 p.m., effective June 17, 2024]

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

Purpose: There are three license types addressed in this rule: The licensed behavior analyst (LBA), the licensed assistant behavior analyst (LABA), and the certified behavior analyst (CBT).

- Rule amendments for these professions include establishing standards for all professional credentialing entities to allow the department of health (department) to accept more than one national certification toward licensure thus opening up licensure to additional qualified applicants.
- LBA amendments include adding qualifications for licensure as an LBA to rule. The previous rule required applicants to have passed the national board certified behavior analyst (BCBA) examination offered by the Behavior Analyst Certification Board (BACB). Applicants had to meet the BACB standards to take the examination.
- LABA amendments clarify required courses that are not taken as part of the applicant's bachelor's degree must be part of an approved course sequence. This provides further clarity of applicant requirements. LABA rules also require supervision agreements to be reviewed at least once per year to ensure accuracy of records.
- CBT amendments change requirements for behavior technician training programs, including lengthening the time the trainee has to apply for a certification to make it easier to apply when the training began within a college program, and indicating how long the trainee's documents must be kept in order to assure [ensure] accuracy of the records. Continuing supervision of the CBT now requires that the supervision agreements must be reviewed once per year in order to assure [ensure] accuracy of the records. Continuing education requirements for AIDS training and health equity are changed in order to meet requirements of law. CBTs are required to have a continuing competency evaluation by an LBA or LABA. In order to allow individuals that can't get an evaluation to renew, an amendment allows a CBT who is not currently working in this capacity to renew without that requirement but they must have the evaluation within three months of beginning work.
- New rules include adoption of a license based on reciprocity and adds a temporary license for LBAs to make access to the license easier.
- Fee changes include adding fees for the new rules and reducing certain fees and adding an expired license reissuance fee to align with agency standards.
- Other changes are adopted to clarify or restructure rules without significantly changing the intent.

Citation of Rules Affected by this Order: New WAC 246-805-025, 246-805-110, 246-805-120, 246-805-130, 246-805-250, 246-805-325, 246-805-340, 246-805-401, 246-805-402, 246-805-510 and 246-805-520; repealing WAC 246-805-020; and amending WAC 246-805-010, 246-805-100, 246-805-200, 246-805-220, 246-805-230, 246-805-240, 246-805-300, 246-805-310, 246-805-320, 246-805-330, 246-805-400, 246-805-410, and 246-805-990.

Statutory Authority for Adoption: RCW 18.122.050, 18.380.050, 18.380.110, 43.70.110, 43.70.250; and ESHB 1551 (chapter 76, Laws of 2020), and ESSB 5229 (chapter 276, Laws of 2021).

Adopted under notice filed as WSR 24-05-024 on February 12, 2024.

A final cost-benefit analysis is available by contacting Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email aba@doh.wa.gov.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 11, Amended 13, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 2, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 11, Amended 13, Repealed 1.

Date Adopted: May 14, 2024.

Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

## OTS-5141.1

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly states otherwise:

(1) "ABA" means applied behavior analysis.

(2) ~~("Behavior Analyst Certification Board" or "BACB" means a national organization that certifies individuals as meeting education, training, supervised experience and examination standards of the behavior analysis profession.)~~

~~(3) "Board certified assistant behavior analyst" or "BCaBA" means a professional certified with the BACB as meeting the education, training, supervised experience, and examination standards to practice ABA under the supervision of a BCBA who meets the BACB supervision requirements.~~

~~(4) "Board certified behavior analyst" or "BCBA" means a professional certified with the BACB as meeting the education, training, supervised experience and examination standards to practice ABA independently. It includes individuals with the designation board certified behavior analyst doctoral (BCBA-D) of the BACB.~~

~~(5)) "Accepted course sequence" means the verified course sequence set of courses that have been verified by the Association for Behavior Analysis International, or similar course sequences verified~~

by other organizations approved by the department, as meeting specific coursework requirements, content hours, and faculty standards.

(3) "Certified behavior technician" or "CBT" means a person certified under chapter 18.380 RCW.

((6)) "Close, ongoing supervision" means procedures or tasks that are performed under a supervisor's overall direction and control. The supervisor must be accessible, but the supervisor's presence is not required during the performance of the procedures or tasks.

((7))) (4) "Clinical supervisor" means:

(a) A supervisor in charge of an LABA or the treatment plan the LABA is administering; or

(b) A supervisor in charge of a CBT or the treatment plan the CBT is administering.

(5) "Department" means the Washington state department of health.

((8))) (6) "In good standing" means an active credential issued by the department of health without:

(a) Conditions;

(b) Current discipline;

(c) Pending discipline; or

(d) Restrictions on the practice of ABA by a competent authority.

((9))) (7) "Licensed assistant behavior analyst" or "LABA" means a person licensed under chapter 18.380 RCW.

((10)) "LABA trainee" means a person participating in a supervised experience described in WAC 246-805-230.

((11))) (8) "Licensed behavior analyst" or "LBA" means a person licensed under chapter 18.380 RCW.

((12)) "Registered behavior technician" or "RBT" means a paraprofessional who is credentialed by the BACB to practice ABA under close ongoing supervision of a BCBA or BCaBA who is responsible for the work performed by the RBT, and meets the education, examination and training standards of the BACB.

((13))) (9) "Professional credentialing entity" means a department approved national accredited professional credentialing entity as described in WAC 246-840-025.

(10) "Secretary" means the secretary of the department of health or the secretary's designee.

((14))) (11) "Trainee" means:

(a) A person who is obtaining supervised experience as an LBA as described in WAC 246-805-130; or

(b) A person who is obtaining supervised experience as a LABA as described in WAC 246-805-230; or

(c) A person who is participating in a behavior technician training program described in WAC 246-805-310.

(12) "Training program supervisor" means:

(a) A supervisor in charge of an LBA who is obtaining supervised experience as described in WAC 246-805-130; or

(b) A supervisor in charge of a LABA trainee who is obtaining supervised experience as described in WAC 246-805-230; or

(c) A supervisor in charge of a CBT trainee during a certified behavior analyst training program as described in WAC 246-805-310.

## NEW SECTION

**WAC 246-805-025 Department approval of national accredited professional credentialing entities.** (1) A national accredited profes-

sional credentialing entity is an entity which offers certifications and registrations to professional practitioners of applied behavior analysis.

(2) National accredited professional credentialing entities that provide proof of meeting the requirements described in this section meet the requirements for approval by the department.

(a) Certifications and registrations that meet or exceed current qualifications for licensure of ABA practitioners set in RCW 18.380.050(1).

(b) (i) Certifications equivalent to the LBA credential must have requirements that meet or exceed the current qualifications of WAC 246-805-100 (2)(b) and continuing education requirements that meet or exceed the requirements of WAC 246-805-401 (2) through (4).

(ii) Certifications equivalent to the LABA credential must have certification requirements that meet or exceed the current qualification of WAC 246-805-200 (3)(b) and continuing education requirements that meet or exceed the requirements of WAC 246-805-402 (2) through (4).

(iii) Certifications or registrations equivalent to the CBT credential must have requirements that meet or exceed WAC 246-805-300 (4)(b).

(c) Current accreditation by the American National Standards Institute (ANSI) or the National Commission for Certifying Agencies (NCCA).

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-100 Licensed behavior analyst—Application requirements.** An applicant for initial licensure as an LBA shall submit the following to the department:

(1) ((A completed application on forms provided by the department;

((2) Proof of completion of at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;

((3) Fees as required in WAC 246-805-990)) Fees and a completed application for the license; and

((4))) (2) Proof of:

(a) Current ((BACB)) certification ((as a BCBA)) equivalent to a licensed behavior analyst from a professional credentialing entity. Verification must be sent directly to the department from the ((BACB)) professional credentialing entity; or

(b) Meeting the requirements in RCW 18.380.050 (1)(a) including:

(i) ((A)) Graduation from a recognized master's or doctorate degree ((in behavior analysis or other natural science, education, human services, engineering, medicine, or field related to behavior analysis approved by the secretary)) program that meets the requirements of WAC 246-805-110. An official transcript must be provided as evidence of the degree required;

((ii) Successful completion of a minimum of ((two hundred twenty-five)) 225 classroom hours of graduate level instruction in behavior analysis topics described in WAC 246-805-120. An official transcript must be provided as evidence of the course work required;

(iii) Successful completion of a supervised experience requirement ((~~, consisting of a minimum of one thousand five hundred hours~~)) under WAC 246-805-130; and

(iv) Successful completion of ((the)) a national ((BCBA)) examination for the equivalent of an LBA from a professional credentialing entity as meeting the requirement in RCW 18.380.050 (1) (iv).

NEW SECTION

**WAC 246-805-110 Licensed behavior analyst—Recognized educational programs.** The department shall accept a master's or doctorate degree towards initial licensure requirements for an LBA that meets the following:

(1) The degree is in a subject listed in RCW 18.380.050 (1) (a); and

(2) The degree is awarded from an institution accredited by the council for higher education accreditation, the United States Department of Education, or a similar accrediting institution approved by the department.

NEW SECTION

**WAC 246-805-120 Licensed behavior analyst—Required topics for classroom hours.** (1) An applicant for initial licensure as an LBA shall show completion of an approved education program with a minimum of 225 classroom hours of instruction in behavior analysis content areas as follows:

(a) Fifteen hours of ethical considerations;

(b) Forty-five hours of definitions and characteristics and principles, processes, and concepts;

(c) Twenty hours of measurement of behavior and displaying and interpreting behavioral data;

(d) Twenty hours of experimental evaluation of interventions;

(e) Thirty-five hours of behavioral assessment and selecting intervention outcomes and strategies;

(f) Forty-five hours of behavior change procedures and systems support; and

(g) Forty-five hours in behavior analysis content on a discretionary basis.

(2) Classroom hours under this section may be taken in addition to the applicant's degree program if the hours are part of an accepted course sequence.

NEW SECTION

**WAC 246-805-130 Licensed behavior analyst—Supervised experience.** (1) An LBA trainee applying for an initial LBA license for an initial LBA license shall show completion of a minimum of 1,500 hours of supervised experience in behavior analysis according to this section.

(2) The LBA trainee must be enrolled in or have completed a recognized education program and topics required in WAC 246-805-120 according to this chapter prior to beginning the required supervised experience.

(3) (a) The LBA trainee shall complete their supervised experience within five years of the start date of the supervised experience.

(b) Supervision must be conducted at least every two weeks.

(c) When actively participating in a supervised experience, the LBA trainee shall participate in at least 10 hours and no more than 30 hours per week.

(4) A minimum of five percent of the total hours accrued in each month must be under the supervision of a training program supervisor who meets the qualifications of this section.

(5) A training program supervisor for an LBA trainee shall:

(a) (i) Hold an active license in good standing as an LBA with at least one year of full-time equivalency practice; or

(ii) Hold a current certification equivalent to a LBA from a professional credentialing entity; and

(b) Not be related to, subordinate to, or employed by the LBA trainee during the supervised experience period. Employment does not include compensation received by the training program supervisor from the LBA trainee for supervision services.

(6) Supervision must include:

(a) Observing and providing feedback to the LBA trainee on their behavior analytic activities with a client in the natural environment;

(b) Observing the LBA trainee in real time by web camera, video-conferencing, or similar means when the training program supervisor is not physically present; and

(c) Supervising in small groups of up to six LBA trainees for no more than half of the total supervision required in subsection (3) of this section.

(7) The LBA trainee shall perform the following activities during the supervised experience:

(a) Directly implementing behavioral programs delivering therapeutic and instructional procedures, which may not exceed 50 percent of the total accrued experience hours; and

(b) Designing and systematically monitoring behavioral programs, naturalistic observation, staff and caregiver training, researching literature related to the program, and conducting assessments related to the need for behavioral intervention.

