

WSR 24-20-011

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed September 19, 2024, 2:48 p.m., effective October 20, 2024]

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

Purpose: The department of licensing (DOL) is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. Current fees for appraisers are insufficient to sustain the program; therefore, DOL is adopting fee increases.

Citation of Rules Affected by this Order: Amending WAC 308-125-120 Fees and charges.

Statutory Authority for Adoption: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule, 46.01.110, and 18.140.050 Fees and collection procedures.

Adopted under notice filed as WSR 24-15-149 on July 24, 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: September 19, 2024.

Ellis Starrett  
Rules and Policy Manager

**OTS-5650.3**

AMENDATORY SECTION (Amending WSR 20-18-024, filed 8/26/20, effective 9/26/20)

**WAC 308-125-120 Fees and charges.** The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	(( <del>\$370.00</del> )) \$740.00
(2) Examination	120.00**
(3) Reexamination	120.00**
(4) Original certification	(( <del>250.00*</del> )) 420.00*
(5) Active license renewal	(( <del>530.00*</del> )) 980.00*
(( <del>6</del> )) Inactive license renewal	110.00))

Title of Fee	Fee
<del>((7))</del> <u>(6)</u> Inactive license reinstatement	<del>((530.00))</del> <u>1,200.00*</u>
<del>((8))</del> <u>(7)</u> Late renewal	<del>((38.00))</del> <u>76.00</u>
<del>((9))</del> <u>(8)</u> Certification history record	30.00
<del>((10))</del> <u>(9)</u> Application for reciprocity	<del>((370.00))</del> <u>660.00</u>
<del>((11))</del> <u>(10)</u> Original certification via reciprocity	<del>((250.00))</del> <u>420.00*</u>
<del>((12))</del> <u>(11)</u> Temporary practice	<del>((150.00))</del> <u>250.00</u>
<del>((13))</del> <u>(12)</u> Trainee registration	<del>((200.00))</del> <u>400.00</u>
<del>((14))</del> <u>(13)</u> Trainee registration renewal	<del>((200.00))</del> <u>400.00</u>
<del>((15))</del> <u>(14)</u> DOL license print	5.00

\* Fees for these categories marked with an asterisk include a national registry fee in an amount determined by the appraisal subcommittee to be submitted by the state. Title XI, SEC. 1109 requires each state to submit a roster listing of state licensed and certified appraisers to the Appraiser Subcommittee.

\*\* Charges for categories marked with a double asterisk are determined by contract with an outside testing service.

**WSR 24-20-031**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Nursing)

[Filed September 23, 2024, 11:17 a.m., effective October 24, 2024]

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

Purpose: Nursing education simulation rule. The Washington state board of nursing (board) permanently adopted new WAC 246-840-5341 to establish the requirements for use of simulation-based learning experiences as a substitute for required clinical and direct patient care experiences at a 1:2 ratio in licensed practical nurse (LPN), registered nurse (RN), or RN to Bachelor of Science in nursing (BSN) education programs. The board also adopted amendments to the current simulation rule, WAC 246-840-534, to clarify that it only applies to the use of simulation at a 1:1 ratio, in response to E2SSB 5582 (chapter 126, Laws of 2023).

Citation of Rules Affected by this Order: New WAC 246-840-5341; and amending WAC 246-840-534.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110; E2SSB 5582.

Other Authority: E2SSB 5582.

Adopted under notice filed as WSR 24-15-133 on July 23, 2024.

A final cost-benefit analysis is available by contacting Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email WABONRules@doh.wa.gov, website [www.nursing.wa.gov](http://www.nursing.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: August 27, 2024.

Alison Bradywood, DNP, MH/MPH, RN, NEA-BC  
 Executive Director  
 Washington State Board of Nursing

**OTS-5217.9**

AMENDATORY SECTION (Amending WSR 16-17-082, filed 8/17/16, effective 9/17/16)

**WAC 246-840-534 Use of simulation for clinical experiences at a 1:1 ratio in LPN, RN, or RN to BSN nursing education programs located in Washington state.** (1) An LPN, RN, or RN to BSN nursing education

program may use simulation as a substitute for traditional clinical experiences (~~(, after approval by the commission)~~) in WAC 246-840-531 at a 1:1 ratio, where one hour of simulation counts for one hour of required clinical experience, not to exceed ((fifty)) 50 percent of its clinical hours for a particular course.

(a) Simulation as used in this section means a technique to replace or amplify real experiences with guided experiences evoking or replicating substantial aspects of the real world in a fully interactive manner.

(b) The nursing education program shall have an organizing framework providing adequate fiscal, human, technological, and material resources to support the simulation activities.

(c) Simulation activities must be managed by an individual who is academically and experientially qualified and who demonstrates currency and competency in the use of simulation while managing the simulation program.

(d) The nursing education program shall have a budget sustaining simulation activities and training of the faculty.

(e) The nursing education program shall have appropriate facilities, educational and technological resources and equipment to meet the intended objectives of the simulation.

(f) All faculty involved in simulations, both didactic and clinical, shall have training in the use of simulation and shall engage in ongoing professional development in the use of simulation.

(g) Faculty to student ratios in the simulation lab must be in the same ratio as identified in WAC 246-840-532 for clinical learning experiences.

(2) Faculty shall organize clinical and practice experiences based on the educational preparation and skill level of the student.

(3) Qualified simulation faculty must supervise and evaluate student clinical and practice experiences.

(a) The nursing education program shall demonstrate that simulation activities are linked to programmatic outcomes.

(b) The nursing education program shall have written policies and procedures on the following:

(i) Short-term and long-term plans for integrating simulation into the curriculum;

(ii) An identified method of debriefing each simulated activity; and

(iii) A plan for orienting faculty to simulation.

(c) Debriefing as used in this section means an activity following a simulation experience that is led by a facilitator, encourages reflective thinking, and provides feedback regarding the participant's performance.

(d) The nursing education program shall develop criteria to evaluate simulation activities.

(e) Students shall evaluate the simulation experience on an ongoing basis.

(f) The program shall include information about use of simulation in its annual report to the ~~((commission))~~ board.

#### NEW SECTION

**WAC 246-840-5341 Use of simulation for clinical experiences at a 1:2 ratio in LPN, RN, or RN to BSN nursing education programs located**

**in Washington state.** (1) This section applies to LPN, RN, or RN to BSN nursing education programs providing simulation-based learning experiences as a substitute for clinical and direct patient care experience hours required in WAC 246-840-531 at a 1:2 ratio, where one hour of simulation counts for two hours of required clinical and direct patient care experiences.

(2) The definitions in this section apply throughout this section unless the context clearly requires otherwise:

(a) **"Active engagement"** means each student maintains a level of engagement that is conducive to the students' achievement of learning objectives.

(b) **"Active observer"** means a student that is engaged in the clinical scenario by observing the active participants and providing feedback that contributes to the students' achievement of learning objectives.

(c) **"Active participant"** means a student that is directly engaged in the clinical scenario by way of a role assignment that contributes to the students' achievement of learning objectives.

(d) **"Context"** means a simulation-based learning experience should be contextualized within a situation or backstory to provide a realistic starting point from which the structured activity begins. The complete picture of this context may be given verbally to the learners, found in the patient's file, or be revealed if requested through adequate inquiry.

(e) **"Fidelity"** means the level of realism associated with a particular simulation-based learning experience; fidelity can involve a variety of dimensions, including:

(i) Physical factors such as environment, equipment, and related tools;

(ii) Psychological factors such as emotions, beliefs, and self-awareness of participants;

(iii) Social factors such as participant and instructor motivation and goals;

(iv) Culture of the group; and

(v) Degree of openness and trust, as well as participants' modes of thinking.

(f) **"High stakes evaluation"** means an evaluation that has major implications or consequences based on the result or the outcome, such as merit pay, progression, or grades.

(g) **"Screen-based simulation"** means a simulation presented on a computer screen using graphical images and text, similar to the popular gaming format, where the learner interacts with the interface using keyboard, mouse, joystick, or other input device.

(h) **"Simulation"** means an educational technique that replaces or amplifies real experiences with guided experiences that evoke or replicate substantial aspects of the real world in a fully interactive manner.

(i) **"Simulation-based learning experiences"** means structured facilitated activities that represent actual or potential situations that allow students to demonstrate, develop, or enhance knowledge, skills, or attitudes and provide an opportunity to analyze and respond to realistic situations in a simulated environment. Simulation-based learning experiences include the entire set of actions and events from initiation to termination of an individual simulation event. For purposes of counting simulation hours using 1:2 ratio, simulation-based learning experiences include the synchronously facilitated prebrief-

ing, clinical scenario, and debriefing, but do not include asynchronous preparation activities such as readings or case reviews.

(j) **"Simulation operations support personnel"** means an individual who is involved in the preparation, operations, implementation, or delivery of the simulation-based learning experience but does not have primary responsibility for the experience. Responsibilities may include, but are not limited to, preparing the environment, operating equipment and technology, and voicing roles.

(3) Simulation-based learning experience hours may not exceed 50 percent of clinical hours for a particular course. The board may grant exceptions to a nursing education program demonstrating difficulty in locating clinical placement for a particular curriculum content area required by WAC 246-840-539 and 246-840-541, or 246-840-542.

(4) Screen-based simulation hours may not be counted for clinical hours at the 1:2 ratio.

(5) A simulation-based learning experience can include the use of immersive augmented reality or virtual reality so long as it is synchronously facilitated.

(6) Group size shall be limited to the number of students who can be actively engaged in a simulation-based learning experience such that it is conducive to learning, and shall not exceed 10 students for every one nursing faculty member who facilitates a simulation-based learning experience. Each student shall participate in the hands-on nurse role in each simulation-based learning experience and when not in that role, as an active observer or active participant in another role that contributes to the students' achievement of learning objectives. The program shall have a plan for ensuring active engagement of all students that includes participation of each student in the hands-on nurse role and use of an observer engagement tool.

(7) The nursing faculty member who facilitates a simulation-based learning experience must not have operational responsibilities.

(8) The nursing education program must obtain and maintain endorsement or accreditation from a board-approved organization that provides endorsement or accreditation in health care simulation. A nursing education program offering simulation at a 1:2 ratio must obtain board-approved certification or endorsement by June 30, 2029. As of July 1, 2029, a nursing education program must obtain board-approved endorsement or accreditation prior to offering simulation-based learning experiences to students at a 1:2 ratio. New nursing education programs receiving full board approval must obtain board-approved endorsement or accreditation within four years of receiving full board approval.

(9) The nursing education program shall have:

(a) A strategic plan for the simulation program;

(b) A plan to manage simulation space, equipment, and personnel resources for the simulation program;

(c) Policies and procedures to support and sustain the simulation program; and

(d) Defined qualifications of simulation operation support personnel.

(10) The simulation program must be managed by an individual who has all of the academic and experiential qualifications required of nursing faculty. The simulation program manager must also hold a Certified Healthcare Simulation Educator (CHSE) certification, Certified Healthcare Simulation Educator-Advanced certification (CHSE-A), or other board-approved certification in simulation by June 30, 2029. As of July 1, 2029, the simulation program manager must have and maintain

board-approved health care simulation educator certification prior to initiating simulation program management duties.

(11) As of July 1, 2029, at least 10 percent of nursing faculty who facilitate simulation-based learning experiences must hold a CHSE or CHSE-A certification, or other board-approved certification in simulation.

(12) The board may grant an exception to the requirements that the simulation program manager and at least 10 percent of nursing faculty who facilitate simulation-based learning experiences must hold a board-approved certification if the following conditions are met:

(a) The program has a written plan for the simulation faculty and simulation program manager to obtain CHSE, CHSE-A certification, or other board-approved certification, within three years of application for exception;

(b) The simulation program manager and simulation faculty participate in professional development under subsection (15) of this section; and

(c) Evidence of orientation, mentorship, and evaluation of the simulation faculty and the simulation program manager is maintained and available to the board for review upon request.

(13) All nursing faculty who facilitate simulation-based learning experiences must be academically and experientially qualified and demonstrate competency in the use of simulation. Accordingly, nursing education programs shall document:

(a) Nursing faculty who facilitate simulation-based learning experiences have specific knowledge and skills in simulation pedagogy;

(b) The facilitative approach is appropriate to the level of learning, experience, and competency of the students; and

(c) Facilitation occurs throughout the simulation-based learning experience which aims to support students in achieving expected outcomes. The facilitation methods include prebriefing to prepare students for the simulation, and a debriefing, feedback session, or guided reflection exercise.

The nursing education program may maintain documentation of simulation nursing faculty's current CHSE, CHSE-A, or other board-approved certification as proof of compliance with subsection (13) (a) and (b) of this section.

(14) The nursing education program shall have a written plan to orient, mentor, and evaluate the simulation program manager and nursing faculty who facilitate simulation-based learning experiences.

(15) For nursing faculty who facilitate simulation-based learning experiences and do not hold current CHSE, CHSE-A, or other board-approved certification, the nursing education program shall provide a means for faculty participation in simulation-related professional development that includes:

(a) A simulation-related educational needs assessment;

(b) An annual professional development plan; and

(c) At least eight hours of simulation-related professional development per year. Professional development includes activities that reasonably contribute to the professional knowledge and development of faculty for purposes of providing simulation-based learning experiences to students.

(16) The nursing education program shall ensure that simulation-based learning experiences are:

(a) Student-centered and evidence-based;

(b) Aligned with appropriate and measurable student learning objectives;

(c) Designed to include context and the appropriate level of fidelity; and

(d) Supportive of the students' psychological safety.

(17) The nursing education program shall have a written plan for evaluation of the students, the simulation-based learning experience, and facilitation of the simulation-based learning experience as follows. The evaluation data shall be used for continuous quality improvement, including to inform group size.

(a) When using simulation-based learning experiences for evaluation of students, the method of evaluation shall be determined before the simulation-based experience and criteria for formative, summative, and high-stakes evaluation are met;

(b) All students shall provide a meaningful assessment of all elements of each simulation-based learning experience including prebrief, clinical scenario, debrief, and facilitation by the faculty;

(c) All students shall provide a meaningful assessment of their engagement and achievement of learning objectives while in the hands-on nurse, active participant, and active observer roles in each simulation-based learning experience; and

(d) Nursing faculty shall provide a meaningful assessment of each simulation-based learning experience including prebrief, clinical scenario, debrief, facilitation, design, and student achievement of the learning objectives.

(18) If documentation required by this section is also required to maintain board-approved endorsement or accreditation in health care simulation, then that documentation may serve as proof of compliance with this section.

(19) Nursing education programs may not use a 1:2 ratio if:

(a) The program is on conditional approval from the board under WAC 246-840-558;

(b) The program is on conditional or probationary status from a nursing accrediting body;

(c) The program's first time National Council Licensure Examination (NCLEX) pass rates are below 80 percent for two consecutive years; or

(d) The program is on a plan of correction for a deficiency related to providing simulation-based learning experiences at either a 1:1 ratio under WAC 246-840-534 or a 1:2 ratio under this section.

(20) The board may take action as identified in WAC 246-840-558 against a nursing education program offering simulation-based learning experiences at a 1:2 ratio that does not obtain or maintain a board-approved endorsement or accreditation as required by this section.



**WSR 24-20-034**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 24, 2024, 9:08 a.m., effective September 24, 2024]

Effective Date of Rule: September 24, 2024.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: As permitted by RCW 34.05.380 (3)(a), immediate implementation is necessary in order to implement SHB 1889 (chapter 50, Laws of 2024) and ESB 5997 (chapter 97, Laws of 2024).

Purpose: The department of labor and industries (L&I) is adopting amendments to plumber trainee requirements under WAC 296-400A-120. The amendments will affect application for a certificate, supervision ratios, and reporting of plumbing hours for plumber trainees. The amendments are needed for uniformity with the requirements in SHB 1889 and ESB 5997.

SHB 1889 includes a provision that permits applicants the ability to provide an individual taxpayer identification number (ITIN) in lieu of a Social Security number (SSN) when completing an application for a professional license, commercial license, certificate, permit, or registration under Title 18 RCW. The bill took effect July 1, 2024.

ESB 5997 includes a provision that amends the expiration date of the required supervision ratios for plumber trainees to certified plumbers under RCW 18.106.070. The provision maintains the supervision ratio of three plumber trainees to one certified plumber on residential construction jobsites until December 31, 2028. A provision of the bill also removes the requirements that failure of a trainee to report plumbing hours worked for each employer is a violation of chapter 18.106 RCW, subject to an infraction under RCW 18.106.320, and must result in nonrenewal of the plumbing trainee certificate under RCW 18.106.070. The bill took effect June 6, 2024.

Adopted amendments are as follows:

**WAC 296-400A-120 What do I need to know about plumber trainee certificates?**

- Permits plumber trainee applicants the option of providing an ITIN in lieu of an SSN when applying for a plumber trainee certificate for uniformity with SHB 1889.
- Updates language for uniformity with ESB 5997. This includes:
  - o Amending the expiration date for the required supervision ratios for plumber trainees to certified plumbers from December 31, 2025, to December 31, 2028; and
  - o Removing the requirements that failure of a trainee to report plumbing hours worked for each employer is a violation of chapter 18.106 RCW, subject to an infraction under RCW 18.106.320, and must result in nonrenewal of a plumbing trainee certificate.
- Includes amendments to existing language for clarity.

Citation of Rules Affected by this Order: Amending WAC 296-400A-120.

Statutory Authority for Adoption: SHB 1889, chapter 50, Laws of 2024; ESB 5997, chapter 97, Laws of 2024; and chapter 18.106 RCW.

Adopted under notice filed as WSR 24-15-121 on July 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 1, Repealed 0.

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

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

Date Adopted: September 24, 2024.

Joel Sacks  
Director

#### OTS-5481.4

AMENDATORY SECTION (Amending WSR 21-13-041, filed 6/10/21, effective 7/1/21)

**WAC 296-400A-120 What do I need to know about plumber trainee certificates?** General.

(1) **Journey level and specialty plumber original trainee certificates:**

The department will issue an original trainee certificate when the trainee applicant submits a complete trainee certificate application including:

(a) Date of birth, mailing address, Social Security number or individual tax identification number; and

(b) All appropriate fees as listed in WAC 296-400A-045.

(c) If an individual has previously held a plumbing trainee certificate, then that individual is not eligible for a subsequent original trainee certificate.

(d) All applicants for a plumbing trainee certificate must be at least ((~~sixteen~~)) 16 years of age and must follow requirements as defined in WAC 296-125-030.

(2) Renewal.

(a) The department issues separate trainee certificates once a year.

(b) The plumbing trainee may not apply for renewal more than ((~~ninety~~)) 90 days prior to the expiration date. Plumber trainee certificates are valid for one year.

(c) All applicants for trainee certificate of renewal must:

(i) Submit a complete renewal application;

(ii) Pay all appropriate fees; and

(iii) Completed the continuing education requirements described in chapter 296-400A WAC. Backflow trainees are exempt from continuing education requirements.

(d) If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing trainee certificate, the individual's certificate may be suspended or revoked.

(e) An individual who has not completed the required hours of continuing education can renew a trainee certificate; however, the training certificate will be placed in an inactive status. The inactive training certificate will be returned to active status upon validation by the department of the required continuing education.

(f) If continuing education hours have not been met, trainee certificates will become expired/inactive and any plumbing work experience obtained by the trainee in expired/inactive status will not be credited.

(g) An individual may not renew a revoked trainee certificate.

(h) Apprentices registered in an approved program according to chapter 49.04 RCW who are obtaining classroom training consistent with the continuing education requirements under chapter 18.106 RCW and this chapter, as approved by the department, are deemed to have met the continuing education requirements necessary to renew a trainee certificate. Included under this exemption are active trainees that are not in the formal approved program according to chapter 49.04 RCW but are attending all hours of required classroom training along with the apprentices and meeting the work experience as required under chapter 18.106 RCW and this chapter. The plumber craft training school will be required to supply the department the necessary documentation to prove there was full hourly attendance of these trainees as is required of the apprentices while they attend the classroom training.

(i) The trainee will not be issued a renewal or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.

(3) Ratio/supervision.

(a) Commercial/residential.

(i) A certified residential specialty plumber, residential service plumber, or domestic pump specialty plumber working on a commercial job site may work as a journey level trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

(ii) On a job site, the ratio of certified plumbers to plumber trainees must be:

(A) Until December 31, ((2025)) 2028:

(I) No more than three trainees working on any one residential structure job site for every certified specialty plumber or journey level plumber working as a specialty plumber;

(II) No more than one trainee working on any one job site for every certified journey level plumber working as a journey level plumber; and

(III) No more than one trainee working on any one job site for every certified residential service.

(B) After December 31, ((2025)) 2028, no more than two trainees may work on any residential structure job site for every certified specialty plumber or journey level plumber working as a specialty plumber.

(iii) Supervision must be a minimum of ((seventy-five)) 75 percent of the time spent on each and every job site.

(b) Domestic pump.

One appropriate domestic pump specialty plumber or one journey level plumber working on a domestic pump system may supervise no more than three trainees, after December 31, ((2025)) 2028, no more than two trainees can be supervised. Supervision must be a minimum of ((seventy-five)) 75 percent of the time spent on each and every job site.

## (c) Medical gas.

A plumber trainee or specialty plumber who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified journey level plumber with an active medical gas piping installer endorsement issued by the department. Supervision must be ~~((one hundred))~~ 100 percent of the time spent on each and every job site on a one-to-one ratio.

## (d) Backflow.

A backflow specialty plumber, a journey level plumber on a commercial job site, or a residential specialty plumber on a residential job site must supervise one backflow trainee to perform maintenance and repair work on every backflow assembly on potable water systems inside every commercial or residential building. The ratio must be one to one for ~~((one hundred))~~ 100 percent of the time on each and every job site.

## (4) Affidavits of experience.

(a) At the time of renewal, the holder must provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous annual period. The individual must submit a completed, signed, and notarized affidavit(s) of experience. The affidavit of experience must accurately attest to:

(i) The plumbing installation work performed for each employer the individual worked for in the plumbing trade during the previous period;

(ii) The correct plumbing category the individual worked in; and

(iii) The actual number of hours worked in each category, worked under the proper supervision of a Washington certified journey level plumber, certified domestic pump specialty plumber, or residential specialty plumber.

(b) The trainee should ask each employer and/or apprenticeship-training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within ~~((twenty))~~ 20 days of the request.

(c) Plumbing hours for the previous year(~~s~~) are to be submitted within ~~((thirty))~~ 30 days after the renewal date of the plumbing training certificate ~~((; failure to submit within thirty days is a violation of chapter 18.106 RCW. The))~~. Failure to submit within 30 days may result in the individual ((may)) not ((receive)) receiving credit for ((these previous plumbing)) those hours ((and will result in non-renewal of the trainee certificate and subject to an infraction under RCW 18.106.320)). See RCW 18.106.070(2).

(d) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.

(e) Trainee hours will not be credited during periods of time when the trainee card is expired or inactive.

**WSR 24-20-035**  
**PERMANENT RULES**  
**COLUMBIA RIVER**  
**GORGE COMMISSION**

[Filed September 24, 2024, 9:28 a.m., effective November 1, 2024]

Effective Date of Rule: November 1, 2024.

Purpose: The first purpose of this rule making is to repeal Commission Rule 350-81 in its entirety. Commission Rule 350-81 was the Columbia River Gorge commission's (commission) land use ordinance that implemented the first revised management plan for the Columbia River Gorge National Scenic Area, which was in effect between 2004 and 2020. In 2020, the commission enacted the second revised management plan, and in 2022, the commission adopted a new land use ordinance (Commission Rule 350-082) to implement the second revised plan. The commission maintained Commission Rule 350-81 for approximately one year after adopting the new land use ordinance to use for the land use applications that were in process when the commission adopted the new land use ordinance. At this time, there are no more pending land use applications, and all appeal periods have passed, so Commission Rule 350-81 is not needed. Commission Rule 350-81 is inconsistent with the second revised management plan and out-of-date. The second purpose of this proposal is to add the management plan requirements for grading plans for certain new structural development to Commission Rule 350-082-0080. The commission's initial adoption of this rule in April 2022 inadvertently omitted these requirements. The commission staff has been applying the requirements using the management plan directly, so there is no anticipated effect of this correction.