(8) Supervised experience must include the following content areas:

(a) Ethics and professional conduct;

(b) Measurement;

(c) Experimental design;

(d) Behavior-change considerations;

(e) Fundamental elements of behavior change;

(f) Behavior-change procedures;

(g) Behavior-change systems;

(h) Problem identification;

(i) Assessment;

(j) Intervention;

(k) Implementation, management and supervision;

(l) Philosophical assumptions of behavior analysis;

(m) Verbal operants; and

(n) Respondent and operant conditioning.

(9) The training program supervisor and LBA trainee shall develop a supervision plan before the LBA trainee begins performing any behavior analytic tasks. The supervision plan must be maintained in the LBA trainee's file for seven years after completion of supervised experience. The supervision plan must include:

- (a) Types of duties and responsibilities the LBA trainee will perform;
- (b) Dates, time and duration of supervision;
- (c) Type of supervision, as described in subsection (6) of this section;
- (d) Brief description of supervision activities; and
- (e) Signatures of both the training program supervisor and LBA trainee.

(10) A supervised experience under this section may be completed as part of or in addition to the LBA trainee's master's or doctorate degree program.

**AMENDATORY SECTION** (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-200 Licensed assistant behavior analyst—Application requirements.** An applicant for initial licensure as an LABA shall submit the following to the department:

- (1) ~~((A completed application on forms provided by the department;~~
- ~~(2) Proof of completing at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;~~
- ~~(3) Proof of supervision;~~
- ~~(4) Fees as required in WAC 246-805-990; and~~
- ~~(5)) Fees and a completed application for the license.~~
- ~~(2) The name of the clinical supervisor as proof of ongoing supervision that meets the requirements in RCW 18.380.050(2); and~~
- ~~(3) Proof of:~~
  - (a) Current certification ~~((as a BCABA from the BACB)) equivalent to the licensed assistant behavior analyst from a professional credentialing entity.~~ Verification must be sent directly to the department from the ~~((BACB)) professional credentialing entity;~~ or
  - (b) Meeting the requirements in RCW 18.380.050 (1)(b):
    - (i) Graduation from a recognized bachelor's degree program under WAC 246-805-210. An official transcript must be provided as evidence of the degree required;
    - (ii) Proof of successful completion of a minimum of ~~((one hundred thirty-five))~~ 135 classroom hours of instruction in behavior analysis topics described in WAC 246-805-220. An official transcript must be provided as evidence of the course work required; and
    - (iii) Proof of successful completion of a supervised experience requirement under WAC 246-805-230.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-220 Licensed assistant behavior analyst—Required topics for classroom hours.** (1) An applicant for initial licensure as an LABA shall complete ((one hundred thirty-five)) a minimum of 135 classroom hours of instruction in specific behavior analysis topics from a recognized educational institution in compliance with WAC 246-805-210. Topics must include the following content areas and the minimum number of hours specified:

- (a) Ten hours of ethical considerations;
  - (b) Forty hours of definitions and characteristics and principles, processes, and concepts;
  - (c) Twenty hours of experimental evaluation of interventions, measurement of behavior, and displaying and interpreting behavioral data;
  - (d) Twenty-five hours of behavioral assessment and selecting intervention outcomes and strategies; and
  - (e) Forty hours of behavior change procedures and systems support.
- (2) Classroom hours under this section may be taken ((as part of or)) in addition to the applicant's bachelor's degree program if the hours are part of an accepted course sequence.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-230 Licensed assistant behavior analyst—Supervised experience.** (1) Prior to submitting an application to the department, an ((applicant)) LABA trainee applying for initial licensure for an LABA license shall complete a minimum of ((one thousand)) 1,000 hours of supervised experience in behavior analysis.

(2) The LABA trainee must be enrolled in or have completed the requirements contained in WAC 246-805-220 to be eligible to begin the required supervised experience as an LABA trainee.

(3) (a) The LABA trainee ((must)) shall complete his or her supervised experience within five years of the start date of the supervised experience.

(b) When actively participating in a supervised experience, the LABA trainee ((must)) shall participate in supervised experience at least ((ten)) 10 hours and no more than ((thirty)) 30 hours per week.

(c) At least five percent of the total monthly hours of supervised experience must be under the supervision((, as)) defined in subsection (5) of this section((, of an LBA or BCBA)).

(d) Supervision must be conducted at least every two weeks.

(4) A person is qualified to ((supervise an)) be a training program supervisor for a LABA trainee if ((he or she)) the person:

(a) Holds an active license in good standing as an LBA with at least one year of full-time equivalency practice; or

(b) Holds a current certification ((as a BCBA and meets the BACB supervisory requirements)) equivalent to a LBA from a professional credentialing entity; and

(c) Is not related to, subordinate to, or employed by the LABA trainee during the supervised experience period. Employment does not

include compensation received by the training program supervisor from the LABA trainee for supervision services.

(5) Supervision ((shall)) must include:

(a) Observing and providing feedback to the LABA trainee on his or her behavior analytic activities with a client in the natural environment;

(b) Observing the LABA trainee in real time by ((synchronous (real time))) web camera, videoconferencing, or similar means when the training program supervisor is not physically present; and

(c) Supervising in small groups of up to six LABA trainees for no more than half of the total supervision required in subsection (3) of this section.

(6) The LABA trainee shall perform the following activities during the supervised experience:

(a) Directly implementing behavioral programs delivering therapeutic and instructional procedures, which may not exceed ((fifty)) 50 percent of the total accrued experience hours; and

(b) Designing and systematically monitoring behavioral programs, naturalistic observation, staff and caregiver training, researching literature related to the program, and conducting assessments related to the need for behavioral intervention.

(7) Supervised experience must include the following content areas:

- (a) Ethics and professional conduct;
- (b) Measurement;
- (c) Experimental design;
- (d) Behavior-change considerations;
- (e) Fundamental elements of behavior change;
- (f) Behavior-change procedures;
- (g) Behavior-change systems;
- (h) Problem identification;
- (i) Assessment;
- (j) Intervention;
- (k) Implementation, management and supervision;
- (l) Philosophical assumptions of behavior analysis;
- (m) Verbal operants; and
- (n) Respondent and operant conditioning.

(8) The training program supervisor and LABA trainee ((must)) shall develop a supervision plan before the LABA trainee begins performing any behavior analytic tasks. The supervision plan must be maintained in the LABA trainee's file for seven years after completion of supervised experience. The supervision plan shall include:

(a) Types of duties and responsibilities the LABA trainee will perform;

(b) Dates, time and duration of supervision;

(c) Type of supervision, as described in subsection (5) of this section;

(d) Brief description of supervision activities; and

(e) Signatures of both the training program supervisor and LABA trainee.

(9) A supervised experience under this section may be completed as part of or in addition to the LABA trainee's bachelor's degree program.

AMENDATORY SECTION (Amending WSR 17-12-084, filed 6/5/17, effective 7/1/17)

**WAC 246-805-240 Licensed assistant behavior analyst—Continuing supervision.** (1) ((An)) A LABA ((must)) shall work under the supervision of an LBA or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1) for each client receiving ABA services.

(2) A clinical supervisor shall:

(a) Hold an active license in good standing as a Washington state LBA or be otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); and

(b) Be responsible and accountable for the services an LABA provides to clients.

(3) The LABA and the clinical supervisor ((must)) shall develop a supervision agreement before the LABA begins to provide any behavior analytic tasks. A copy of the supervision agreement must be maintained by both the clinical supervisor and LABA. The supervision agreement must include, but not be limited to:

(a) Duties and responsibilities the LABA will perform;

(b) Mechanism for reporting caseload to the clinical supervisor;

(c) Type and frequency of supervision; and

(d) Signature of both the clinical supervisor and supervisee.

(4) The clinical supervisor shall review the LABA's progress with the LABA at least every six months.

(5) The supervision shall include:

(a) At least one face-to-face contact per month with the LABA. Face-to-face contact may occur in person, on-site, or by videoconferencing, and may include small group interaction; and

(b) Visually observing the LABA with clients on a quarterly basis for at least one treatment session. Observation may occur in person or by videoconferencing.

## NEW SECTION

**WAC 246-805-250 Licensed assistant behavior analyst—Supervision disclosure.** Prior to providing services to a client, a LABA shall disclose in writing to the client, or client's parent or legal guardian, the supervisor's name and contact information.

(1) Documentation of disclosure must be maintained in the client file and a copy given to the client or the client's parent or legal guardian, if applicable.

(2) The supervision disclosure must be updated and shared with the client, or the client's parent or legal guardian if applicable, as soon as practical whenever the LABA has a new supervisor.

(3) The supervision disclosure must be reviewed at least once per year to determine if it needs to be updated. The disclosure must be shared with the client or client's parent or guardian if updated.

(4) The client file must include documentation to reflect each time it is reviewed.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-300 Certified behavior technician—Application requirements.** An applicant for initial certification as a CBT shall submit the following to the department:

- (1) ~~((A completed application on forms provided by the department))~~ Fees and a completed application for the certification;
- (2) Proof of being at least ((eighteen)) 18 years of age;
- (3) Proof of a high school diploma or equivalent;
- (4) ~~((Proof of completing at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;))~~
- (5)) Proof of:
- ~~((Current registration as a RBT from the BACB. Verification must be sent directly to the department from the BACB; or))~~
- ~~((b))) Current behavior technician registration or certification from a ((nationally accredited professional credentialing entity accepted by the secretary)) professional credentialing entity. Verification must be sent directly to the department from the accredited professional credentialing entity; or))~~
- ~~((e))) (b) Successful completion of a behavior technician training program outlined in WAC 246-805-310 to include:~~
- (i) Classroom, online, or supervisor-led instruction with the content outlined in ~~((subsection (3)(a) of this section))~~ WAC 246-805-310 (4)(a);
- ~~((ii) Experiential learning as outlined in ((subsection (3)(b) of this section)) WAC 246-805-310 (4)(b); and))~~
- ~~((iii) Evaluation and assessment as outlined in ((subsection (3)(c) of this section)) WAC 246-805-310 (4)(c).))~~
- ~~((6))) (5) The name of the clinical supervisor as proof of ongoing supervision that meets the requirements ((of WAC 246-805-330; and))~~
- ~~((7) Fees as required in WAC 246-805-990)) in RCW 18.380.050(2).~~

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-310 Behavior technician training program.** An applicant who does not hold ~~((RBT))~~ a registration or certification from a professional credentialing entity under WAC 246-805-300 ~~((5))~~ (4)(a) ~~((or other behavior technician registration or certification accepted by the secretary under WAC 246-805-300 (5)(b)))~~ may qualify for a CBT credential by completing a behavior technician training program meeting the requirements described in this section.

- (1) Behavior technician training programs meeting the requirements described in this section are approved by the secretary.
- (2) The behavior technician training program must be ~~((a))~~
- ~~((a) Affiliated with a postsecondary school or college accredited by a regional or national accrediting organization recognized by the U.S. Department of Education; or))~~
- ~~((b))) affiliated with an agency, business or individual that:))~~
- ~~((i))) (a) Has a supervisor within sight and hearing and available for immediate intervention when the trainee is working with clients.))~~
- ~~((ii))) (b) Has a supervisor who is:))~~

((A)) (i) An LBA who holds a current and active credential in good standing with at least one year of full-time ((equivalency)) experience; or an ((active BCBA who meets the supervisor requirements of the BACB)) individual who holds a certification equivalent to an LBA from a professional credentialing entity and has at least one year of full-time experience;

((B)) (ii) Responsible for the conduct of the trainee at all times when working with clients under his or her supervision; and

((C)) (iii) Responsible for the training program, who will be referred to as the "training program supervisor (," and shall)."

(3) The training program supervisor shall:

((I)) (a) Not be related to, subordinate to, or employed by the trainee during the training period. Employment does not include compensation received by the supervisor from the trainee for supervision services.

((II)) (b) Be responsible for determining the content of the training, adherence to the training, and ascertaining the competency of the trainee.

((III)) (c) Supervise the trainee until ((he or she)) the trainee demonstrates entry level competency, as provided in subsection ((3)) (4)(c) of this section.

((3)) (4) The behavior technician training program must be at least ((forty)) 40 hours in duration and include:

(a) Classroom, online or supervisor-led instruction in the following content areas:

(i) Measurement;

(ii) Assessment;

(iii) Skill acquisition;

(iv) Behavior reduction;

(v) Documentation and reporting; and

(vi) Professional conduct and scope of practice.

(b) Experiential learning that includes:

(i) Practicing techniques in a simulated situation incorporating content areas in (a) of this subsection; and

(ii) Observing and performing behavior analysis services with clients incorporating content areas in (a) of this subsection.

(c) Evaluation and assessment by the training program supervisor of the trainee's demonstrated entry level competency in the knowledge and skills under (a) and (b) of this subsection. The supervisor evaluation and assessment must include verification of classroom training content.

((4)) (5) After the trainee demonstrates entry level competency, as provided in subsection ((3)) (4)(c) of this section, supervision may be provided by any behavior analyst who meets the requirements of subsection (2)(a) and (b)(i) and (ii) ((A) and (B)) of this section. An applicant from an out-of-state program may not provide ABA services until a credential has been issued.

((5)) (6) Prior to or at the time of the first visit with a client, the supervisor shall ensure that the client or client's parent or legal guardian is notified in writing that the trainee is participating in a behavior technician training program. The notification must be ((within)) signed by the client or client's parent or legal guardian and placed in the client's ((treatment plan or other documentation that must include the supervisor's name and contact information)) file.

((6)) (7) A trainee ((must)) shall complete the training program and submit an application to the department on a form provided by

the department within one ((hundred eighty days)) year of starting the training program.

((7)) (8) Documentation of all behavior analysis training, supervision, duties, and responsibilities of the trainee must be completed and signed by the training program supervisor and the trainee, and placed in the trainee's personnel file. Copies of the documentation will be maintained by both the trainee and the training program supervisor for a minimum of four years or any other standard required by law, whichever is longer.

((8)) (9) Upon successful completion of the training program requirements, the training program supervisor will sign an attestation that the trainee has completed the behavior technician training requirements.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-320 Certified behavior technician—Tasks.** (1) A CBT shall not:

(a) Initiate or implement a treatment program with a client until the client has been evaluated ((by an LBA or LABA,)) and a written treatment and instructional program has been prepared by an LBA ((or)), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1);

(b) Independently perform a client assessment or evaluation, but may assist in the process under the direction of an LBA or LABA; and

(c) Independently design or modify client treatment plans or instructional programs.

(2) A CBT shall:

(a) Monitor the need for reassessment and report changes in status that may warrant reassessment or referral by or under the direction of an LBA ((or)), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); and

(b) Immediately discontinue and notify the supervising LBA ((or)), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1) about any treatment procedure that appears harmful to the client.

NEW SECTION

**WAC 246-805-325 Certified behavior technician—Definitions for continuing supervision.** The definitions in this section apply to WAC 246-805-330 unless the context clearly states otherwise:

(1) "Close, ongoing clinical supervision" means to perform procedures or tasks that are performed under a clinical supervisor's overall direction and control. The clinical supervisor must be accessible but is not required during the performance of the procedures or tasks.

(2) "Direct supervision and observation" means the clinical supervisor is providing direction and observation on-site or by video-conference.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-330 Certified behavior technician—Continuing supervision.** (1) A CBT ((must)) shall work under close, ongoing supervision of ((an LBA or LABA)) a clinical supervisor for each client receiving ABA services.

(2) A clinical supervisor:

(a) ((Must)) Shall hold an active license in good standing as an LBA ((or)), LABA, or a license issued by this state permitting the individual to practice ABA consistent with RCW 18.380.030(1); and

(b) ((Shall be)) Is responsible for the conduct of the CBT at all times when working with clients under his or her supervision.

(3) The CBT and the clinical supervisor ((must)) shall develop a supervision agreement before the CBT begins to provide any behavior analytic tasks. A copy of the supervision agreement must be maintained both by the supervisor and CBT. The supervision agreement must include, but not be limited to:

(a) Duties and responsibilities the CBT will perform;

(b) Type and frequency of supervision, as described in subsection

(5) of this section; and

(c) Signature of both the clinical supervisor and ((supervisee)) CBT.

(4) The clinical supervisor shall review the CBT's progress with the CBT as necessary ((but)) and document the progress at least every six months.

(5) The clinical supervisor shall:

(a) Meet in person with the CBT to provide guidance in working with new clients;

(b) Conduct at least two face-to-face contacts per month with the CBT. Face-to-face contact may occur in person, on-site or by videoconferencing.

(c) Provide direct supervision and observation for a minimum of five percent of the CBT's hours ((with clients per)) each month((;

(d) Conduct at least two face-to-face contacts per month with the CBT. Face-to-face contact may occur in person, on-site or by videoconferencing;

(e) Observe)) including:

(i) Observing the CBT at least once per month when the CBT is providing ABA services to clients((. Observation may occur in person, on-site or by videoconferencing)); and

((e) Observe)) (ii) Observing the CBT with each client on his or her caseload at least once every three months.

## NEW SECTION

**WAC 246-805-340 Certified behavior technician—Supervision disclosure.** Prior to providing services to a client, a CBT shall disclose in writing the supervisor's name and contact information.

(1) Documentation of disclosure must be maintained in the client file and a copy given to the client or the client's parent or guardian, as applicable.

(2) The supervision disclosure must be updated and shared with the client, or the client's parent or guardian as applicable, as soon

as practical whenever the CBT has a new training program or clinical supervisor.

(3) The supervision disclosure must be reviewed at least once per year to determine if it needs to be updated. The disclosure must be shared with the client or client's parent or guardian if updated.

(4) The client file must include documentation to reflect each time it is reviewed.

**AMENDATORY SECTION** (Amending WSR 18-10-016, filed 4/23/18, effective 5/24/18)

**WAC 246-805-400 General continuing education requirements for an LBA and LABA.** An LBA ((or LABA must)) shall attest to completing the continuing education (CE) requirements in ((this section)) WAC 246-805-401 and an LABA shall attest to completing the CE requirements in WAC 246-805-402 as a condition of renewing the license every two years. ((CE must be completed during the first full CE reporting period after July 1, 2018.

(1) Maintaining certification from the BACB or another national certification board approved by the secretary that requires CE as part of certification meets CE requirements as described in this section.

(2) An LBA shall complete a minimum of thirty-two hours of CE related to the practice of applied behavior analysis.

(a) A minimum of twenty hours of activities must directly address:

(i) Behavior analytic skill development; and

(ii) Current practices in clinical practice of applied behavior analysis.

(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.

(c) No more than eight hours may be in professional development activities that enhance the licensee's business practice as an LBA.

(3) An LABA shall complete twenty hours of CE related to the practice of applied behavior analysis.

(a) A minimum of ten hours of activities must directly address:

(i) Behavior analytic skill development; and

(ii) Current practices in clinical practice of applied behavior analysis.

(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.

(c) No more than six hours may be in professional development activities that enhance the licensee's business practice as an LABA.

(4)) The general requirements are:

(1) Fifty minutes of CE contact time or direct instruction is equivalent to one CE hour.

((+5)) (2) The CE hours must be obtained through one or more of the following:

(a) Courses from a college or university accredited by the United States Department of Education may meet all of the required CE hours.

(i) One academic semester credit is equivalent to ((fifteen)) 15 CE hours.

(ii) One academic quarter credit is equivalent to ((ten)) 10 CE hours.

(b) Courses from a CE provider.

(i) Courses from providers approved by ((the BACB or a national certification board affiliated with behavior analysis approved by the secretary may meet all of the required CE hours)) a professional credentialing entity may meet all of the required CE hours.

(ii) Courses from providers not approved by a ((national certification board affiliated with behavior analysis)) professional credentialing entity may meet no more than eight CE hours.

(c) Licensee-led instruction of a CE course.

(i) College or university instruction may meet no more than ((sixteen)) 16 CE hours.

(ii) Any other type of instruction may meet no more than eight CE hours.

(iii) Repeated instruction in the same course may only qualify for CE credit one time in a single CE reporting period.

(iv) Instruction must be related to applied behavior analysis.

(d) The following activities are eligible for up to eight CE hours and only count during the CE time period when the article was published or reviewed:

(i) Publication of an applied behavior analysis article in a peer-reviewed journal is equivalent to eight CE hours;

(ii) Completion of reviewing an applied behavior analysis article for a peer-reviewed journal is equivalent to one CE hour; or

(iii) Serving as an action editor of an applied behavior analysis article for a peer-reviewed journal is equivalent to one CE hour.

((+6)) (3) An LBA and LABA shall comply with the requirements of chapter 246-12 WAC ((, Part 7; and shall keep)) to include keeping records documenting attendance for four years; and shall provide CE documentation upon request. Acceptable documentation depends on the CE activity and includes:

(a) Course syllabus and transcript from college or university;

(b) Certificate or letter from a CE provider that includes the course topic and CE hours completed;

(c) Title, description, and dates of course of instruction on a letter from the academic institution or education provider;

(d) Copy of the final publication of article listing the credential holder as the author;

(e) Letter of attestation from the action editor reporting the credential holder's name as a reviewer of an applied behavior analysis article; or

(f) Editorial decision letter reporting the credential holder's name as an action editor of an applied behavior analysis article.

## NEW SECTION

### **WAC 246-805-401 Continuing education requirements for an LBA.**

Continuing education requirements for an LBA must be met every two years in one of the following ways:

(1) Maintaining certification from a professional credentialing entity that requires CE as part of certification; or

(2) Completing a minimum of 32 hours of CE related to the practice of applied behavior analysis.

(a) A minimum of 20 hours of activities must directly address:

(i) Behavior analytic skill development; and

(ii) Current practices in clinical practice of applied behavior analysis.

(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.

(c) No more than eight hours may be in professional development activities that enhance the licensee's business practice as an LBA.

(3) In addition to the requirements in subsections (1) and (2) of this section, an LBA shall complete two hours of health equity CE every four years as described in WAC 246-12-800 through 246-12-830.

(4) All CE must meet the requirements in WAC 246-805-400.

#### NEW SECTION

#### **WAC 246-805-402 Continuing education requirements for an LABA.**

Continuing education requirements for an LABA must be met every two years in one of the following ways:

(1) Maintaining certification from a professional credentialing entity that requires CE as part of certification; or

(2) Completing 20 hours of CE related to the practice of applied behavior analysis.

(a) A minimum of 10 hours of activities must directly address:

(i) Behavior analytic skill development; and

(ii) Current practices in clinical practice of applied behavior analysis.

(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.

(c) No more than six hours may be in professional development activities that enhance the licensee's business practice as an LABA.

(3) In addition to the requirements in subsections (1) and (2) of this section, an LABA shall complete two hours of health equity CE every four years as described in WAC 246-12-800 through 246-12-830.

(4) All CE must meet the requirements in WAC 246-805-400.

AMENDATORY SECTION (Amending WSR 18-10-016, filed 4/23/18, effective 5/24/18)

#### **WAC 246-805-410 Continuing competency requirements for a CBT.**

(1) A CBT ((must)) shall attest to:

(a) Completing the continuing competency requirements in this section as a condition of renewing the certification((. The requirements in this section are effective for a certification renewed on or after July 1, 2018)); or

(b) Not currently working at the time of the renewal.