Citation of Rules Affected by this Order: Repealing 350-81-010, 350-81-012, 350-81-014, 350-81-016, 350-81-018, 350-81-020, 350-81-030, 350-81-032, 350-81-034, 350-81-036, 350-81-038, 350-81-040, 350-81-042, 350-81-044, 350-81-046, 350-81-050, 350-81-052, 350-81-054, 350-81-060, 350-81-070, 350-81-072, 350-81-074, 350-81-076, 350-81-078, 350-81-080, 350-81-082, 350-81-084, 350-81-086, 350-81-090, 350-81-092, 350-81-094, 350-81-096, 350-81-098, 350-81-100, 350-81-102, 350-81-104, 350-81-106, 350-81-108, 350-81-110, 350-81-112, 350-81-114, 350-81-120, 350-81-124, 350-81-126, 350-81-170, 350-81-180, 350-81-182, 350-81-190, 350-81-200, 350-81-210, 350-81-220, 350-81-230, 350-81-231, 350-81-232, 350-81-234, 350-81-236, 350-81-240, 350-81-250, 350-81-260, 350-81-262, 350-81-270, 350-81-280, 350-81-290, 350-81-300, 350-81-310, 350-81-320, 350-81-330, 350-81-335, 350-81-338, 350-81-340, 350-81-350, 350-81-360, 350-81-365, 350-81-370, 350-81-380, 350-81-390, 350-81-400, 350-81-410, 350-81-415, 350-81-420, 350-81-430, 350-81-440, 350-81-445, 350-81-450, 350-81-460, 350-81-470, 350-81-480, 350-81-485, 350-81-490, 350-81-500, 350-81-510, 350-81-520, 350-81-530, 350-81-540, 350-81-550, 350-81-560, 350-81-570, 350-81-580, 350-81-590, 350-81-600, 350-81-610, 350-81-620 and 350-81-630; and amending 350-082-0080.

Statutory Authority for Adoption: RCW 43.97.015; Or. Rev. Stat. § 196.150; 16 U.S.C. § 544e(c); 16 U.S.C. § 544f(1).

Adopted under notice filed as WSR 24-15-079 on July 18, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 103; 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 103.

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

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

Date Adopted: September 10, 2024.

Connie Acker  
Finance and Administration Manager

#### AMENDATORY SECTION

#### **350-082-0080. Application for Review and Approval Required**

(1) The application form required for National Scenic Area review is available at the Gorge Commission Office and on the Gorge Commission's website.

(2) All proposed developments and land uses shall be reviewed according to the standards in effect on the date the applicant submits a complete application for National Scenic Area review.

(3) A complete application is one that the Executive Director determines meets the requirements in this land use ordinance for a complete application form, a complete site plan showing the proposed site (site plans with alternative sites or building envelopes are not sufficient), all applicable information specified in the various sections of this land use ordinance, and other information that the Executive Director requires to make findings based on substantial evidence in the whole record and conclusions for compliance with the guidelines in this land use ordinance.

(4) The Executive Director will not accept an incomplete application for review.

(5) Prior to accepting an application or at any time during review of an application, the Executive Director may require the applicant to amend an application or withdraw an application and file a new application to resolve violations of applicable National Scenic Area standards or a prior Executive Director decision at the same time as the current application.

(6) The Executive Director shall accept and review the application pursuant to the procedures and requirements in 350-082-0080 through 350-082-0170 for consistency with the appropriate guidelines of this land use ordinance.

(7) The Executive Director may charge a fee for review of applications. The Gorge Commission shall set the fee after a public hearing.

(8) Applications for National Scenic Area review of a proposed use or development shall provide the following information.

(a) The applicant's name, mailing address, telephone number, and email address;

(b) The name, mailing address, telephone number, and email address of the landowner and all other persons or entities that hold easements or other partial interests that give a right to use or refuse use of land, as determined by the Executive Director;

(c) The county in which the proposed use or development would be located;

(d) The section, quarter section, township and range in which the proposed development would be located;

(e) The street address of the proposed use or development;

(f) The tax lot number(s) and size in acres of the parcel(s) involved;

(g) A description of the current land use for the parcel(s) involved and adjoining lands;

(h) A written description of the proposed use or development, including details on the height, exterior color(s), and construction materials of the proposed structures;

(i) A list of Key Viewing Areas from which the proposed use would be visible;

(j) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the Executive Director to determine the location and extent of the proposed use or development and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of one inch equals 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not need to show the entire parcel; rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:

(A) North arrow;

(B) Map scale;

(C) Boundaries, dimensions, and size of the subject parcel;

(D) Significant terrain features or landforms (e.g., cliffs, rock faces, slopes, stands of trees);

(E) Groupings and species of trees or other vegetation on the parcel;

(F) Location and species of vegetation that would be removed or planted;

(G) Bodies of water and watercourses, including intermittent and ephemeral streams;

(H) Location and width of existing and proposed roads, driveways, and trails;

(I) Location, dimensions, height, and size (in square feet) of existing and proposed structures;

(J) Location of existing and proposed services including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting; and

(K) Location and depth of all proposed grading and ditching

(k) Elevation drawings, which shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale and include sizes and dimensions of windows, doors, and covered openings;

(l) The following applications for structural development shall include a grading plan:

(A) Applications involving more than 100 cubic yards of grading with slopes greater than 10 percent, except applications for trails in the SMAs.

(B) Applications involving more than 200 cubic yards of grading on sites visible from key viewing areas.

(C) Grading plans shall include the following:

(i) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:

(I) Existing and proposed final grades;

(II) Location of all areas to be graded, with cut banks and fill slopes delineated; and

(III) Estimated dimensions of graded areas.

(ii) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

(I) Its purpose;

(II) An estimate of the total volume of material to be moved;

(III) The height of all cut banks and fill slopes;

(IV) Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended);

(V) A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and

(VI) A description of any other interim or permanent erosion control measures to be used.

(lm) A list of names and addresses of the adjacent property owners within a distance of the subject parcel as determined in 350-082-0110 Table 1 - Notice Requirements;

(mn) Any additional information that the applicant feels will assist in the evaluation of the proposal, including but not limited to, maps, drawings, and development plans; and

(no) The signature of the applicant, and the signature or other statement of the landowner and other persons or entities that hold easements or other partial interests that give a right to use or refuse use of land, as determined by the Executive Director indicating that they are aware of the application and that authorizes the Executive Director or the Executive Director's designee reasonable access to the site in order to evaluate the application and to conduct inspections during construction of an approved development or land use, and a final inspection when construction is completed.

(9) The Executive Director may require additional information necessary to demonstrate compliance with this land use ordinance, including but not limited to, a professional land survey and staking of proposed structure and building locations that are close to a property or buffer boundary, a professionally drawn site and landscaping plan, and copies of or other proof of prior building permits and land use permits.

(10) The Executive Director shall provide Firewise information to applicants with application forms and encourage and assist applicants to incorporate Firewise standards in their proposals as appropriate and as consistent with the resource protection provisions in the Management Plan.

(11) Requirements for applications for Emergency/Disaster Response Actions are contained in 350-082-0230.

(12) Completed application forms shall be submitted directly to the Gorge Commission office.

#### REPEALER

The following sections of the Columbia River Gorge Commission's rules are repealed:

350-81-010. Purposes and Applicability

350-81-012. Affected Area



350-81-014.	Maps
350-81-016.	Review and Approval Required
350-81-018.	Uniform Application of Management Plan
350-81-020.	Definitions
350-81-030.	Standards for Applications
350-81-032.	Application for Review and Approval
350-81-034.	Pre-Application Conference
350-81-036.	Acceptance of Application
350-81-038.	Notice of Development Review
350-81-040.	Comment Period
350-81-042.	Decision of the Executive Director
350-81-044.	Expiration of Approvals
350-81-046.	Changes or Alterations to an Approved Action
350-81-050.	Development Eligible for Expedited Review
350-81-052.	Resource and Treaty Rights Protections Guidelines
350-81-054.	Procedures for Expedited Review Process
350-81-060.	Emergency/Disaster Response Actions
350-81-070.	Exempt Land Uses and Activities
350-81-072.	Prohibited Land Uses and Activities
350-81-074.	Uses Allowed Outright
350-81-076.	Agricultural Buffer Zones in the General Management Area
350-81-078.	Variances
350-81-080.	Applying New Less-Stringent Regulations to Development Approved Under Prior Scenic Area Regulations
350-81-082.	Existing Uses and Discontinued Uses
350-81-084.	Indian Tribal Treaty Rights and Consultation
350-81-086.	Buffers from Existing Recreation Sites
350-81-090.	Agricultural Buildings
350-81-092.	Temporary Use—Hardship Dwelling
350-81-094.	Sewer and Water Services
350-81-096.	Docks and Boathouses
350-81-098.	Home Occupations and Cottage Industries
350-81-100.	Bed and Breakfast Inns
350-81-102.	Small-Scale Fishing Support and Fish Processing Operations
350-81-104.	Resource Enhancement Projects
350-81-106.	Disposal Sites for Spoil Materials from Public Road Maintenance Activities
350-81-108.	Commercial Events
350-81-110.	Columbia River Bridge Replacement
350-81-112.	Signs
350-81-114.	Special Uses in Historic Buildings
350-81-120.	Consolidation of Lots
350-81-124.	Land Divisions and Cluster Development
350-81-126.	Lot Line Adjustments
350-81-170.	Agricultural Land Designations
350-81-180.	Uses Allowed Outright—Agricultural Land
350-81-182.	Uses Allowed through the Expedited Development Review Process—Agricultural Land
350-81-190.	Review Uses—Agricultural Land
350-81-200.	Review Uses with Additional Approval Criteria—Large-Scale or Small-Scale Agriculture
350-81-210.	Approval Criteria for Life Estates—Large-Scale or Small-Scale Agriculture Designations

- 350-81-220. Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture
- 350-81-230. Uses Allowed Outright for Lands Designated Agriculture—Special
- 350-81-231. Uses Allowed through the Expedited Development Review Process—Agriculture—Special
- 350-81-232. Review Uses for Lands Designated Agriculture—Special
- 350-81-234. Approval Criteria for Review Uses on Lands Designated Agriculture—Special
- 350-81-236. Uses Prohibited on Lands Designated Agriculture—Special
- 350-81-240. Range Conservation Plans
- 350-81-250. Forest Land Designations
- 350-81-260. Uses Allowed Outright—Forest Land
- 350-81-262. Uses Allowed through the Expedited Development Review Process—Forest Land
- 350-81-270. Review Uses—Forest Land
- 350-81-280. Review Uses with Additional Approval Criteria—Commercial Forest Land, or Large or Small Woodland Designations
- 350-81-290. Approval Criteria for Specified Review Uses on Lands Designated Commercial Forest Land or Large or Small Woodland
- 350-81-300. Approval Criteria for Fire Protection in GMA Forest Designations
- 350-81-310. Approval Criteria for Siting of Dwellings on Forest Land in the GMA
- 350-81-320. Approval Criteria for Life Estates in Commercial Forest Land or Small or Large Woodland
- 350-81-330. Open Space Designations
- 350-81-335. Uses Allowed Outright—Open Space
- 350-81-338. Uses Allowed through the Expedited Development Review Process—Open Space
- 350-81-340. Review Uses—Open Space
- 350-81-350. Residential Land Designations
- 350-81-360. Uses Allowed Outright—Residential Land
- 350-81-365. Uses Allowed through the Expedited Development Review Process— Residential Land
- 350-81-370. Review Uses—Residential Land
- 350-81-380. Review Uses with Additional Approval Criteria—Residential Land
- 350-81-390. Approval Criteria for Specified Review Uses on Lands Designated Residential
- 350-81-400. Rural Center
- 350-81-410. Uses Allowed Outright—Rural Center
- 350-81-415. Uses Allowed through the Expedited Development Review Process—Rural Center
- 350-81-420. Review Uses—Rural Center
- 350-81-430. Commercial Land
- 350-81-440. Uses Allowed Outright—Commercial Designations
- 350-81-445. Uses Allowed through the Expedited Development Review Process—Commercial Designations
- 350-81-450. Review Uses—Commercial Designations
- 350-81-460. Approval Criteria for Review Uses on Lands Designated on Lands Designated Commercial
- 350-81-470. Recreation
- 350-81-480. Uses Allowed Outright—Public Recreation and Commercial Recreation
- 350-81-485. Uses Allowed through the Expedited Development Review Process—Public Recreation and Commercial Recreation
- 350-81-490. Review Uses—Public Recreation and Commercial Recreation
- 350-81-500. Approval Criteria for Non-Recreation Uses in GMA-Public Recreation Designations
- 350-81-510. Approval Criteria for Non-Recreation Uses in GMA-Commercial Recreation Designations.
- 350-81-520. General Management Area Scenic Review Criteria
- 350-81-530. Special Management Area Scenic Review Criteria
- 350-81-540. General Management Area Cultural Resource Review Criteria
- 350-81-550. Special Management Area Cultural Resource Review Criteria.
- 350-81-560. General Management Area Wetland Review Criteria