((1))) (2) A CBT ((must)) shall complete continuing education or demonstrate continuing competency by either:

(a) Maintaining certification from ((the BACB or another national certification board approved by the secretary)) a professional credentialing entity; or

(b) Within ((three months)) 90 days prior to renewal obtaining an assessment by an LBA or LABA or otherwise qualified supervisor on performance or demonstration of the following applied behavior analysis tasks:

(i) Measurement;

(ii) Assessment;

(iii) Skill acquisition;

(iv) Behavior reduction;

(v) Documentation and reporting; and

(vi) Professional conduct and scope of practice.

((+2+)) (3) A CBT who attests to not working at the time of renewal shall, within three months of obtaining employment as a CBT, obtain an assessment by the LBA or LABA or otherwise qualified supervisor as described in subsection (2)(b) of this section.

(4) A CBT shall ((keep and provide documentation upon request).

(3) A CBT shall comply with the requirements of chapter 246-12 WAC, Part 7) comply with the requirements of WAC 246-12-170 through 246-12-240 and include keeping records documenting continuing competency compliance for four years and shall, upon request, provide documentation of meeting subsection (2) or (3) of this section. Documentation of meeting subsection (3) of this section must include documentation of the date the CBT started work as a CBT.

#### NEW SECTION

**WAC 246-805-510 Reciprocity.** An ABA credential may be issued to an individual who holds a credential from another state if that state requires qualifications substantially equivalent to qualifications in Washington. To obtain a credential, an applicant shall submit to the department:

(1) Fees and an application for the license or certification;

(2) A verification form, or other equivalent document, from a state that requires qualifications substantially equivalent to Washington qualification that verifies the applicant is currently credentialed. The verification must show that the credential is active, unrestricted and is not subject to denial or issuance of a conditional or restricted credential; and

(3) Verification forms, or other equivalent documents, from all other states in which the applicant is currently, or was previously credentialed, that verifies the applicant was or is currently credentialed. The verifications must show that the credential has not been restricted and is not subject to denial or issuance of a conditional or restricted credential.

#### NEW SECTION

**WAC 246-805-520 Licensed behavior analysts—Temporary license.**

Temporary licenses are available for applicants who do not reside in Washington state seeking a temporary credential for licensed behavior analyst.

(1) A temporary license may be issued to an applicant who meets the following conditions:

(a) Holds an active, unrestricted credential to practice as a licensed behavior analyst issued by another state;

(b) Is not subject to denial of a credential or issuance of a conditional, restricted license or under pending investigation by a disciplinary authority; and

(c) There are no violations identified in the Washington criminal background check and the applicant meets all other licensure condi-

tions including receipt by the department of a completed Federal Bureau of Investigation (FBI) fingerprint card.

(2) The temporary license allows the applicant to work in the state of Washington for 180 days from the date of issuance. The temporary license grants the applicant a license to practice within the full scope of practice of the licensed behavior analyst.

(3) A temporary license will not be renewed, reissued, or extended. A temporary license expires 180 days after the temporary license is issued.

(4) To receive a temporary license, the applicant shall submit to the department:

(a) Fees and a completed application for the temporary license;  
(b) Verification from at least one state that the applicant is currently licensed. The verification must show licensure status.

(c) Verification forms from all other states in which the applicant is currently, or was previously licensed, that verifies the applicant was or is currently licensed and confirms licensure status.

**AMENDATORY SECTION** (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-990 Applied behavior analysis fees and renewal cycle.**

(1) Credentials in this section must be renewed every two years on the practitioner's birthday as provided in (~~chapter 246-12 WAC, Part 2~~) WAC 246-12-020 through 246-12-051.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<b>Licensed behavior analyst</b>	
<b>Initial application (original or reciprocity)</b>	
Application and initial license	\$250.00
<b>Active license renewal</b>	
Renewal	350.00
Late renewal penalty	175.00
<b>Expired license reissuance</b>	<u>175.00</u>
<b>Temporary license</b>	<u>50.00</u>
<b>Duplicate license</b>	<u>((30.00))</u> <u>10.00</u>
<b>Verification of license</b>	<u>((30.00))</u> <u>25.00</u>
<b>Licensed assistant behavior analyst</b>	
<b>Initial application (original or reciprocity)</b>	
Application and initial license	160.00
<b>Active license renewal</b>	
Renewal	175.00
Late renewal penalty	90.00
<b>Expired license reissuance</b>	<u>90.00</u>
<b>Duplicate license</b>	<u>((30.00))</u> <u>10.00</u>
<b>Verification of license</b>	<u>((30.00))</u> <u>25.00</u>

Title of Fee	Fee
<b>Certified behavior technician</b>	
<b>((Original)) Application (original or reciprocity)</b>	
Application and initial license	95.00
<b>Active license renewal</b>	
Renewal	150.00
Late renewal penalty	75.00
<b>Expired license reissuance</b>	<u>75.00</u>
<b>Duplicate license</b>	((30.00)) <u>10.00</u>
<b>Verification of license</b>	((30.00)) <u>25.00</u>

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-805-020      Supervision disclosure.

WSR 24-11-108

## PERMANENT RULES

## EASTERN WASHINGTON UNIVERSITY

[Filed May 17, 2024, 3:22 p.m., effective June 17, 2024]

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

Purpose: Extends the time period the Eastern Washington University police department can temporarily trespass an individual from campus from 24 hours to 72 hours.

Citation of Rules Affected by this Order: Amending WAC 172-122-200.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Adopted under notice filed as WSR 24-05-006 on February 8, 2024.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 17, 2024.

Annika Scharosch  
Associate Vice President for Civil Rights  
Compliance and Business Services

**OTS-5219.1**

AMENDATORY SECTION (Amending WSR 18-06-022, filed 2/27/18, effective 3/30/18)

**WAC 172-122-200 Notice of trespass.** (1) The president of Eastern Washington University, or the president's designee, has the authority to grant, deny, or withdraw permission for people to be on university property. Any individual who is on university property must comply with university rules. Access to university property may be limited to certain times, certain uses, or certain groups of people. People who are on university property or within a university building without permission may be ordered to leave by any university official.

(2) People who remain on university property without permission, who disrupt university activities, interfere with people's ability to access buildings, or whose conduct threatens the health, safety, or security of anyone on campus may be removed from university property and given a ((twenty-four-hour)) trespass notice of up to 72 hours by the president, the president's designee, or a member of the university police department.

(3) In the event a person's conduct continues to threaten the health, safety, or security of anyone on campus, the president or

president's designee may trespass the person from university property for up to five years, except expelled students may permanently be trespassed from campus. Any prior license or privilege to be on university property is revoked by the notice of trespass.

(4) A person who is trespassed from university property shall be given a written notice of trespass identifying:

(a) The reason why the person is being trespassed;

(b) The duration and scope of the trespass;

(c) The method for appealing the notice; and

(d) A warning that failing to comply with the notice may result in the person's arrest and criminal charges under chapter 9A.52 RCW. The notice shall be delivered in the manner specified in chapter 9A.52 RCW.

(5) Appeals.

(a) If a current student is trespassed from campus, the initial trespass notice is considered an interim restriction under WAC 172-121-140 and the student will receive an emergency appeal hearing under WAC 172-121-140 with the vice president for student affairs or designee. The authority to bar students from university property in this regulation is separate from and in addition to the authority of the dean of students or vice president for student affairs under the student conduct code, chapter 172-121 WAC. At the conclusion of the entire student conduct process, a student who is expelled may be permanently trespassed from university property in accordance with WAC 172-121-210 (1)(k).

(b) If a current employee is trespassed from a particular portion of campus the employee does not need to access to perform his or her job (e.g., ejected from Roos Field during a football game), the employee can appeal the decision under (c) of this subsection. If an employee is trespassed from all university property because his or her conduct threatens the health, safety, or security of anyone on campus, the employee will be considered to have been placed on paid administrative leave by issuance of the trespass notice and the university will follow its normal employment processes for investigating the alleged behavior and determining what level of discipline, if any, is appropriate.

(c) All other persons who have been removed or trespassed from university property may appeal the decision by submitting to the president or president's designee, by certified mail, a letter stating the reasons the person should not be barred from university property within ((twenty-one)) 21 days of issuance of the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The president or president's designee shall review all relevant information and issue a written order affirming, modifying, or revoking the trespass order within ((twenty)) 20 days after the request for review is received. This decision is the university's final decision.

**WSR 24-11-116****PERMANENT RULES****DEPARTMENT OF HEALTH**

(Board of Physical Therapy)

[Filed May 20, 2024, 4:12 p.m., effective May 20, 2024, 4:12 p.m.]

**Effective Date of Rule:** Immediately upon filing.

**Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule:** RCW 18.74.500, Article IX(2) mandates the board of physical therapy (board) adopt the physical therapy compact commission rules in order for physical therapists to participate in the compact. Immediate adoption is necessary to be compliant with the compact commission's revised rules that became effective June 27, 2023.

**Purpose:** Physical therapy licensure compact; updating the reference date to the most recent physical therapy compact commission licensure rules. The board has updated WAC 246-915A-010 to comply with RCW 18.74.500, Article IX(2), which mandates that the board adopt the most recent version of the compact commission rules to participate in the compact in the state of Washington.

The purpose of the adopted amendment is to update the effective date in rule to June 27, 2023, which is the most recent version of the compact commission rules, and to update a web address that is referenced in rule. The physical therapy compact commission rules, effective June 27, 2023, made the following minor changes to the compact rules:

(1) Updates to match the model compact language.

(2) Add a definition of "board administrator" to mean an individual serving as administrative staff to a member state's physical therapy licensing board.

(3) Add new rule 4.2 to make a technical correction to the citation for "active duty military" in section 2 of the model statute.

The adopted changes to WAC 246-915A-010 comply with the statute by incorporating by reference the compact commission's rules as of June 27, 2023, and make a necessary update to a web address.

**Citation of Rules Affected by this Order:** Amending WAC 246-915A-010.

**Statutory Authority for Adoption:** RCW 18.74.023 and 18.74.500, Article IX(2).

Adopted under notice filed as WSR 24-04-082 on February 5, 2024.

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

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

**Number of Sections Adopted on the Agency's own Initiative:** New 0, Amended 1, Repealed 0.

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

**Number of Sections Adopted using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 1, Repealed 0.

**Date Adopted:** May 13, 2024

Kathryn Dale, PT  
Chair, Physical Therapy Board

OTS-5120.2

AMENDATORY SECTION (Amending WSR 23-09-068, filed 4/19/23, effective 4/19/23)

**WAC 246-915A-010 Physical therapy licensure compact—Compact commission rules.** (1) The physical therapy licensure compact (compact) is established in Washington under RCW 18.74.500. Its purpose is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.

(2) The rules of the physical therapy compact commission, in effect as of ~~((October 30, 2022))~~ June 27, 2023, are adopted and incorporated by reference.

(3) A copy of the rules is available for public inspection from the department of health at [https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PhysicalTherapyLicensureCompact\(\(/RulesinProgress\)\)](https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PhysicalTherapyLicensureCompact((/RulesinProgress))) or by calling the department of health's office of customer service at 360-236-4700.

(4) A licensee may exercise a compact privilege as provided in RCW 18.74.500, Article IV. Applicable fees are set forth in WAC 246-915A-990.

**WSR 24-11-121  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed May 21, 2024, 8:41 a.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: RCW 51.14.180 requires the department of labor and industries (L&I) to adopt rules to identify applications of the duty of good faith and fair dealing and to determine criteria for setting appropriate penalties for violations. Rule changes are also needed to support processes necessary in the event a self-insurer must be decertified, such as by accruing three violations of the duty of good faith and fair dealing in three years. Additional amendments were made to clarify or streamline agency processes related to the topics of rule adoption.

Citation of Rules Affected by this Order: New WAC 296-15-257, 296-15-268, 296-15-270 and 296-15-272; and amending WAC 296-15-121, 296-15-125, 296-15-260, and 296-15-266.

Statutory Authority for Adoption: RCW 51.14.090, 51.14.095, and 51.14.180.

Adopted under notice filed as WSR 24-05-075 on February 1 [20], 2024.

Changes Other than Editing from Proposed to Adopted Version: There is one nonediting change to the adopted rules from the text of the proposed rules. In WAC 296-15-121 (1)(a), Surety for a self-insurance program, the proposed rules struck out the language "Excluding public entities and groups." This strikeout in the proposed rules was carried over from a previous draft in error. The adopted rules correct this error by keeping that language intact.

A final cost-benefit analysis is available by contacting Nicole Mitchell, L&I, Insurance Services, Self-Insurance, P.O. Box 44890, Olympia, WA 98504-4890, phone 360-902-6833, fax 360-902-6977, email Nicole.Mitchell@Lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 4, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 4, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 21, 2024.

Joel Sacks  
Director

**OTS-5210.2**

AMENDATORY SECTION (Amending WSR 21-13-136, filed 6/22/21, effective 7/23/21)

**WAC 296-15-121 Surety for a self-insurance program.** (1) **What is surety?**

Surety is the legal financial guarantee each self-insurer must provide to the department for its self-insured workers' compensation program. Failure to provide surety in the amount required by the department will result in the withdrawal of the self-insurer's certification. If a self-insurer defaults ((on (steps payment of) benefits and assessments)), the department will use its surety to cover these costs.

(a) Surety for all entities must be provided on the department's form. The original will be kept by the department. Surety must cover all self-insurance claims liabilities associated with the claims occurring during the time an employer functions as a self-insurer. Excluding public entities and groups. Surety amounts for public entities and groups are covered by WAC 296-15-151 and 296-15-161 respectively.

(b) Surety may not be used by a self-insurer to:

- (i) Pay its workers' compensation benefits; or
- (ii) Serve as collateral for any other banking transactions.

(c) Surety is not an asset of the self-insurer and will not be released by the department if the self-insurer files a petition for dissolution or relief under bankruptcy laws.

(d) The department will determine the amount of surety each self-insurer must provide annually. Surety can also be determined by an independent qualified actuary (associate or fellow of the casualty actuarial society). The surety estimate is subject to the approval of the department's actuary.

(e) Surety may be increased by a maximum of ((twenty-five)) 25 percent of the estimated claim liabilities. These increases will be based on the self-insurer's credit rating or the director's discretion.

(f) Surety for privately held entities are required to submit audited financial reports prepared by a certified public accountant annually. Failure to provide timely updates will result in increased surety requirements. If the latest financial reports are older than ((twelve)) 12 months past their fiscal year, surety will be increased by ((ten)) 10 percent over the required surety calculated by the department. If the latest financial reports are older than ((twenty-four)) 24 months, surety will be increased by ((twenty-five)) 25 percent over the required surety calculated by the department and the department will proceed to decertify the employer from self-insurance.

(2) **What types of self-insurance surety will the department accept?** The department will accept the following types of surety:

(a) Cash, corporate, or governmental securities deposited with a department approved escrow agent and administered by a written agreement L&I form F207-039-000 between the department, self-insurer and escrow agent. Use L&I form F207-137-000 for any rider/amendment to the escrow account.

An escrow account may not be used by the self-insurer to satisfy any other obligation to the bank which maintains the escrow account.

(b) A bond on L&I form F207-068-000 written by a company approved to transact surety business in Washington. Use L&I form F207-134-000 for any rider/amendment to the bond.

(c) An irrevocable standby letter of credit (LOC) on L&I form F207-112-000 if the self-insurer has a net worth of at least ((500 million dollars)) \$500,000,000. Use L&I form F207-111-000 for any rid-

er/amendment. LOCs are subject to acceptance by the department. Acceptance includes, but is not limited to, approval of the financial condition of the issuing or confirming bank.

(i) The issuing or confirming bank must have a location in Washington. The bank must provide the department with an audited financial statement or call report made to the banking regulatory agencies for the most recent fiscal year. An audited statement/call report is due at LOC issuance and annually while the LOC is in effect.

(ii) The self-insurer must provide the department a memorandum of understanding on L&I form F207-113-000 showing the self-insurer's agreement with the following conditions:

(A) The department will automatically extend an LOC for an additional year unless notified otherwise by registered mail at least ((sixty)) 60 days prior to expiration.

(B) If the department is notified an LOC will not be replaced, and the self-insurer fails to provide acceptable replacement surety within ((thirty)) 30 days of notice:

(I) The department will draw the full value of the LOC. All proceeds of the LOC will be deposited with the department;

(II) Accrued interest in excess of the surety requirement will be returned semiannually to the self-insurer; and

(III) If acceptable replacement surety is later provided, the proceeds of the LOC and accrued interest will be returned to the self-insurer.

(C) If the self-insurer defaults on the payment of workers' compensation benefits and has failed to provide acceptable replacement surety for an expired LOC:

(I) The title to the proceeds will be transferred to the department; and

(II) The proceeds and accrued interest will be used to pay the self-insurer's workers' compensation benefits.

(D) If the self-insurer defaults on the payment of workers' compensation benefits and has an LOC in force:

(I) The department will draw the full value of the LOC. All proceeds of the LOC will be deposited with the department; and

(II) The proceeds and accrued interest will be used to pay the self-insurer's workers' compensation benefits.

(iii) If the self-insurer provides another acceptable type of surety in the amount required by the department, the department's interest in the LOC will be released.

(iv) All legal proceedings regarding a self-insurer's LOC will be subject to Washington laws and courts.

**(3) When could a self-insurer's surety level change?**

(a) Surety will be maintained at the current level unless the department's estimate or an independent qualified actuary's estimate of the self-insurer's outstanding claim liabilities changes by more than ((one hundred thousand dollars)) \$100,000.

(b) Surety changes are due by July 1st of each year.

**(4) How does the department determine the required surety level?**

The department analyzes each self-insurer's loss history using incurred development, paid development or other department approved actuarial methods of loss development.

**(5) What is considered reinsurance?** For the purposes of Title 51 RCW, excess insurance and reinsurance mean the same thing.

**(6) May a self-insurer reinsure part of its liability?**

(a) A self-insurer may reinsure up to ((eighty)) 80 percent of its liability under Title 51 RCW.

(b) The reinsuring company and its personnel are prohibited from participating in the administration of the responsibilities of the self-insurer.

(c) Reinsurance policies issued after July 1, 1975, must include endorsements which state (a) and (b) of this subsection.

(d) The self-insurer must:

(i) Notify the department of the name of the insurance carrier, the extent and coverage period of the policy; and

(ii) Submit copies of all reinsurance policies in force including all modifications and renewal provisions.

(e) The department may accept a certificate of insurance on L&I form F207-095-000 in place of the policy if the certificate certifies all coverage conditions and exceptions and that the reinsurance company and its personnel do not participate in the administration of the responsibilities of the self-insurer under Title 51 RCW.

(7) **What if a self-insurer ends its self-insured workers' compensation program?** If a self-insurer voluntarily surrenders certification or has its certificate involuntarily withdrawn by the department, the former self-insurer must continue to do all of the following:

(a) Manage and pay benefits on claims incurred during its period of self-insurance. Claim reopenings and new claims filed for occupational diseases incurred during the period of self-insurance remain the obligation of the former self-insurer.

(b) File quarterly and annual reports as long as quarterly reporting is required; and submit audited financial reports prepared by a certified public accountant annually. A former self-insurer may ask the department to release it from quarterly reporting after it has had no claim activity with the exception of pension or death benefits for a full year.

(c) Provide surety at the department required level. The department may require an increase in surety based on annual reports as they continue to be filed. Surety will not be reduced from the last required level (while self-insured) ((until)) any sooner than three full calendar years after the certificate was terminated. A bond may be canceled for future obligations, but it continues to provide surety for claims occurring prior to its cancellation.

(d) Pay insolvency trust assessments for three years after surrender or withdrawal of certificate.

(e) Pay all expenses for a final audit of its self-insurance program.

(8) **When could the department consider releasing surety to a former self-insurer or its successor?**

(a) The department may consider releasing surety to a former self-insurer or its successor when all of the following have occurred:

(i) All claims against the self-insurer are closed; and

(ii) The self-insurer has been released from quarterly reporting for at least ((ten)) 10 years.

(b) If the department releases surety, the former self-insurer remains responsible for claim reopenings and new claims filed for occupational disease incurred during the period of self-insurance.

AMENDATORY SECTION (Amending WSR 06-07-141, filed 3/21/06, effective 5/1/06)

**WAC 296-15-125 Default by a self-insurer.** (1) What is a default? A default occurs when a self-insured employer no longer provides benefits to its injured workers in accordance with Title 51 of the Revised Code of Washington, or is determined to otherwise fail to meet the requirements of a self-insured employer under Title 51 RCW. A default can be a voluntary action of the self-insured employer, ((or)) an action brought on by the employer's inability to pay the obligation, or an action brought on by the department.

(2) What happens when the department first learns a self-insured employer has ((defaulted on its obligation)) discontinued meeting its obligations under Title 51 RCW? The department ((first corresponds with the self-insured employer to determine if the self-insurer will resume the provision of benefits)) will send notice to the self-insurer that if it does not send confirmation within 10 calendar days that it intends to continue to meet its obligations under Title 51 RCW, the department will determine that the self-insurer has defaulted. If the self-insurer does not respond to the department and resume ((the provision of benefits)) meeting its obligations under Title 51 RCW within ((ten)) 10 days, the self-insured employer is determined to have defaulted.

(3) What happens when the department ((confirms that a self-insurer has defaulted on its obligation)) determines that the self-insured employer has defaulted? ((There are two actions that the department takes)) The following actions occur when a default by a self-insured employer is ((confirmed)) determined:

(a) ((First,)) The department assumes jurisdiction of the claims of the defaulting self-insurer and begins to provide benefits to those injured workers.

(b) ((Second)) If the self-insurer is a private entity, or a public entity or group that has provided surety consistent with WAC 296-15-121, the department makes demand upon the surety provided by that self-insurer for the full amount of the surety. The proceeds of the surety are deposited with the department and accrue interest, which will be used to supplement the surety in providing benefits to those injured workers.

(4) What happens to a self-insured employer's certification when it defaults? The employer surrenders its self-insurance certification when it defaults. Any remaining employment in the state would need industrial insurance coverage through the state fund effective with the default by the employer.

#### NEW SECTION

**WAC 296-15-257 When a self-insured employer is subject to corrective action or withdrawal of certification as instituted by the director.** (1) This section applies to withdrawal of certification or corrective action instituted by the director pursuant to RCW 51.14.080 and/or 51.14.095.

(2) The director or the director's designee shall take corrective action against a self-insured employer if the director determines that:

- (a) The self-insured employer is not following proper industrial insurance claims procedures;
  - (b) The self-insured employer's accident prevention program is inadequate;
  - (c) The employer no longer meets the requirements of a self-insurer;
  - (d) The self-insurer's deposit is insufficient;
  - (e) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces workers to treat injuries in the course of employment as off-the-job injuries, persuades workers to accept less than the compensation due, or unreasonably makes it necessary for workers to resort to proceedings against the employer to obtain compensation;
  - (f) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title;
  - (g) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions;
  - (h) The self-insurer fails to pay an insolvency assessment under the procedures established pursuant to RCW 51.14.077; or
  - (i) A self-insured employer violated the duty of good faith and fair dealing two times within a three-year period.
- (3) Corrective action taken shall follow WAC 296-15-260.