- 350-81-570. General Management Area Stream, Pond, Lake and Riparian Area Review Criteria
- 350-81-580. General Management Area Sensitive Wildlife Review Criteria
- 350-81-590. General Management Areas Rare Plant Review Criteria
- 350-81-600. Special Management Areas Natural Resource Review Criteria
- 350-81-610. General Management Areas Recreation Resource Review Criteria
- 350-81-620. Special Management Area Recreation Resource Review Criteria
- 350-81-630. Notice of Application Requirements

WSR 24-20-038  
PERMANENT RULES  
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed September 24, 2024, 10:21 a.m., effective October 25, 2024]

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

Purpose: The developmental disabilities administration amended these rules primarily to ensure providers complete the skills-demonstration portion of CPR in accordance with Occupational Safety and Health Administration guidelines. Other changes clarify the content of various training components, use terminology more consistently, and remove unused definitions and update others. Once effective, these permanent rules supersede any emergency rules in effect.

Citation of Rules Affected by this Order: Repealing WAC 388-101D-0105; and amending WAC 388-829-0010, 388-829-0015, 388-829-0020, 388-829-0035, 388-829-0040, 388-829-0050, 388-829-0055, 388-829-0060, 388-829-0065, and 388-829-0075.

Statutory Authority for Adoption: RCW 18.88B.041, 71A.12.030, 74.39A.074, and 74.39A.341.

Adopted under notice filed as WSR 24-15-124 on July 23, 2024.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 10, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 1.

Date Adopted: September 24, 2024.

Lisa N. H. Yanagida  
Chief of Staff

**SHS-5018.7**

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0010 What definitions apply to this chapter?** The following definitions apply to this chapter:

(~~("Agency orientation" is training provided to introduce a new employee to the agency.))~~)

"**AL TSA**" (~~(refers to)~~) means the aging and long-term support administration.

"**Approved training**" is training submitted to and approved by DSHS as evidenced by a curriculum number.

"**Basic training**" is (~~(seventy)~~) 70 hours of required training that includes (~~(forty)~~) 40 hours of DDA residential services curriculum and (~~(thirty)~~) 30 hours of additional topics outlined in this chapter.

"**Client-specific training**" prepares (~~(the LTCW)~~) a person to provide individual support services to the client served by the community residential service business (CRSB).

"**Community residential service business**" or "**CRSB**" has the same meaning as defined in RCW 74.39A.009.

"**Competency**" or "**core competency**" means the integrated knowledge, skills, or behavior expected of a (~~(LTCW)~~) person after completing the training in a required topic area. Learning objectives are associated with each competency.

"**DDA**" (~~(refers to)~~) means the developmental disabilities administration.

"**DDA community residential setting**" within the scope of this chapter (~~(refers to)~~) means any setting where supported living, DDA group home, group training home, licensed staffed residential, companion home, or alternative living services occur.

"**DSHS-approved trainer**" means an individual approved by DSHS to sign the (~~(seventy-five)~~) 75-hour certificate.

"**Direct support professional**" or "**DSP**" means any person who supports an individual with a developmental disability to implement the individual's individual support plan/person-centered service plan (ISP/PCSP). This includes staff who provide instruction and support services (ISS).

"**DOH**" (~~(refers to)~~) means the department of health.

"**DSHS**" or "**department**" (~~(refers to)~~) means the department of social and health services.

"**Habilitation**" means services defined to assist participants in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

"**Home care aide-certified**" or "**HCA-C**" means a person who has been certified by the department of health as a home care aide.

"**Letter of exemption**" means a letter from a provider that exempts DDA community residential staff from the (~~(seventy-five)~~) 75 hours of training as required under chapter 74.39A RCW for staff hired prior to January 1, 2016.

(~~("Long-term care worker" or "LTCW" has the same meaning as defined in RCW 74.39A.009.)~~)

"**Peer coach**" means a person who has been trained in (~~(twelve)~~) 12 hours of coaching skills and who works with new employees to coach them on working with individuals and their support needs.

"**Population-specific**" (~~(refers to)~~) means topics applicable to the unique needs of the population served.

"**Training entity**" means a DSHS-contracted organization or independent entity that provides training using DSHS-approved curriculum.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0015 What training is required for individuals hired or contracted to work in DDA community residential settings as a direct support professional (DSP) or ISS staff on or after January 1, 2016?** (1) Required training for individuals hired or contracted to work in DDA community residential settings as a direct support professional or ISS staff on or after January 1, 2016, consists of ((seventy-five hours of training as follows)):

((1)) (a) Five hours of orientation and safety training as described in WAC 388-829-0045 prior to providing client care or support; ((and))

((2)) (b) Seventy hours of basic training as described in WAC 388-829-0050 must be completed within ((one hundred twenty)) 120 days of date of hire((-));

(c) First aid training, which must be completed no more than 60 days after date of hire and kept current;

(d) Cardiopulmonary resuscitation (CPR), which must be completed no more than 60 days after the date of hire and kept current;

(d) Bloodborne pathogen training, which must be completed in accordance WAC 296-823-120 and renewed annually; and

(e) Continuing education under WAC 388-829-0085.

(2) Beginning February 1, 2024, direct support professionals and ISS staff must complete CPR training that meets occupational safety and health administration (OSHA) guidelines for hands-on skills development. For an employee hired before February 1, 2024, who is CPR-certified but did not participate in hands-on skills development, the employee must complete CPR training in accordance with OSHA guidelines no later than December 1, 2024, regardless of when the certification expires.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0020 What is the ((seventy-five)) 75-hour certificate?** The ((seventy-five)) 75-hour certificate is a combination of orientation, safety, and basic training that when completed adds up to ((seventy-five)) 75 hours. The certificate covers:

(1) Five hours of orientation and safety training as described in WAC 388-829-0045; and

(2) Seventy hours of basic training as described in WAC 388-829-0050, which includes:

(a) Forty hours of DDA-developed residential services curriculum; and

(b) Thirty hours of ((additional)) population-specific training as described in WAC 388-829-0050.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0035 Who is exempt from the DDA community residential ((seventy-five)) 75-hour training requirement?** Beginning January

1, 2016, the following individuals are exempt from the DDA community residential (~~(seventy-five)~~) 75-hour training requirement:

- (1) DDA community residential staff who have:
  - (a) Been continuously employed since December 31, 2015;
  - (b) Completed training requirements that were in place when (~~he or she was~~) hired;
  - (c) Completed the training requirements by February 29, 2016; and
  - (d) Proof that (~~(twelve)~~) 12 hours of continuing education were completed during the previous year;
- (2) Under RCW 18.88B.041, an individual with special education training and an endorsement granted by the superintendent of public instruction; and
- (3) Registered nurses, licensed practical nurses, nurse technicians, advanced registered nurse practitioners as defined in chapter 18.79 RCW, and nursing assistants-certified (~~(CAN)~~) as defined in chapter 18.88A RCW.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0040 What are the training requirements for exempt individuals (~~(hired on or after January 1, 2016)~~)?** (~~(Exempt individuals hired on or after January 1, 2016,)~~) An individual exempt under WAC 388-829-0035 must meet the following (~~(the)~~) training requirements:

- (1) Staff hired with a (~~(seventy-five)~~) 75-hour certificate or letter of exemption must take:
  - (a) (~~(Agency)~~) Five-hour orientation and safety training; and
  - (b) (~~(Client)~~) Thirty-hour population-specific training.
- (2) The hiring or contracting entity must verify that staff hired with an HCA-C from areas outside of DDA have completed the training required in subsection (1) of this section and:
  - (a) DDA-developed specialty training; or
  - (b) Forty hours of DDA residential services curriculum.
- (3) (~~(All)~~) Exempt community residential staff must maintain current CPR and first aid training certificates as required under WAC 388-829-0050. (~~(This training must be completed in person and within sixty days of hire.)~~)
- (4) (~~(All)~~) Exempt community residential staff must complete (~~(twelve)~~) 12 hours of continuing education per year.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0050 What is basic training?** (1) Basic training is (~~(seventy)~~) 70 hours of required training that must include:
 

- (~~(1)~~) (a) Forty hours of DDA residential services curriculum(~~(which includes)~~); and
- (b) Thirty hours of population-specific training.

(2) The 40-hour DDA residential services curriculum includes

- (~~(a) Blood-borne pathogen requirements under WAC 296-823-12005;~~
- and
- ~~(b)~~) DDA specialty training requirements(~~(; and)~~).

~~((2) Thirty hours of additional topics related to))~~ (3) The 30-hour population-specific training includes one or more of the following:

- ~~(a) ((Population-specific training;~~
- ~~(b) Capable caregiver)) Specialty training under ((chapter 388-112)) WAC 388-112A-0450 related to mental health or WAC 388-112A-0440 dementia(~~(7)~~).~~
- ~~((e) CPR and))~~ (b) First aid training and certification ((as described in WAC 388-829-0040; or)).
- ~~((d))~~ (c) Cardiopulmonary resuscitation (CPR) training and certification.
- (d) On-the-job training hours, including client-specific training, when the instructor is a trained peer coach as described in WAC 388-829-0060.
- (e) Other curriculum approved by DDA.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0055 How are training entities and instructors for DDA community residential settings approved?** The training entities and instructors for DDA community residential settings are approved as follows:

- (1) Supported living and group home providers are approved as training entities through a contract exhibit.
- (2) Supported living and group home providers must ensure their employed or contracted instructors meet the instructor criteria described in this chapter and in:
  - (a) ~~((Chapter 388-112))~~ WAC 388-112A-1240 for DDA community residential instructors to teach the DDA ~~((forty-hour))~~ 40-hour residential training; and
  - (b) ~~((RCW 74.39A.112))~~ Chapter 74.39A RCW for five-hour orientation and safety training and ~~((thirty))~~ 30 hours of ~~((client))~~ population-specific training.
- (3) Other training entities must be approved by DDA or ALTSA and entities must ensure their instructors meet the criteria described in chapter ~~((388-112))~~ 388-112A WAC.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0060 What are the qualifications for on-the-job training, including client-specific training?** Instructors who provide on-the-job training, including client-specific training, must:

- (1) Meet the instructor qualifications for basic training described in ~~((chapter 388-112))~~ WAC 388-112A-1240; and
- (2) Complete at least ~~((twelve))~~ 12 hours of department approved peer coaching.



AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0065 What are the requirements for DDA community residential instructors to teach the DDA (~~forty-hour~~) 40-hour residential training?** DDA community residential instructors who want to instruct staff on the DDA (~~forty-hour~~) 40-hour residential training curriculum must:

(1) Meet the instructor qualifications described in (~~chapter 388-112~~) WAC 388-112A-1240;

(2) Complete the train the trainer course using DDA-developed curriculum;

(3) Be approved as an instructor and receive an instructor code through DDA; and

(4) Use the (~~forty-hour~~) 40-hour DDA residential services curriculum to teach the course.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

**WAC 388-829-0075 What is nurse delegation core training?** Nurse delegation core training is described in (~~chapter 388-112~~) WAC 388-112A-0500 through 388-112A-0590.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-101D-0105 Staff training within six months of employment.

**WSR 24-20-051**  
**PERMANENT RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed September 25, 2024, 10:16 a.m., effective October 26, 2024]

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

Purpose: To update certificate renewal requirements to align with recent legislation.

Citation of Rules Affected by this Order: Amending WAC 181-85-045, 181-85-200, 181-85-220, and 181-85-222.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Adopted under notice filed as WSR 24-16-025 on November 14 [July 26], 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 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 0, Amended 0, Repealed 0.

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

Date Adopted: September 25, 2024.

Michael Nguyen  
Rules Coordinator

### OTS-5593.3

AMENDATORY SECTION (Amending WSR 20-16-031, filed 7/25/20, effective 8/25/20)

**WAC 181-85-045 Approved in-service education agency—Definition.**

As used in this chapter, the term "approved in-service education agency" shall mean an agency approved by the professional educator standards board to provide in-service education programs and to grant continuing education credit hours to all or a selective group of educators. Such agency must demonstrate the following characteristics:

(1) The agency is one of the following entities or a department or section within such entities:

(a) A college or university referenced in WAC 181-85-025(1);

(b) (i) An organization which for the purpose of this chapter shall mean any local, state, regional, or national organization which offers in-service education programs to teachers, administrators, educational staff associates, or paraeducators. These organizations must be nonprofit or not-for-profit organizations;

(ii) Organizations shall provide documentation of their nonprofit or not-for-profit status to the superintendent of public instruction

as part of their annual assurances of compliance with program and recordkeeping standards under WAC 181-85-210;

(iii) Organizations that are filed as a 501 (c) (4) with the Internal Revenue Service shall not be approved as continuing education providers.

(c) A school district, an educational service district, the superintendent of public instruction, or any local, state, or federal agency;

(d) An approved private school which for the purpose of this chapter shall mean the same as provided in WAC 180-90-112; or

(e) An educator preparation program provider approved under chapter 181-78A or 181-77A WAC by the professional educator standards board.

(2) The in-service education agency has either a committee or board of directors that provide prior approval to proposed in-service education programs on the basis that the proposed programs are designed to meet the program standards set forth in WAC 181-85-200, and the content standards in WAC 181-85-202.

The committee will be composed of individuals who may include teachers, educational staff associates, administrators, paraeducators, community members, or representatives from colleges and universities.

(3) Beginning in the 2025-26 school year, in-service education agencies providing continuing education under WAC 181-79A-244(3) shall submit the following as part of the application process:

(a) The entity's mission and vision;

(b) The entity's experience and expertise in providing professional development to educators generally, as well as specific experience and expertise in equity-based practices;

(c) Possible subject matter topics of continuing education to be provided by the entity;

(d) Information on clock hour pricing;

(e) Transcript processes.

(4) School districts, tribal compact schools, and the superintendent of public instruction shall be considered to be approved in-service education agencies.

AMENDATORY SECTION (Amending WSR 19-15-143, filed 7/24/19, effective 8/24/19)

**WAC 181-85-200 In-service education approval standards.** All in-service education programs provided by approved in-service education agencies shall meet the following program standards if continuing education credit hours are to be offered:

(1) The objectives of the in-service program—i.e., intended outcomes—shall be written for each in-service education program.

(2) The content of the in-service education program shall be set forth in a program agenda which shall specify the program objectives, the dates of each session, the number of continuing education credit hours to be offered, and the names and a short description of the qualifications of each instructor, for example, the instructor's relevant experience, academic background, or current professional position.

(3) All in-service education instructors shall have academic or professional experience which specifically qualifies them to conduct

the in-service education program, for example, expertise in a particular content area, field, or occupation.

(4) The program agenda and program materials, prepared, designed, or selected for the in-service education program shall be available to all attendees.

(5) The in-service education program must relate to one or more of the content standards in WAC 181-85-202.

(6) The in-service education agency shall provide program evaluations to the participants, and, to the extent possible, collect these evaluations, in order to determine:

(a) The extent to which the written objectives have been met;

(b) Participant perception of relevance and quality of the offering;

(c) The extent to which activities identified in subsection (5) of this section, addressed by the in-service program, have been met;

(d) The extent to which the in-service program provided the opportunity for participants to reflect on next steps or implementation of the learning in their practice; and

(e) Suggestions for improving the in-service education program if repeated.

(7) The in-service education agency shall compile the evaluations received in subsection (6) of this section in summary form. Summary evaluation results for each in-service education agency offering shall be accessible to office of superintendent of public instruction staff for review.

(8) The designated administrator of each in-service education agency shall assess the value and success of such program and periodically report his or her findings, along with a summary of the evaluation results, to the board of directors or in-service education agency committee that authorized the in-service program.

(9) The standards for recordkeeping as provided in WAC 181-85-205 shall apply.

(10) The in-service education agency must permit a designated representative of the superintendent of public instruction to attend the in-service education program at no charge and permit such representative to receive a copy of the program materials required by subsection (4) of this section also at no charge.

(11) The in-service education agency must provide each registrant with appropriate forms for claiming continuing education credit hours.

(12) The provisions of this section do not apply to credit or continuing education hours awarded by accredited institutions of higher education under WAC 181-79A-030; course work continuing education hours awarded by a vocational-technical college; hours awarded by the department of children, youth, and families under WAC 181-85-030; hours awarded under WAC 181-85-033; or hours awarded under WAC 181-85-077 which satisfy department of health licensure requirements.

(13) An entity providing an administrator or teacher continuing education program focused on equity-based school practices or the national professional standards for education leaders must publicly post the learning objectives of the program on its website. If the entity does not have a website, it must post the learning objectives of the program in a conspicuous place in the entity's main office and submit a copy of the learning objectives to the Washington professional educator standards board.

AMENDATORY SECTION (Amending WSR 19-15-143, filed 7/24/19, effective 8/24/19)

**WAC 181-85-220 Noncompliance—Substantial compliance rule. (1)**

If an audit by the superintendent of public instruction finds that an approved in-service education agency is not in substantial compliance with the provisions of this chapter, the superintendent of public instruction shall document violations of the regulations—i.e., written findings of fact and conclusions of law—and notify such provider of corrective action necessary to achieve substantial compliance. If such in-service education agency fails to provide an assurance within (~~twenty~~) 20 calendar days that such corrective action will be implemented, the superintendent of public instruction shall notify the agency that it is no longer eligible to provide continuing education credit hours in its in-service education program until the agency provides an assurance to the superintendent of public instruction that corrective action will be implemented which will satisfy the substantial compliance standard. If the approved in-service agency has more than one department or section operating in-service programs, then only the department or section within such agency that fails to comply with the provisions of this chapter shall no longer be eligible to provide continuing education credit hours.

(2) If an audit by the professional educator standards board finds that an approved in-service education agency is not in substantial compliance with the provisions of this chapter, the professional educator standards board shall document violations of the regulations—i.e., written findings of fact and conclusions of law—and notify such provider of corrective action necessary to achieve substantial compliance. If such in-service education agency fails to provide an assurance within 20 calendar days that such corrective action will be implemented, the professional educator standards board shall notify the agency that it is no longer eligible to provide continuing education credit hours in its in-service education program until the agency provides an assurance to the professional educator standards board that corrective action will be implemented which will satisfy the substantial compliance standard. If the approved in-service agency has more than one department or section operating in-service programs, then only the department or section within such agency that fails to comply with the provisions of this chapter shall no longer be eligible to provide continuing education credit hours.

NEW SECTION

**WAC 181-85-222 Temporary or permanent revocation of continuing education provider status. (1)** Continuing education provider status may be temporarily or permanently revoked for providers that meet any of the following criteria:

(a) Providers that receive a substantial number of complaints filed against the provider, as determined by the board;

(b) Providers found to not be in substantial compliance with RCW 28A.410.277; or

(c) Providers found to offer course material that is not in substantial alignment with the cultural competency, diversity, equity,

and inclusion standards of practices adopted in RCW 28A.410.260, as determined by the board.

(2) The following entities are authorized to submit a complaint under this section:

- (a) Educators; or
- (b) Local education agencies; or
- (c) The office of the superintendent of public instruction; or
- (d) Organizations representing principals; or
- (e) Organizations representing school board members; or
- (f) Organizations representing school administrators; or
- (g) Labor organizations representing classified instructional staff; or
- (h) Labor organizations representing teachers.

(3) The process for reviewing complaints under subsections (1) and (2) of this section shall be published by the professional educator standards board.

(4) Only the professional educator standards board may permanently revoke approval status of a continuing education provider.

## WSR 24-20-052

## PERMANENT RULES

## HEALTH CARE AUTHORITY

[Filed September 25, 2024, 10:21 a.m., effective October 26, 2024]

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

Purpose: The health care authority (agency) is amending WAC 182-504-0015 and 182-505-0225 so that the agency does not terminate children's health insurance program coverage for nonpayment of premiums during a child's continuous eligibility period and does not condition or delay enrollment on payment of unpaid premiums.

Citation of Rules Affected by this Order: Amending WAC 182-504-0015 and 182-505-0225.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 24-17-118 on August 19, 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 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: September 25, 2024.

Wendy Barcus  
Rules Coordinator

**OTS-5570.1**

AMENDATORY SECTION (Amending WSR 23-23-057, filed 11/8/23, effective 12/9/23)

**WAC 182-504-0015 Washington apple health—Certification periods for categorically needy programs.** (1) A certification period is the period of time we determine that you are eligible for a categorically needy (CN) Washington apple health program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues through the end of the last month of the certification period.

(2) Newborn coverage begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) If you are eligible for apple health based on pregnancy, the certification period continues through the last day of the month the pregnancy ends. After-pregnancy coverage begins the first day of the month, following the end of the pregnancy, and ends the last day of the 12th month from the time after-pregnancy coverage began.

(4) If you are newly eligible for apple health coverage and had a pregnancy end within the last 12 months, your certification period for after-pregnancy coverage:

(a) Begins the first day of the month you are eligible; and

(b) Ends the last day of the 12th month following the end of your pregnancy.

(5) If you are eligible for the refugee program, the certification period ends at the end of the 12th month following your date of entry to the United States.

(6) If you are a child under age six receiving apple health for kids without a premium, your certification period ends the last day of the month of your sixth birthday.

(7) If you are eligible for newborn coverage, your coverage continues through the last day of the month of your first birthday. Apple health for kids coverage begins automatically on the first day of the month after your newborn coverage ends and the certification period ends the last day of the month of your sixth birthday.

(8) For all other CN coverage, the certification period is 12 months.

(9) If you are a child, eligibility is continuous throughout the certification period regardless of a change in circumstances, unless ((a required premium (described in WAC 182-505-0225) is not paid for three consecutive months, or)) you:

(a) Turn age 19;

(b) Move out-of-state; or

(c) Die.

(10) When you turn 19, the certification period ends after the redetermination process described in WAC 182-504-0125 is completed, even if the 12-month period is not over, unless:

(a) You are receiving inpatient services (described in WAC 182-514-0230) on the last day of the month you turn 19;

(b) The inpatient stay continues into the following month or months; and

(c) You remain eligible except for turning age 19.

(11) A retroactive certification period is described in WAC 182-504-0005.

(12) Coverage under premium-based programs included in apple health for kids as described in chapter 182-505 WAC begins no sooner than the month after creditable coverage ends.

## OTS-5571.1

AMENDATORY SECTION (Amending WSR 17-12-018, filed 5/30/17, effective 6/30/17)

**WAC 182-505-0225 Children's Washington apple health with premiums—Calculation and determination of premium amount.** (1) For the purposes of this chapter, "premium" means an amount paid for health care coverage under WAC 182-505-0215.

(2) Premium requirement. ((Eligibility for)) The Washington apple health premium-based program under WAC 182-505-0215 requires payment of a monthly premium.



(a) The first monthly premium is due in the month following the determination of eligibility.

(b) There is no premium requirement for health care coverage received in the month eligibility is determined or in any prior month.