AMENDATORY SECTION (Amending WSR 96-21-145, filed 10/23/96, effective 11/25/96)

**WAC 296-15-260 Corrective action or withdrawal of certification.**

- (1) Corrective action against a self-insured employer shall be by order and notice. A notice of corrective action shall include the nature and specifics of the findings and may include the following:
  - (a) Probationary certification status for the self-insured employer for a period not to exceed one year;
  - (b) Mandatory training to correct areas of program deficiency to be approved by the department.The subject matter to be covered shall be specified in the notice of corrective action. Personnel required to attend and the time period within which the training is to be conducted will also be identified.
- (c) Monitoring activities of the self-insured employer for a specified period of time to determine progress regarding correction of program deficiencies may be required. The department may require submission of complete and accurate records and/or conduct an audit to verify program compliance.
- (d) If there is a contract between the self-insured employer and a service organization which has been filed with the department (WAC 296-15-110), the corrective action order may specify and require that the service organization be subject to mandatory training and monitoring of activity provisions of the order.
- (e) The corrective action order shall specify a time frame for submission of progress reports to the department's self-insurance section.

(f) During the first ((thirty)) 30 days following the corrective action order, the self-insured employer shall submit a plan for the implementation of corrective action which shall include specific com-

pletion dates. If the plan is determined to be incomplete or inadequate, the department's self-insurance administrator shall notify the self-insurer of the necessary requirements or changes needed, and shall specify the date by which an amended plan shall be submitted.

(2) ~~((If sufficient grounds for decertification exist, an order and notice will be issued. The order and notice will include the following:~~

~~(a) The grounds upon which the determination is based.~~

~~(b) The period of time within which the grounds existed or arose.~~

~~(c) The date, not less than ninety days after the self-insured employer's receipt of the order and notice, when certification will be withdrawn.~~

~~(d) Provisions as stipulated by RCW 51.14.090.~~

~~((3))) Upon conclusion of the probationary certification period in the case of corrective action, the program deficiencies requiring corrective action by the self-insured employer shall be evaluated by the department and a written report sent to affected parties. Program activities may be reaudited beyond the stated time period in order to assess continuing compliance with the objectives of the corrective action directives.~~

~~((4))) (3) If, at the conclusion of the probationary period, program deficiencies continue to exist, the department shall decide whether to extend the period of probation, require additional corrective action or proceed with decertification of the self-insured employer. An order and notice stating the decision shall be issued.~~

~~(4) If sufficient grounds for decertification exist, an order and notice will be issued. The order and notice will include the following:~~

~~(a) The grounds upon which the determination is based.~~

~~(b) The period of time within which the grounds existed or arose.~~

~~(c) The date, not less than 30 days after the self-insured employer's receipt of the order and notice, when certification will be withdrawn.~~

~~(d) Provisions as stipulated by RCW 51.14.090.~~

~~((5) The director may delay withdrawing the certification of the self-insured employer while the employer has an enforceable contract with a licensed third-party administrator that may not be legally terminated. However, the self-insured employer may not renew or extend the contract.~~

AMENDATORY SECTION (Amending WSR 19-01-095, filed 12/18/18, effective 7/1/19)

**WAC 296-15-266 Penalties.** (1) Under what circumstances will the department consider assessing a penalty for an unreasonable delay of benefits ((, when requested by a worker))? Upon a worker's or beneficiary's request or based upon its own motion, the department will consider assessment of an unreasonable delay of benefits penalty for:

~~(a) Time-loss compensation benefits ((: The department will issue an unreasonable delay order, and assess associated penalties based on the unreasonably delayed time-loss as determined by the department, if a self-insurer)) if:~~

~~(i) The self-insurer has written medical certification based on objective findings from the attending ((medical)) provider authorized to treat that the ((claimant)) worker is unable to work because of~~

conditions proximately caused by the industrial injury or occupational disease ((~~, or the claimant~~));

(ii) The worker is participating in a department-approved vocational plan; ((and

((iii))) (iii) The self-insurer fails to make the first time-loss payment to the ((claimant)) worker within ((fourteen)) 14 calendar days of notice that there is a claim(\*, or);

(iv) The self-insurer fails to continue time-loss payments on regular intervals as required by RCW 51.32.190(3); ((and)) or

((iii))) (v) The self-insurer fails to take action per WAC 296-15-425.

((\* Notice of claim is provided to the self insured employer when all the elements of a claim are met. The elements of a claim are:

- Description of incident. Examples: Self Insurance Form 2 (SIF-2), physician's initial report (PIR), employer incident report.
- Diagnosis of the medical condition. Examples: PIR, on-site medical facility records if supervised by provider qualified to diagnose.
- Treatment provided or treatment recommendations. Examples: PIR, on-site medical facility records if supervised by provider qualified to treat.
- Application for benefits. Examples: SIF-2, PIR, or other signed written communication that evinces intent to apply.)

(b) Unreasonable delays of loss of earning power compensation payments or permanent partial disability award payments will also be subject to penalty.

(c) Unreasonable delays of payment of medical treatment benefits will also be subject to penalty.

(d) Unreasonable delays of authorization of medical treatment benefits will also be subject to penalty.

(e) Failure to pay benefits without cause: The department will issue an order determining an unreasonable refusal to pay benefits, and assess associated penalties, based on the department's calculation of benefits or fee schedule, if a self-insurer fails to pay a benefit such as time-loss compensation, loss of earning power compensation, permanent partial disability award payments, or medical treatment when there is no medical, vocational, or legal doubt about whether the self-insurer should pay the benefit. Accrued principal and interest will apply to nonpayment of medical benefits.

(f) Paying benefits during an appeal to the board of industrial insurance appeals: The department will issue an unreasonable delay order, and assess associated penalties, based on the department's calculation of benefits or fee schedule, if a self-insurer appeals a department order to the board of industrial insurance appeals, and fails to provide the benefits required by the order on appeal within ((fourteen)) 14 calendar days of the date of the order, and thereafter at regular ((fourteen)) 14-day or semi-monthly intervals, as applicable, until or unless the board of industrial insurance appeals grants a stay of the department order, or until and unless the department re-assumes jurisdiction and places the order on appeal in abeyance, or until the ((claimant)) worker returns to work, or the department issues a subsequent order terminating the benefits under appeal.

(g) Benefits will not be considered unreasonably delayed if paid within three calendar days of the statutory due date. In addition, if benefits are delayed due to an underpayment from the monthly wage calculation for time-loss compensation under RCW 51.08.178, then the department shall presume the benefits are not unreasonably delayed if:

(i) The self-insurer sent a written copy of the wage calculation to the injured worker on a department-developed template; and

(ii) The self-insurer informed the worker, in writing, on a department-developed template that the worker should contact the self-insurer with any questions; and

(iii) The self-insurer notified the worker, in writing, on a department-developed template to write to the department within ((sixty)) 60 days if the worker disputed the calculation.

This presumption may be rebutted by a showing of action without foundation or unsupported by evidence demonstrating an unreasonable delay of benefits despite the notification to the worker and the worker's failure to dispute.

Provided, (g) (i) through (iii) of this subsection will not apply to payments for statutory cost-of-living adjustments, payments that do not use the amount stated in the department-developed template, or a refusal to make payments ordered by the department.

(2) **Under what circumstances will the department consider assessing a penalty for violation of rules?** Upon a worker's or beneficiary's request, or based upon its own motion, the department will consider assessment of a rule violation penalty if the self-insurer or third-party administrator fails to meet the requirements of Titles 51 RCW and 296 WAC.

(3) **How is a penalty request created and processed?**

(a) An injured worker may request a penalty against ((his or her)) their self-insured employer by ((dividing))

((i))) completing the appropriate self-insurance form or sending a written request providing the reasons for requesting the penalty ((dividing))  
((ii) Attaching)). The request may include supporting documents ((optional)).

((ten))) 10 working days of ((receipt of a certified request, the self-insured employer must send its claim file to the department. Failure to timely respond may subject the self-insured employer to a rule violation penalty under RCW 51.48.080)) notification of the penalty request from a worker or department review, the self-insurer or third-party administrator may file a response. The ((employer may attach)) response may include supporting documents ((, or indicate, in writing, if the employer will be providing further supporting documents, which must be received by the department within five additional working days. If the employer fails to timely respond to the penalty request, the department will issue an order in response to the injured worker's request based on the available information)).

((thirty))) 30 days after receiving a complete written request for penalty per (a) of this subsection. The department's review during the ((thirty))) 30-day period for responding to the injured worker's request will include only the records in the department claim file ((records)) at the time of the request and supporting documents provided by the worker and the employer per (a) and (b) of this subsection.

((d)) In deciding whether to assess a penalty, the department will consider only the underlying record and supporting documents at the time of the request which will include documents listed in (a) and (b) of this subsection, if timely available, to determine if the alleged untimely benefit was appropriately requested and if the employer timely responded.

((e)) The department order issued under (c) of this subsection is subject to request for reconsideration or appeal under the provisions of RCW 51.52.050 and 51.52.060.))

NEW SECTION

**WAC 296-15-268 Self-insurance penalty calculations.** (1) For all penalties assessed per WAC 296-15-266, RCW 51.48.017, 51.48.080, or

51.14.180, the penalty amount shall be determined by weighing the following factors:

- (a) Amount of delayed payment.
- (b) Length of time of the delay.
- (c) History or past practice.
- (d) Whether the department has issued an order directing the payment.

(e) Required adjustments to the amount of the payment.

(f) Number of unaddressed requests for action to be taken by the employer or third-party administrator made by the department, worker/beneficiary, or provider.

(g) Efforts by the employer or third-party administrator to communicate with the worker, including communication of the basis for or calculation of a payment.

(2) For all penalties assessed subject to a multiplier of up to three times the amount of the penalty, the amount of the multiplier will be determined by weighing the following factors:

(a) Number of prior violations in the past year of the same nature.

(b) Harm or financial impact done due to the denial or delay of benefits.

(c) Whether the employer or third-party administrator paid the undisputed amount of benefits.

(d) The employer's or third-party administrator's timeliness or delay in responses to request from the department, worker/beneficiary, or provider.

(3) For all penalties assessed based on a violation of good faith and fair dealing, subject to a penalty of up to 52 times the average weekly wage, the amount of the multiplier will be determined by weighing the following factors:

(a) Prior violations of good faith and fair dealing.

(b) Harm or financial impact done due to the denial or delay of benefits.

(c) Amount or number of other penalties assessed simultaneously.

(d) Employer's or third-party administrator's participation in the investigation.

(e) Whether the violation was based on WAC 296-15-270 or 296-15-272.

(4) The following mitigating factors may be a basis for reduction of the penalty calculation in subsections (1), (2), and (3) of this section, including a multiplier:

(a) Efforts by the employer or third-party administrator to correct the actions.

(b) Efforts by the employer or third-party administrator to communicate and educate employees and adjudicators of relevant policies and procedures.

(c) Worker's failure to provide the employer or third-party administrator necessary documentation to complete a review or investigation.

(d) Investigation attempts made by the employer or third-party administrator before it denied benefits.

(e) Employer's or third-party administrator's participation in the department's investigation and timeliness of responses.

(f) Any other factors deemed appropriate by the department.

(5) Penalties assessed based on a violation of the duty of good faith and fair dealing, within a five-year period, will be calculated as follows:

- (a) First time results in a minimum penalty of one times the average weekly wage.
- (b) Second time results in a minimum penalty of 15 times the average weekly wage.
- (c) Third time results in a minimum penalty of 25 times the average weekly wage.
- (d) Four or more times results in a minimum penalty of 40 times the average weekly wage.