(c) A child who is American Indian or Alaska native is exempt from the monthly premium requirement.

(3) Monthly premium amount.

(a) The premium amount for the medical assistance unit (MAU) is based on countable income under chapter 182-509 WAC and the number of people in the MAU under chapter 182-506 WAC.

(b) The premium amount is as follows:

(i) If the MAU's countable income exceeds (~~two hundred ten~~) 210 percent of the federal poverty level (FPL) but does not exceed (~~two hundred sixty~~) 260 percent of the FPL, the monthly premium for each child is \$20.

(ii) If the MAU's countable income exceeds (~~two hundred sixty~~) 260 percent of the FPL but does not exceed (~~three hundred twelve~~) 312 percent of the FPL, the monthly premium for each child is \$30.

(iii) The medicaid agency charges a monthly premium for no more than two children per household.

(iv) Payment of the full premium is required. Partial payments cannot be designated for a specific child or month.

(v) Any third party may pay the premium on behalf of the household. Failure of a third party to pay the premium does not eliminate the obligation of the household to pay past due premiums.

(c) A change that affects the premium amount takes effect the month after the change is reported.

(4) Nonpayment of premiums.

~~((a) Premium-based coverage ends for all children in the household if the required premiums are not paid for three consecutive months.~~

~~(b) Premium-based coverage is restored back to the month coverage ended if the unpaid premiums are fully paid before the certification period ends.~~

~~(c) The household may reapply for premium-based coverage ninety days after the coverage ended for nonpayment.~~

~~(d))~~ The agency writes off past-due premiums after (~~twelve~~) 12 months.

## WSR 24-20-054

## PERMANENT RULES

## DEPARTMENT OF REVENUE

[Filed September 25, 2024, 11:46 a.m., effective October 26, 2024]

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

Purpose: Incorporate changes enacted in ESHB 2134 (2024), specifically those in the "Tax credit authorized" statute, RCW 82.70.020, and the "Tax credit limitations" statute, RCW 82.70.040.

Citation of Rules Affected by this Order: Amending WAC 458-20-261 Commute trip reduction incentives.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Other Authority: RCW 82.70.020 and 82.70.040.

Adopted under notice filed as WSR 24-15-115 on July 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 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 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: September 25, 2024.

Brenton Madison  
Rules Coordinator

**OTS-5642.2**

AMENDATORY SECTION (Amending WSR 23-23-124, filed 11/16/23, effective 12/17/23)

**WAC 458-20-261 Commute trip reduction incentives.** (1) **Introduction.** This rule explains the various commute trip reduction incentives. RCW 82.04.355 and 82.16.047 exempt amounts received from providing ride sharing, or ride sharing for persons with special transportation needs, from business and occupation (B&O) tax and public utility tax (PUT). RCW 82.08.0287 and 82.12.0282 provide sales and use tax exemptions for sales or use of passenger motor vehicles as ride sharing vehicles. Finally, chapter 82.70 RCW provides commute trip reduction incentives in the form of B&O tax or PUT credits in connection with ride sharing, public transportation, car sharing, and nonmotorized commuting.

(2) **Definitions.** For the purposes of this rule, the following definitions apply:

(a) **"Car sharing"** means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis. RCW 82.70.010.

(b) **"Nonmotorized commuting"** means commuting to and from the workplace by an employee, by walking or running, or by riding a bicycle or other device not powered by a motor. "Nonmotorized commuting" does not include teleworking, which is a program where work functions normally performed at a traditional workplace are instead performed by an employee at ~~((his or her))~~ their home, at least one day a week for the purpose of reducing the number of trips to the employee's workplace. RCW 82.70.010.

(c) **"Public transportation"** means the transportation of packages, passengers, and their incidental baggage, by means other than by charter bus or sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems. "Public transportation" includes passenger services of the Washington state ferries and passenger-only ferry services for those public transportation benefit areas eligible to provide passenger-only ferry service under RCW 36.57A.200. RCW 82.70.010.

(d) (i) **"Ride sharing"** means a carpool or vanpool arrangement whereby one or more groups not exceeding 15 persons each, including the drivers, and not fewer than three persons, including the drivers, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding 10,000 pounds. RCW 46.74.010(~~((+2))~~). See subsection (4)(b) of this rule for increased minimum group size requirements in some circumstances. "Ride sharing" includes ride sharing on Washington state ferries. RCW 82.70.010(~~((+6))~~).

(ii) Ride sharing does not include transportation provided in the normal course of business by entities subject to chapters 46.72A (limousines), 48.177 (commercial transportation services), 81.66 (private, nonprofit transportation providers that receive compensation for transporting persons with special transportation needs), 81.68 (auto transportation companies), 81.70 (passenger charter and excursion carriers), and 81.72 (taxicabs) RCW, or offer peer-to-peer car sharing. "Peer-to-peer car sharing" means motor vehicle owners making their motor vehicles available for persons to rent for short periods of time.

(e) **"Ride sharing for persons with special transportation needs"** means an arrangement, whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, as defined in (e)(i) of this subsection, serving persons with special needs, in a passenger motor vehicle as defined by the department of licensing to include small buses, cutaways, and modified vans not more than 28 feet long. The driver need not be a person with special transportation needs. RCW 46.74.010.

(i) **"Private, nonprofit transportation provider"** means any private, nonprofit corporation providing transportation services for compensation solely to persons with special transportation needs, or pursuant to a contract with a state agency or funded by a grant issued by the department of transportation. RCW 81.66.010.

(ii) **"Persons with special transportation needs"** means those persons, including their personal attendants, who because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase appropriate transportation. RCW 81.66.010.

(3) **B&O tax and PUT exemptions for providing ride sharing or ride sharing for persons with special transportation needs**. RCW 82.04.355 and 82.16.047 provide B&O tax and PUT exemptions for amounts received in the course of ride sharing or ride sharing for persons with special transportation needs.

(4) **Retail sales tax and use tax exemptions on sales or use of passenger motor vehicles as ride sharing vehicles.** RCW 82.08.0287 and 82.12.0282 provide retail sales tax and use tax exemptions for sales and use of passenger motor vehicles as ride-sharing vehicles. The following conditions apply to qualify for these exemptions:

(a) **Minimum duration of usage.** The passenger motor vehicles must be used primarily for ride sharing or ride sharing for persons with special transportation needs for 36 consecutive months beginning from the date of purchase (retail sales tax exemption) and the date of first use (use tax exemption). If the vehicle is used as a ride sharing vehicle for less than 36 consecutive months, the registered owner must pay the retail sales tax or use tax.

(b) **Increased passenger requirements for vehicles not operated by a public transportation agency.** If a vehicle is not operated by a public transportation agency, the minimum group size is increased from three persons each to five persons each including the driver. ((RCW 82.08.0287 (2)(b) and 82.12.0282 (2)(b).))

(c) **Qualifying jurisdictions.** Vehicles must be operated within:

(i) A county, or a city or town within that county, which has a commute trip reduction plan under chapter 70A.15 RCW; or

(ii) In other counties, where the vehicle is registered with, or operated by, a public transportation agency.

(d) **Ownership and operation.** The vehicle must be:

(i) Operated by a public transportation agency for the benefit of the general public;

(ii) Used by a major employer, as defined in RCW 70A.15.4010, as an element of its commute trip reduction program for their employees; or

(iii) Owned and operated by individual employees and registered either with the employer as part of its commute trip reduction program or with a public transportation agency.

(e) **Certification.**

(i) Individual employee owned and operated motor vehicles require certification that the vehicle is registered with a major employer or a public transportation agency; and

(ii) Major employers who own and operate motor vehicles for their employees must certify that the commute ride sharing arrangement conforms to a carpool or vanpool element contained within their commute trip reduction program.

(5) **B&O tax or PUT credit for ride sharing, public transportation, car sharing, or nonmotorized commuting.** RCW 82.70.020 provides a credit against B&O tax or PUT liability for amounts paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting. The credit is equal to the amount paid to or on behalf of each employee multiplied by 50 percent, but may not exceed \$60 per employee per fiscal year. No refunds will be granted for unused credits.

(a) **Who is eligible for this credit?**

(i) Employers in Washington are eligible for this credit, for amounts paid to or on behalf of their own or other employees, as financial incentives to such employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting.

(ii) Property managers who manage worksites in Washington are eligible for this credit, for amounts paid to or on behalf of persons employed at those worksites, as financial incentives to such persons

for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting.

(b) **What is the credit amount?** The amount of the credit is equal to the amount paid to or on behalf of each employee multiplied by 50 percent, but may not exceed \$60 per employee per fiscal year. ((RCW 82.70.020.))

(c) **What is a "fiscal year"?** A "fiscal year" begins on July 1st of one year and ends on June 30th of the following year.

(d) **When will the credit expire?** ((The credit program is scheduled to expire July 1, 2024. No credit may be claimed after June 30, 2024.))

(i) For those who meet the eligibility requirements described in subsection (5)(a)(i) of this rule, credits may be earned through December 31, 2024. Credits must be used for tax reporting periods within the calendar year for which they are approved and must be claimed before July 1, 2025.

(ii) For those who meet the eligibility requirements described in subsection (5)(a)(ii) of this rule, credits may be earned through December 31, 2023. Credits must be used for tax reporting periods within the calendar year for which they are approved and must be claimed before July 1, 2025.

(e) **What are the limitations of the credit?**

(i) The credit may not exceed the amount of B&O tax or PUT that would otherwise be due for the same fiscal year.

(ii) A person may not receive credit for amounts paid to or on behalf of the same employee under both B&O tax and PUT.

(iii) A person may not take a credit for amounts claimed for credit by other persons.

(iv) The total credit granted to a person under both B&O tax and PUT may not exceed \$100,000 for a fiscal year.

(v) The total credit granted to all persons under both B&O tax and PUT may not exceed \$2,750,000 in any fiscal year.

(vi) No credit or portion of a credit denied, because of exceeding the limitations in (e)(i), (iv), or (v) of this subsection, may be used against tax liability for other fiscal years.

(vii) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account ((+) under RCW 47.66.070 ((-) ~~created by chapter 361, Laws of 2003~~)) are terminated.

(f) **What are the credit procedures?**

(i) Persons applying for the credit must complete the commute trip reduction credit annual application. The application must be electronically filed and received by the department between January 1st and January 31st, following the calendar year in which the applicant made incentive payments. The commute trip reduction credit annual application is available through the business's "My DOR" account on the department's website at dor.wa.gov.

(ii) The department must approve or deny a completed application within 60 days of the January 31st deadline. The department must deny an application not received by the January 31st deadline, except the department may accept applications received up to 15 calendar days after the deadline if the application was not received because of circumstances beyond the control of the taxpayer. For what is considered circumstances beyond the control of a taxpayer, see WAC 458-20-228 Returns, payments, penalties, extensions, interest, stays of collection. Once the application is approved and the tax credit is granted, the department is not allowed to increase the credit.

(iii) If the total amount of credit applied for by all approved applicants in a fiscal year exceeds the limitation as provided in ~~((i)-(v) of this)~~ subsection (5)(e) of this rule, the amount of credit allowed for all applicants must be proportionally reduced so as not to exceed the limit. The amount reduced may not be carried forward and claimed in subsequent fiscal years.

(iv) To claim a commute trip reduction tax credit, a person must file all returns, forms, and other information the department requires in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format is not filed until received by the department in an electronic format. "Returns" has the same meaning as "return" in RCW 82.32.050.

(g) **Examples.** The following examples identify facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(i) **Example 1.** An employer pays \$180 for a yearly bus pass for one employee. For another employee, the employer buys a bicycle helmet and bicycle lock for a total of \$50. The sum of these two amounts, \$230, is the total expenditure during a fiscal year of amounts paid to, or on behalf of, employees in support of ride sharing, using public transportation, using car sharing, and using nonmotorized commuting. The employer may claim a credit of \$60 for the amount spent for the employee using the bus pass. 50 percent of \$180 is \$90, but the credit is limited to \$60 per employee. The employer may claim a credit of \$25 (50 percent of \$50) for the amount spent for the employee who bicycles to work. Even though 50 percent of \$230 (the total amount spent on both employees), works out to be less than \$60 per employee, the credit is computed by looking at actual spending for each employee and not by averaging the spending for both employees.