#### NEW SECTION

**WAC 296-15-270 violation of the duty of good faith and fair dealing.** (1) If a self-insured employer (SIE) or third-party administrator (TPA) subject to the good faith and fair dealing duty manages the workers' compensation claim in a manner which demonstrates a greater concern for the self-insured employer's interest than the worker's interest, the SIE/TPA will be in violation of its duty to engage in good faith and fair dealing. Additionally, violation of the SIE/TPA duty to engage in good faith and fair dealing includes repeatedly engaging in any of the following actions with such frequency as to indicate a general business practice:

- (a) When requesting an interlocutory order pursuant to WAC 296-15-420(2): Fails to provide a reasonable explanation for an interlocutory order, fails to exercise due diligence while investigating claim determination, and/or fails to provide provisional benefits as entitled during the interlocutory period.
- (b) Unreasonably delays or refuses to pay wage replacement benefits without a factual, legal, vocational, or medical basis.
- (c) Fails to ensure appropriate handling of claims pursuant to WAC 296-15-350.
- (d) Fails to request claim denial or interlocutory order pursuant to WAC 296-15-420 within 60 days.
- (e) Fails to authorize medical care pursuant to WAC 296-15-330 or without factual, legal, or medical basis.
- (f) Fails to pay compensation pursuant to WAC 296-15-340.
- (g) Fails to adhere to duties and performance requirements pursuant to WAC 296-15-550.
- (h) Fails to provide a copy of the claim file in a timely manner pursuant to RCW 51.14.120.
- (i) Fails to communicate with injured workers using department-developed templates pursuant to WAC 296-15-425, including use of the templates in the workers preferred language.
- (j) Fails to notify the worker or beneficiary of their rights and obligations pursuant to WAC 296-15-400, RCW 51.28.010 or 51.28.030.
- (k) Requests the department issue an order denying the claim without a factual, legal, or medical basis.
- (l) Fails to provide a worker or beneficiary a SIF-2 or ability to file a claim pursuant to WAC 296-15-320 and 296-15-405.
- (m) Fails to have claims managed by a certified claims administrator or trainee in accordance with WAC 296-15-350(2).
- (n) Fails to forward an application to reopen a claim within five working days of receipt pursuant to WAC 296-15-470.
- (o) Fails to forward a protest or appeal to the department within five working days of receipt pursuant to RCW 51.14.120(2) and WAC 296-15-480.

(2) Errors or delays that are inadvertent or minor are not a violation of the duty of good faith and fair dealing.

NEW SECTION

**WAC 296-15-272 When intentional behavior is deemed a violation of the duty of good faith and fair dealing.** (1) If a self-insured employer (SIE) or third-party administrator (TPA) subject to the duty of good faith and fair dealing intentionally engages in any of the following actions, the SIE/TPA is in violation of its duty to engage in good faith and fair dealing if it fails to:

(a) Provide a worker or beneficiary a SIF-2 or ability to file a claim pursuant to WAC 296-15-320 and 296-15-405, with the intent to interfere with the worker's ability to pursue benefits under Title 51 RCW.

(b) Forward an application to reopen a claim within five working days of receipt pursuant to WAC 296-15-470, with the intent to interfere with the worker's ability to reopen a claim or pursuing further benefits.

(c) Forward a protest or appeal to the department within five working days of receipt pursuant to RCW 51.14.120(2) and WAC 296-15-480, with the intent to interfere with the worker's ability to pursue a request for reconsideration, appeal, or further benefits.

(2) It is a violation of the duty to engage in good faith and fair dealing to coerce a worker to accept less than the compensation due under Title 51 RCW.

(3) Errors or delays that are inadvertent or minor are not a violation of the duty of good faith and fair dealing.

**WSR 24-11-122  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed May 21, 2024, 8:43 a.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: This adoption updates billing and coding requirements for naturopathic physicians to support consistency with other payers and other attending provider types.

WAC 296-23-205 General instructions—Naturopathic physicians, removes references to existing local billing codes and clarifies references to other relevant sections of rule (WAC) for naturopaths.

WAC 296-23-215 Office visits and special services—Naturopathic physicians, is repealed.

Citation of Rules Affected by this Order: Repealing WAC 296-23-215; and amending WAC 296-23-205.

Statutory Authority for Adoption: RCW 51.04.020(1) and 51.04.030.

Adopted under notice filed as WSR 24-04-089 on February 6, 2024.

Changes Other than Editing from Proposed to Adopted Version: For clarification and further consolidation, the following language was moved under subsection (1): (7)(a) Which refers to reporting requirements, (7)(b) which refers to the definition of "proper and necessary" care, and (6) which refers to treatment not authorized. Although redundant, the intent is to highlight these important references within the reference range already obligated to naturopathic physicians under subsection (1).

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 1.

Date Adopted: May 21, 2024.

Joel Sacks  
Director

**OTS-5107.5**

**AMENDATORY SECTION** (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

**WAC 296-23-205 General instructions—Naturopathic physicians.**  
**General instructions for naturopathic physicians:**

- (1) Refer to WAC 296-20-010 through 296-20-125 ((regarding)) for general rules and billing procedures including, but not limited to:
- (a) WAC 296-20-06101 for reporting requirements.
- (b) WAC 296-20-01002 for the definition of "proper and necessary" health care services.
- (c) WAC 296-20-03002 for treatment not authorized by the department.

(2) Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

(3) ((In addition to general rules found in WAC 296-20-010 through 296-20-125, the following rules apply to naturopathic physicians:

(a) If the naturopathic physician is dual licensed, all treatment rendered by the practitioner must be billed as "treatment of the day." Further, the practitioner must elect and notify the department or self-insurer, which type of treatment he is providing for the injured worker, and abide by rules pertaining to area of elected treatment.

(b) Naturopathic physicians utilizing hydro-, mechano-, and/or electro-therapy modalities cannot bill for those services in addition to office visit services. Office visit includes treatment of the day.

(c) No more than one office visit will be allowed per day, except on the initial and next two subsequent visits. The attending doctor must submit a detailed report regarding the need for the additional treatment.

(d) If necessary, X-rays may be taken immediately prior to and following the initial naturopathic physician treatment without prior authorization.

(e) X-rays immediately prior to and following each subsequent naturopathic physician treatment will be disallowed, unless previously authorized.

(f) Prior authorization must be obtained for X-rays subsequent to initial treatment.

(g) Payment will not be made for excessive or unnecessary X-rays. No payment will be made for X-rays taken on rejected or closed claims, except those taken in conjunction with a reopening application.

(h) See chapter 296-23 WAC for custody requirements for X-rays.

(4) Drugless therapy as a maintenance or supportive measure will not be authorized or paid.

(5) Treatment beyond the first twenty treatments or sixty days, whichever occurs first, will not be authorized without submission of a consultation report or a comprehensive comparative exam report regarding need for further care) Refer to WAC 296-23-135 through 296-23-145 and 296-20-121 for requirements for X-rays.

(4) Refer to chapter 246-836 WAC for scope of practice including prescribing authority and injection requirements.

(5) Refer to WAC 296-21-290 for physical medicine limitations for attending doctors.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-23-215

Office visits and special services—  
Naturopathic physicians.



**WSR 24-11-144  
PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 21, 2024, 4:47 p.m., effective June 21, 2024]

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

Purpose: The department of social and health services is amending WAC 388-439-0020 Eligibility for pandemic EBT benefits for children under age six and 388-439-0025 Eligibility for pandemic EBT benefits during the 2023 summer period.

These amendments are necessary to more accurately align pandemic EBT program rules with federal regulations. Related emergency rules are currently in place. When effective, this permanent filing supersedes the emergency rule filed under WSR 24-09-060.

Citation of Rules Affected by this Order: Amending WAC 388-439-0020 and 388-439-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Other Authority: Section 1101 of H.R. 6201, Families First Coronavirus Response Act, and amended by Section 1108 of H.R. 1319, American Rescue Plan Act of 2021.

Adopted under notice filed as WSR 24-07-076 on March 18, 2024.

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

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: May 21, 2024.

Katherine I. Vasquez  
Rules Coordinator

## **SHS-5008.1**

**AMENDATORY SECTION** (Amending WSR 23-20-014, filed 9/22/23, effective 10/23/23)

**WAC 388-439-0020 Eligibility for pandemic EBT benefits for children under age six.** (1) To be eligible for federally funded pandemic electronic benefits transfer (P-EBT) benefits for children under age six, a child must be:

- (a) A member of a household that received supplemental nutrition assistance program (SNAP) between September 1, 2022, and May 11, 2023;
- (b) Under age of six during the specified time period.

(2) Children who do not qualify for federally funded P-EBT benefits because they receive state-funded food assistance program (FAP) may be eligible for state-funded P-EBT.

(a) State-funded P-EBT follows the same eligibility rules as subsection (1) of this section, except that the child must be a member of a household that received FAP, instead of SNAP, between September 1, 2022, and May 11, 2023.

(b) State-funded P-EBT benefits are contingent on the availability of state funds.

(3) We calculate a standard benefit level for each month of P-EBT eligibility by:

(a) Using the full daily meal reimbursement rate of \$8.18 for breakfast, lunch, and snack;

(b) For September 2022, through April 2023, multiplied by the statewide average operating days of 18 days per month;

(c) For the partial prorated month of May 2023, multiplied by the nine operating days prior to the May 11 expiration of the PHE;

(d) Multiplied using a percentage of benefit reimbursement based on statewide child and adult care food program (CACFP) reported meal service prior to the COVID-19 PHE compared to the current school year, a 29.8 percent reduction, as follows:

Child Care Months	Daily Reimbursement Rate	Average Operating Days	Reduction in CACFP Claims	Average Monthly Benefits
September 2022 - April 2023	\$8.18	18	29.8%	\$43.88
May 1 - May 11, 2023	\$8.18	9	29.8%	\$28.94

(e) P-EBT benefits are issued for each month that the household receives a SNAP or FAP benefit more than zero dollars.

(4) P-EBT benefits are issued for a child under age six for a retroactive period of time as ((follows:)) a lump sum one-time payment covering eligible months from September 2022, through May 2023.

((a) A lump sum one-time P-EBT allotment is issued for eligible months from September 2022, through May 2023;

((b) P-EBT during the summer period benefits are disbursed under WAC 388-439-0025.))

(5) Benefits for a child under age six will be placed on a P-EBT card under WAC 388-439-0015.

(6) USDA requires all issuances of P-EBT benefits to be complete by December 31, 2023, as federal funding will be exhausted. Any and all P-EBT benefits issued beyond this date will be subject to additional USDA approval and funding.

AMENDATORY SECTION (Amending WSR 23-20-014, filed 9/22/23, effective 10/23/23)

**WAC 388-439-0025 Eligibility for pandemic EBT benefits during the 2023 summer period.** (1) During the summer period of July and August 2023, schools ((and covered childcare centers)) will be deemed as closed.

(2) To be eligible for the pandemic electronic benefits transfer (P-EBT) benefit during the summer period after the 2022-2023 school year, prior to August 31, 2023, a child must be ((the)) an eligible student as defined under WAC 388-439-0005 (2)(d) in June 2023.

((a) An eligible student as defined under WAC 388-439-0005  
(2) (d) in June 2023; or

(b) A child under age six, as defined under WAC 388-439-0020(1),  
between July 1, 2023, and August 31, 2023.)

(3) Children under the age of six as defined in WAC 388-439-0020  
are not eligible for Summer P-EBT benefits following the expiration of  
the federal public health emergency declaration.

(4) A child determined eligible in subsection (2) of this section  
will receive a one-time, lump sum payment of \$120 for the 2023 summer  
period.

((4)) (5) Summer P-EBT benefits for an eligible student or a  
child under age six will be placed on a P-EBT card under WAC  
388-439-0015.

((5)) (6) USDA requires all issuances of P-EBT benefits to be  
complete by December 31, 2023, as federal funding will be exhausted.  
Any and all P-EBT benefits issued beyond this date will be subject to  
additional USDA approval and funding.

**WSR 24-11-147  
PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed May 22, 2024, 7:40 a.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The department of social and health services (department) is adopting amendments to WAC 388-478-0015 Need standards for cash assistance.

These amendments are necessary per RCW 74.04.770, which requires the department to annually update standards of need using an existing, broadly-used national standard. The amendments reflect this required update using the University of Washington Center for Women's Welfare Self-Sufficiency Standard.

Citation of Rules Affected by this Order: Amending WAC 388-478-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.770, and 74.08.090.

Adopted under notice filed as WSR 24-08-070 on April 2, 2024.

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

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 21, 2024.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5028.1**

AMENDATORY SECTION (Amending WSR 23-12-053, filed 6/1/23, effective 7/2/23)

**WAC 388-478-0015 Need standards for cash assistance.** The monthly need and payment standards for cash assistance are based on a determination of the assistance unit size. The need standards for cash assistance units are:

Assistance unit size	Need standard
1	\$((3,258)) <u>3,732</u>
2	((5,290)) <u>5,911</u>
3	((6,396)) <u>7,270</u>
4	((8,359)) <u>9,369</u>

Assistance unit size	Need standard
5	((9,872)) <u>11,229</u>
6	((11,463)) <u>13,104</u>
7	((13,081)) <u>14,998</u>
8	((14,542)) <u>16,842</u>
9	((16,428)) <u>18,890</u>
10 or more	((19,017)) <u>21,888</u>

**WSR 24-11-160****PERMANENT RULES****DEPARTMENT OF HEALTH**

(Board of Physical Therapy)

[Filed May 22, 2024, 11:43 a.m., effective June 22, 2024]

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

**Purpose:** Physical therapists intramuscular needling requirements.

The board of physical therapy (board) and the department of health (department) are adopting amendments to chapter 246-915 WAC, Physical therapists and physical therapist assistants, to clarify statutory requirements included in 2SHB 1039 (chapter 198, Laws of 2023) for obtaining an intramuscular needling endorsement. 2SHB 1039 expands the scope of practice of physical therapists to perform intramuscular needling, also known as dry needling, pending the issuance of an intramuscular needling endorsement.

The board and the department are adopting new WAC 246-915-390 to provide an overview of the requirements and process for applying for an intramuscular needling endorsement. The new section expands upon and clarifies the education and training requirements included in 2SHB 1039, creates a process for physical therapists to apply for the endorsement, and updates definitions related to the endorsement. The board and the department are also adopting amendments to WAC 246-915-990 to establish a fee to cover the cost of the endorsement. The adopted rules clarify and set standards to ensure that physical therapists who are seeking the endorsement are prepared with the skills and education needed to provide safe intramuscular needling services to the public.

**Citation of Rules Affected by this Order:** New WAC 246-915-390; and amending WAC 246-915-990.

**Statutory Authority for Adoption:** RCW 18.74.023, 43.70.110, 43.70.250, and 43.70.280.

**Other Authority:** RCW 18.74.200.

Adopted under notice filed as WSR 24-06-067 on March 4, 2024.

A final cost-benefit analysis is available by contacting Allyson McIver, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2878, fax 360-236-2901, TTY 711, email [physical.therapy@doh.wa.gov](mailto:physical.therapy@doh.wa.gov), website [doh.wa.gov](http://doh.wa.gov).

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

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

**Number of Sections Adopted on the Agency's own Initiative:** New 1, Amended 1, Repealed 0.

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

**Number of Sections Adopted using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 1, Amended 1, Repealed 0.

**Date Adopted:** May 21, 2024.

Kathryn Dale, PT, DSc  
Chair, Physical Therapy Board

Todd Mountin, PMP

Deputy Chief of Policy  
for Umair A. Shah, MD, MPH

**OTS-5123.2**NEW SECTION

**WAC 246-915-390 Intramuscular needling—Endorsement.** (1) "Intramuscular needling" also known as "dry needling" is defined under RCW 18.74.010.

(2) As established in RCW 18.74.200 a physical therapist may perform intramuscular needling, also known as dry needling after being issued an intramuscular needling endorsement by the secretary.

(3) The secretary, upon approval by the board, shall issue an endorsement to a physical therapist who has at least one year of post-graduate practice experience that averages at least 36 hours a week and consists of direct patient care and who provides evidence in a manner acceptable to the board of a total of 325 hours of instruction and clinical experience that meet or exceed the following criteria:

(a) A total of 100 hours of didactic instruction in the following areas:

(i) Anatomy and physiology of the musculoskeletal and neuromuscular systems;

(ii) Anatomical basis of pain mechanisms, chronic pain, and referred pain;

(iii) Trigger point evaluation and management;

(iv) Universal precautions in avoiding contact with a patient's bodily fluids; and

(v) Preparedness and response to unexpected events including, but not limited to, injury to blood vessels, nerves, and organs, and psychological effects or complications.

(b) A total of 75 hours of in-person intramuscular needling instruction in the following areas:

(i) Intramuscular needling technique;

(ii) Intramuscular needling indications and contraindications;

(iii) Documentation and informed consent for intramuscular needling;

(iv) Management of adverse effects;

(v) Practical psychomotor competency; and

(vi) Occupational safety and health administration's bloodborne pathogens protocol.

(c) A successful clinical review of a minimum of 150 hours of at least 150 individual intramuscular needling treatment sessions by a qualified provider. After receiving 100 hours of didactic instruction and 75 hours of in-person intramuscular needling instruction, a physical therapist seeking endorsement has up to 18 months to complete a minimum of 150 treatment sessions for review.

(4) A physical therapist may not delegate intramuscular needling and must remain in constant attendance of the patient for the entirety of the procedure.

(5) A physical therapist can apply for endorsement before they have one year of clinical practice experience if they can meet the requirement of 100 hours of didactic instruction and 75 hours of in-per-

son intramuscular needling instruction through their prelicensure coursework and have completed all other applicable requirements.

(6) For the purpose of subsection (3)(c) of this section, "clinical review" may include:

(a) The direct or indirect supervision of intramuscular needling treatment sessions by a qualified provider.

(b) Review of chart notes from intramuscular needling treatment sessions by a qualified provider.

(c) Oversight by a qualified provider of intramuscular needling treatment sessions completed through an internship or apprenticeship.

(7) For the purpose of subsections (3)(c) and (6) of this section, a qualified provider is one of the following:

(a) A physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a licensed naturopath under chapter 18.36A RCW; a licensed acupuncture and Eastern medicine practitioner under chapter 18.06 RCW; or a licensed advanced registered nurse practitioner under chapter 18.79 RCW;

(b) A physical therapist credentialed to perform intramuscular needling in any branch of the United States armed forces;

(c) A licensed physical therapist who currently holds an intramuscular needling endorsement in Washington state; or

(d) A physical therapist licensed under the laws of another jurisdiction who meets the requirements for obtaining an intramuscular needling endorsement but does not currently hold an endorsement in Washington state.

(8) To apply for the endorsement:

(a) A licensed physical therapist shall submit to the department:

(i) A completed endorsement application as provided by the department;

(ii) Endorsement fees required under WAC 246-915-990;

(iii) Evidence of completion of the education and training requirements listed in RCW 18.74.200; and

(iv) A completed affidavit demonstrating successful completion of the clinical review requirement listed in RCW 18.74.200.

(b) A licensed physical therapist who is credentialed to perform intramuscular needling through any branch of the military meets the requirements of the intramuscular needling endorsement and shall submit to the department:

(i) A completed endorsement application verifying their military credential to perform intramuscular needling; and

(ii) Endorsement fees required under WAC 246-915-990.

(9) A physical therapist shall have patients receiving intramuscular needling sign an informed consent form that includes:

(a) The definition of intramuscular needling as set forth in RCW 18.74.010;

(b) A description of the risks of intramuscular needling;

(c) A description of the benefits of intramuscular needling;

(d) A description of the potential side effects of intramuscular needling; and

(e) A statement clearly differentiating the procedure from the practice of acupuncture. Acupuncture shall be defined in accordance with the definition of "acupuncture and Eastern medicine" under RCW 18.06.010.

(10) Intramuscular needling may not be administered as a stand-alone treatment within a physical therapy care plan.

(11) If a physical therapist is intending to perform intramuscular needling on a patient who the physical therapist knows is being

treated by an acupuncturist or acupuncture and Eastern medicine practitioner for the same diagnosis, the physical therapist shall make reasonable efforts to coordinate patient care with the acupuncturist or acupuncture and Eastern medicine practitioner to prevent conflict or duplication of services.

AMENDATORY SECTION (Amending WSR 23-07-057, filed 3/9/23, effective 6/1/23)

**WAC 246-915-990 Physical therapist fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<b>Original application</b>	
Application	\$80.00
<b>Active license renewal</b>	
License renewal	100.00
Late renewal penalty	50.00
Expired license reissuance	50.00
<b>Inactive license renewal</b>	
License renewal	35.00
Expired license reissuance	50.00
<b>Duplicate license</b>	
	10.00
<b>Endorsement</b>	
<u>Intramuscular needling endorsement</u>	<u>100.00</u>
<b>Verification of license</b>	
	25.00

## WSR 24-11-162

## PERMANENT RULES

## DEPARTMENT OF LICENSING

[Filed May 22, 2024, 11:46 a.m., effective June 22, 2024]

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

Purpose: The department of licensing is considering raising the maximum fees a notary may charge for notarial acts from \$10 to \$15.

Citation of Rules Affected by this Order: Amending WAC 308-30-220 Fees for notarial acts.

Statutory Authority for Adoption: RCW 42.45.170 Fees and 42.45.250 Rules.

Adopted under notice filed as WSR 24-09-086 on April 17, 2024.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1 [0].

Date Adopted: May 22, 2024.

Ellis Starrett  
Rules and Policy Manager

**OTS-5312.1**

AMENDATORY SECTION (Amending WSR 21-05-039, filed 2/11/21, effective 3/14/21)

**WAC 308-30-220 Fees for notarial acts.** (1) The maximum fees a notary may charge for notarial acts are:

<u>Notarial Act</u>	<u>Maximum Fee</u>
Witnessing or attesting a signature	(( <u>\$10.00</u> ) <u>\$15.00</u> )
Taking an acknowledgment or a verification upon oath or affirmation	(( <u>\$10.00</u> ) <u>\$15.00</u> )
Certifying or attesting a copy	(( <u>\$10.00</u> ) <u>\$15.00</u> )
Administering an oath or affirmation	(( <u>\$10.00</u> ) <u>\$15.00</u> )
Certifying that an event has occurred or an act has been performed	(( <u>\$10.00</u> ) <u>\$15.00</u> )
<u>Remote notarial act</u>	<u>\$25.00</u>

(2) A notary public need not charge for notarial acts.

(3) A notary public may not charge fees for receiving or noting a protest of a negotiable instrument.

(4) A notary public may additionally charge the actual costs of copying any instrument or record.

(5) A notary public may charge a travel fee when traveling to perform a notarial act if:

(a) The notary public and the individual requesting the notarial act agree upon the travel fee in advance of the travel; and

(b) The notary public explains to the individual requesting the notarial act that the travel fee is in addition to the notarial fee in subsection (1) of this section and is not required by law.

(6) Notwithstanding the maximum fees set forth in subsection (1) of this section and the prohibition set forth in subsection (3) of this section, a notary public may charge a maximum fee of ((twenty-five dollars)) \$25 to perform a remote notarial act.