(ii) **Example 2.** An employer provides parking spaces for the exclusive use of ride sharing vehicles. Amounts spent for signs, painting, or other costs related to the parking spaces do not qualify for the credit. This is because the credit is for financial incentives paid to or on behalf of employees. While the parking spaces support the use of ride sharing vehicles, they are not financial incentives and do not involve amounts paid to or on behalf of employees.

(iii) **Example 3.** An employer pays the property manager for a yearly bus pass for one employee who works at the worksite managed by the property manager. The property manager in turn pays the amount received from the employer to a public transportation agency to purchase the bus pass. Either the employer or the property manager, but not both, may take the credit for this expenditure.

**WSR 24-20-055  
PERMANENT RULES  
LIQUOR AND CANNABIS  
BOARD**

[Filed September 25, 2024, 1:03 p.m., effective October 26, 2024]

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

Purpose: The proposed rule language amends WAC 314-55-115 to allow cannabis licensees to purchase cannabis from other licensees by mailing checks under the same conditions applicable to other payment methods identified in WAC 314-55-115. The check must be sent no later than one business day post cannabis delivery, both parties must retain records, including proof of relevant mailing, the sale must be initiated by an irrevocable invoice, and the check must be deposited as soon as is reasonably practical and no later than five business days post cannabis delivery.

Citation of Rules Affected by this Order: Amending WAC 314-55-115.

Statutory Authority for Adoption: RCW 69.50.342, 69.50.345.

Adopted under notice filed as WSR 24-16-063 on July 31, 2024.

Changes Other than Editing from Proposed to Adopted Version: The changes identified in the table below have been made:

Section	Proposed Rule Language (CR 102)	Final Rule Language (CR 103)	Change Justification
(1)(b)	Both parties must maintain records of transactions and have the records readily available for the LCB review.	Both parties must maintain records of transactions, <u>including relevant proof of mailing</u> , and have the records readily available for the LCB review.	Based on public feedback and testimony received during the public hearing, clarifying that proof of relevant mailing needs to be documented when checks are mailed, and to address any potential delays in mail service.
(8)	(N/A)	All records must be kept and maintained consistent with the requirements of WAC 314-55-087.	Added a reference to existing record requirements to clarify how existing rules affect the amended rule language.

A final cost-benefit analysis is available by contacting Daniel Jacobs, Rules and Policy Coordinator, 1025 Union Avenue S.E., Olympia, WA 98501, phone 360-480-1238, fax 360-664-3208, email rules@lcb.wa.gov, website www.lcb.wa.gov.

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

Number of Sections Adopted at the Request of a 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 0, Amended 1, Repealed 0.

Date Adopted: September 25, 2024.

David Postman  
Chair

OTS-5457.4

AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

**WAC 314-55-115 ((What)) Methods of payment ((can-a)) for cannabis licensees ((use to purchase)) purchasing cannabis((?)).** A cannabis licensee must pay cash for cannabis prior to or at the time of delivery. The ((WSLCB)) LCB will recognize the following forms of payment as cash payment for the purpose of this section.

(1) **Checks**, under the following provisions:

(a) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(b) Both parties must maintain records of transactions, including relevant proof of mailing, and have the records readily available for the LCB review.

(c) The check must be sent, delivered, or mailed by the cannabis licensee no later than the first business day following delivery and must be deposited as promptly as is reasonably practical, and in no event later than five business days following delivery. Any attempt by a cannabis licensee to delay payment on checks for any period of time beyond the minimum as is reasonably practical will be considered an unlawful attempt to purchase products on credit.

(2) **Credit/debit cards**, under the following provisions:

(a) The credit or debit card transaction agreement must be voluntary on the part of both licensees, and there must be no discrimination for nonparticipation in credit or debit card transactions.

(b) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(c) Both parties must bear their respective banking costs or other costs associated with the credit or debit card service.

(d) Both parties must maintain records of transactions and have the records readily available for the ((WSLCB)) LCB review.

(e) The credit or debit card charge must be initiated by the cannabis licensee no later than the first business day following delivery.

(3) **Electronic funds transfer (EFT)**, under the following provisions:

(a) The EFT agreement must be voluntary on the part of both the licensees, and there must be no discrimination for nonparticipation in EFT.

(b) Prior to any EFT transaction, the cannabis licensee must enter into a written agreement specifying the terms and conditions for EFT as payment for cannabis.

(c) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(d) Both parties must bear their respective banking costs or other costs associated with EFT service.

(e) Both parties must maintain records of transactions and have the records readily available for the ((WSLCB)) LCB review.

(f) The electronic funds transfer must be initiated by the cannabis licensee no later than the first business day following delivery and must be paid as promptly as is reasonably practical, and in no event later than five business days following delivery. Any attempt by a cannabis licensee to delay payment on EFT transactions for any peri-



od of time beyond the minimum as is reasonably practical will be considered an unlawful attempt to purchase products on credit.

(4) **Prepaid accounts.** Both parties must keep accurate accounting records of prepaid accounts to ensure a cash deposit is not overextended, which is considered an extension of credit.

(5) **Transactions using a money transmitter,** under the following provisions:

(a) The money transmitter must be licensed by and in good standing with the Washington state department of financial institutions.

(b) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(c) Both parties must bear their respective costs associated with the money transmitter service.

(d) Both parties must maintain records of transactions and have the records readily available for the ((WSLCB)) LCB to review.

(e) The funds transfer through the money transmitter must be initiated by the cannabis licensee no later than the first business day following delivery and must be paid as promptly as is reasonably practical, and in no event later than five business days following delivery. Any attempt by a cannabis licensee to delay payment on money transmitter transactions for any period of time beyond the minimum as is reasonably practical will be considered an unlawful attempt to purchase products on credit.

(6) Any transaction reported as having nonsufficient funds (NSF) will be considered an extension of credit. If a transaction is reported as NSF:

(a) The purchaser must pay the full amount of the transaction to the seller by 3:00 p.m. on the first business day following receipt of the NSF report.

(b) Until the NSF transaction is paid:

(i) The cannabis licensee who received the NSF transaction will not deliver any cannabis to the purchaser; and

(ii) It is the responsibility of the purchaser to not receive additional cannabis from any other cannabis licensee.

(7) As used in this section, "delivery" refers to delivery of cannabis.

(8) All records must be kept and maintained consistent with WAC 314-55-087.

**WSR 24-20-059**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-11—Filed September 25, 2024, 3:51 p.m., effective October 26, 2024]

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

Purpose: These rule proposals are responding to and supporting two separate rule petitions submitted to and approved by the department of fish and wildlife (department). This rule proposal is based on the two petitions which together seek to amend recreational fishing rules at Park, Blue, and Deep lakes in Grant County and at Fish Lake in Chelan County. The Blue, Park, and Deep lakes petition was received in March 2024 and the Fish Lake Petitions was received in January 2024. Both petitions were accepted, but rule making was deferred until after the North of Falcon salmon season setting process was completed (July 2024). The first petition received by the department seeks to remove harvest limits at Fish Lake; the second petition received by the department seeks to extend the fishing season at Park, Blue, and Deep lakes. Below are more specific descriptions of the rule changes for both sets of lakes:

**Blue, Park, and Deep lakes petition:** The purpose of this proposal is to change the current fishing season closure date from September 30 to October 31. Extending the fishing season closure date to October 31 will increase recreational angling opportunities at these lakes later into the fall when trout fishing is very productive. This change also aligns with recent changes in trout stocking at all three lakes.

**Fish Lake petition:** The purpose of this proposal is to change the current fishing rule for yellow perch at Fish Lake (i.e., 25 fish daily bag limit and no minimum size) to the statewide general fishing rule (i.e., no daily bag or minimum size limits). Removing the daily bag limit for yellow perch will increase angler harvest and improve average length. This change is consistent with fish manager recommendations based of fish community surveys performed in 2009, 2016, and 2021.

Citation of Rules Affected by this Order: Amending WAC 220-312-050 Freshwater exceptions to statewide rules—Eastside (subsections (33), (100), (128), and (246)).

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

Adopted under notice filed as WSR 24-16-111 on August 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 0, Amended 1, Repealed 0.

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

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

Date Adopted: September 19, 2024.

Kelly Susewind  
 Director

OTS-5702.1

AMENDATORY SECTION (Amending WSR 24-13-054, filed 6/14/24, effective 7/15/24)

- WAC 220-312-050 Freshwater exceptions to statewide rules—East-side.** (1) **Countywide freshwater exceptions to statewide rules:**
- (a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Frenchman Hills Wasteway and Drains, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round, statewide lake rules apply to all species.
  - (b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.
- (2) **Aeneas Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
  - (b) Fly fishing only.
  - (c) It is unlawful to fish from a floating device equipped with a motor.
  - (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (3) **Ahtanum Creek (Yakima County):** Selective gear rules.
- (4) **Ahtanum Creek, North Fork (Yakima County):**
- (a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.
  - (b) Selective gear rules.
- (5) **Ahtanum Creek, Middle Fork (Yakima County):**
- (a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.
  - (b) Selective gear rules.
- (6) **Alta Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (7) **Amber Lake (Spokane County):**
- (a) Selective gear rules.
  - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (c) Open March 1 through November 30.
  - (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (8) **American River (Yakima County):**
- (a) Selective gear rules.
  - (b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8: Closed waters from July 16 through September 15.
- (9) **Amon Wasteway (Benton County):** Selective gear rules.
- (10) **Andrews Creek (tributary to Chewuch River) (Okanogan County):** From the mouth to the falls approximately 0.5 miles upstream: Closed waters.
- (11) **Asotin Creek, mainstem and forks (Asotin County):**
- (a) Closed waters:
    - (i) South Fork from mouth upstream.

- (ii) North Fork from USFS border upstream.
- (b) Game fish: Statewide minimum length/daily limit, except: It is unlawful to fish for steelhead.
- (c) Selective gear rules.
- (12) **Aspen Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (13) **Badger Lake (Spokane County)**: Open the fourth Saturday in April through September 30.
- (14) **Banks Lake (Grant County)**:
  - (a) Chumming is permissible.
  - (b) Game fish: Statewide minimum length/daily limit, except:
    - (i) Crappie: Daily limit 10; minimum length 9 inches.
    - (ii) Yellow perch: Daily limit 25.
- (15) **Bayley Lake (Stevens County)**:
  - (a) Inlet stream: Closed waters.
  - (b) Open the fourth Saturday in April through October 31.
  - (c) Fly fishing only.
  - (d) It is unlawful to fish from a floating device equipped with a motor.
  - (e) Release all fish.
- (16) **Bear Creek (tributary to South Fork Tieton River) (Yakima County)**: From the mouth to the falls (approximately 0.75 mile): Closed waters.
- (17) **Bear Lake (Spokane County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (18) **Beaver Creek (tributary to Methow River) (Okanogan County)**: Closed waters.
- (19) **Beaver Lake (Big) (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (20) **Beaver Lake, (Little)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (21) **Beda Lake (Grant County)**:
  - (a) Selective gear rules.
  - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (22) **Beehive (Lake) Reservoir (Chelan County)**:
  - (a) Open the fourth Saturday in April through October 31.
  - (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (23) **Beth Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (24) **Big Four Lake (Columbia County)**:
  - (a) Fly fishing only.
  - (b) It is unlawful to fish from any floating device.
  - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (25) **Big Meadow Lake (Pend Oreille County)**:
  - (a) Open the fourth Saturday in April through October 31.
  - (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (26) **Big Twin Lake (Okanogan County)**:
  - (a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(27) **Blackbird Island Pond (Chelan County)**: Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(28) **Black Canyon Creek (tributary to Methow River) (Okanogan County)**: Closed waters.

(29) **Black Lake (Chelan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(30) **Black Lake (Okanogan County)**: Selective gear rules.

(31) **Black Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

(32) **Blue Lake (Columbia County)**: It is unlawful to fish from any floating device.

(33) **Blue Lake (Grant County)**: Open the fourth Saturday in April through ((~~September 30~~)) October 31.

(34) **Blue Lake (near Sinlahekin) (Okanogan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(35) **Blue Lake (near Wannacut Lake) (Okanogan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

(36) **Bobcat Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.

(37) **Bonaparte Creek (Okanogan County)**: From the mouth to the falls approximately river mile 1.0: Closed waters.

(38) **Bonaparte Lake (Okanogan County)**:

(a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(39) **Boulder Creek and tributaries (Okanogan County)**: From the mouth to the barrier falls at river mile 1.0: Closed waters.

(40) **Box Canyon Creek and tributaries (Kittitas County)**: From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.

(41) **Browns Lake (Pend Oreille County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

- (42) **Bumping Lake (Reservoir) (Yakima County)**: Chumming is permissible.
- (43) **Buckskin Creek and tributaries (Yakima County)**: From the mouth to the west boundary of Suntides Golf Course: Closed waters.
- (44) **Bumping River (Yakima County)**:
- (a) It is permissible to fish up to the base of Bumping Dam.
  - (b) From the mouth to Bumping Reservoir; selective gear rules.
- (45) **Burke Lake (Grant County)**: Open March 1 through September 30.
- (46) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries**:
- (a) Open the Saturday before Memorial Day through August 15.
  - (b) Release all fish.
  - (c) Selective gear rules.
- (47) **Buzzard Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
  - (b) Selective gear rules.
  - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (48) **Caldwell Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
  - (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (49) **Caliche Lakes, Upper (Grant County)**: Open March 1 through September 30.
- (50) **Calispell Creek (Calispell River) (Pend Oreille County)**: From the mouth to Calispell Lake: Open year-round.
- (51) **Campbell Lake (Okanogan County)**:
- (a) Selective gear rules.
  - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- (52) **Carl's Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- (53) **Cascade Lake (Grant County)**: Open March 1 through September 30.
- (54) **Cattail Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (55) **Cedar Creek (tributary to Early Winters Creek) (Okanogan County)**:
- (a) From the mouth to Cedar Falls:
    - (i) Open the Saturday before Memorial Day through August 15.
    - (ii) Selective gear rules.
    - (iii) Release all fish.
  - (b) From Cedar Falls upstream including tributaries: Selective gear rules.
- (56) **Cedar Lake (Stevens County)**: Open the fourth Saturday in April through October 31.
- (57) **Chain Lake (Pend Oreille County)**:
- (a) Open the fourth Saturday in April through October 31.
  - (b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.
- (58) **Chapman Lake (Spokane County)**:
- (a) Open the fourth Saturday in April through October 31.

- (b) Chumming is permissible.
- (59) **Chelan Hatchery Creek (Chelan County)**: Closed waters.
- (60) **Chelan Lake (Chelan County)**:
- (a) Game fish: Statewide minimum length/daily limit, except:
- (i) Release wild cutthroat trout.
- (ii) Lake trout: No limit and no size restriction.
- (b) Salmon: Daily limit 1; minimum length 15 inches.
- (c) No catch record card required.
- (61) **Chelan Lake tributaries (Chelan County)**:
- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.
- (62) **Chelan River (Chelan County)**: From the railroad bridge to the Chelan PUD safety barrier below the power house:
- (a) Salmon: Open July 16 through October 15:
- (i) Daily limit 6; up to 2 may be adult hatchery Chinook. Release sockeye, coho, and wild adult Chinook.
- (ii) July 16 through October 15: Anti-snagging rule and night closure.
- (b) Game fish: Statewide minimum length/daily limit, except:
- (i) Release trout.
- (ii) Steelhead: Closed to fishing.
- (c) From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.
- (63) **Chewuch River (Okanogan County)**:
- (a) From the mouth to Eight Mile Creek:
- (i) Open the Saturday before Memorial Day through August 15.
- (ii) Selective gear rules.
- (iii) Release all fish.
- (b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:
- (i) Open December 1 through the last day in February for whitefish only.
- (ii) Whitefish gear rules.
- (64) **Chiwaukum Creek (Chelan County)**:
- (a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.
- (b) From Fool Hen Creek upstream and tributaries: Selective gear rules.
- (65) **Chiwawa River (Chelan County)**:
- (a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.
- (b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.
- (66) **Chopaka Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Fly fishing only.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (67) **Chumstick Creek (Chelan County)**: Closed waters.
- (68) **Clear Lake (Chelan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

- (69) **Clear Lake (Spokane County)**: Open the fourth Saturday in April through October 31.
- (70) **Cle Elum Lake (Reservoir) (Kittitas County)**: Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.
- (71) **Cle Elum River (Kittitas County)**:
- (a) From the mouth to Cle Elum Dam:
    - (i) Open year-round.
    - (ii) Selective gear rules.
    - (iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.
    - (iv) It is permissible to fish up to the base of Cle Elum Dam.
    - (v) Whitefish:
      - (A) Open December 1 through last day in February for whitefish only.
      - (B) Whitefish gear rules.
    - (b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.
- (72) **Cliff Lake (Grant County)**: Open March 1 through September 30.
- (73) **Coffee Pot Lake (Lincoln County)**:
- (a) Open March 1 through September 30.
  - (b) Selective gear rules.
  - (c) Game fish: Statewide minimum length/daily limit, except:
    - (i) Trout: Daily limit 1; minimum length 18 inches.
    - (ii) Crappie: Daily limit 10; minimum length 9 inches.
- (74) **Columbia Basin Hatchery Creek (Grant County)**:
- (a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.
  - (b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (75) **Columbia Park Pond (Benton County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (76) **Colville River (Stevens County)**: From the mouth to bridge at the town of Valley including Meyers Falls Reservoir: Open year-round.
- (77) **Conconully Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (78) **Conconully Reservoir (Okanogan County)**: Open the fourth Saturday in April through October 31.
- (79) **Conger Pond (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- (80) **Conner Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
  - (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- (81) **Cooper River (Kittitas County)**: From the mouth to Cooper Lake: Selective gear rules.
- (82) **Coot Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- (83) **Corral Creek (Benton County)**: Selective gear rules.
- (84) **Cougar Lake (Pasayten Wilderness) (Okanogan County)**: Selective gear rules.
- (85) **Cougar Lake (near Winthrop) (Okanogan County)**:
- (a) Selective gear rules.
  - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.



- (c) Game fish: Statewide minimum length/daily limit, except:  
Trout: Daily limit 2; minimum length 14 inches.
- (86) **Cowiche Creek (Yakima County)**: Selective gear rules.
- (87) **Coyote Creek and Ponds (Adams County)**: Open the fourth Saturday in April through September 30.
- (88) **Crab Creek (Adams/Grant/Lincoln counties)**:
- (a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.
- (b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.
- (c) From the confluence of the Moses Lake outlets to Sand Dunes Road including tributaries:
- (i) Open year-round.
- (ii) Statewide lake rules apply to all species, except:
- (A) Crappie: Minimum length 9 inches.
- (B) Crappie and bluegill: Combined limit of 25 fish.
- (C) Yellow perch: Daily limit 25 fish.
- (d) From the fountain buoy and shoreline markers of 150 feet down stream of the Alder Street fill to Grant County Road 7 NE:
- (i) Open year-round.
- (ii) Statewide lake rules apply to all species, except:
- (A) Crappie: Daily limit 10; minimum length 9 inches.
- (B) Bluegill: Daily limit 5; minimum length 8 inches.
- (C) Yellow perch: Daily limit 25.
- (e) From Grant County Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.
- (89) **Crawfish Lake (Okanogan County)**:
- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except:  
Eastern brook trout count as part of trout daily limit.
- (90) **Crescent Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- (91) **Crystal Lake (Grant County)**: Open March 1 through September 30.
- (92) **Cub Creek (tributary to Chewuch River) (Okanogan County)**:  
From mouth upstream to West Chewuch Road Bridge: Closed waters.
- (93) **Cup Lake (Grant County)**: Open March 1 through September 30.
- (94) **Curl Lake (Columbia County)**:
- (a) Open the Saturday before Memorial Day through October 31.
- (b) It is unlawful to fish from any floating device.
- (95) **Davis Lake (Ferry County)**: Open the fourth Saturday in April through October 31.
- (96) **Davis Lake (Okanogan County)**:
- (a) Selective gear rules.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except:  
Trout: Daily limit 2; minimum length 14 inches.
- (97) **Dayton Pond (Columbia County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- (98) **Deadman Lake (Adams County)**: Open the fourth Saturday in April through September 30.
- (99) **Deep Creek (tributary to Bumping Lake) (Yakima County)**: From the mouth to the waterfall approximately 0.33 mile above the second

bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.

(100) **Deep Lake (Grant County)**: Open the fourth Saturday in April through ~~((September 30))~~ October 31.

(101) **Deep Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

(102) **Deer Lake (Columbia County)**:

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

(103) **Deer (Deer Springs) Lake (Lincoln County)**: Open the fourth Saturday in April through September 30.

(104) **Deer Lake (Stevens County)**: Game fish: Statewide minimum length/daily limit, except:

(a) Eastern brook trout count as part of trout daily limit.

(b) Lake trout: Daily limit 5, no more than 1 over 26 inches may be retained.

(105) **Delaney Springs (Grant County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(106) **De Roux Creek (Kittitas County)**: From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.

(107) **Dog Creek (tributary to Chewuch) (Okanogan County)**: From mouth upstream to falls approximately 1.5 miles: Closed waters.

(108) **Domerie Creek (Kittitas County)**: Selective gear rules.

(109) **Downs Lake (Lincoln/Spokane counties)**:

(a) Open March 1 through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(110) **Dry Falls Lake (Grant County)**:

(a) Open March 1 through November 30.

(b) Selective gear rules.

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

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

Trout: Daily limit 1; minimum length 18 inches.

(111) **Dune Lake (Grant County)**:

(a) Selective gear rules.

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

Trout: Daily limit 1; minimum length 18 inches.

(112) **Dusty Lake (Grant County)**:

(a) Open March 1 through November 30.

(b) Selective gear rules.

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

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

Trout: Daily limit 1; minimum length 18 inches.

(113) **Eagle Creek (tributary to Twisp River) (Okanogan County)**: From mouth upstream to the falls approximately 0.5 miles: Closed waters.

(114) **Early Winters Creek (tributary to Methow River) (Okanogan County)**:

(a) From the mouth upstream to Forest Road 300: Closed waters.

(b) From Forest Road 300 upstream; including tributaries except Cedar Creek:

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

(ii) Selective gear rules.

(iii) Release all fish.

(115) **Eightmile Creek (tributary to Chewuch River) (Okanogan County)**: From the mouth upstream to Forest Road 5130 Bridge: Closed waters.

(116) **Elbow Lake (Stevens County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(117) **Ell Lake (Okanogan County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

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

(118) **Eloika Lake (Spokane County)**: Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

(119) **Empire Lake (Ferry County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(120) **Entiat River (Chelan County)**:

(a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery):

(i) Salmon: Open from July 16 through September 30:

(A) Daily limit 6 Chinook salmon. Release all other salmon.

(B) Night closure.

(ii) Open December 1 through the last day in February for whitefish only.

(iii) Whitefish gear rules.

(b) From the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:

(i) Whitefish:

(ii) Open December 1 through the last day in February for whitefish only.

(iii) Whitefish gear rules.

(c) Entiat River and all tributaries above Entiat Falls: Selective gear rules.

(121) **Ephrata Lake (Grant County)**: Closed waters.

(122) **Esquatzel Coulee (Franklin County)**: Open year-round.

(123) **Esquatzel Coulee, West Branch (Franklin County)**: Open year-round.

(124) **Falls Creek (tributary to Chewuch River) (Okanogan County)**: From mouth upstream to the falls approximately .15 miles: Closed waters.

(125) **Fan Lake (Pend Oreille County)**:

(a) Open the fourth Saturday in April through September 30.

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

(126) **Ferry Lake (Ferry County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(127) **Fiorito Lakes (Kittitas County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (128) (~~(Fish Lake (Chelan County))~~: Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.  
~~(129))~~ **Fish Lake (Okanogan County)**: Open the fourth Saturday in April through October 31.
- ~~((130))~~ **(129) Fish Lake (Spokane County)**:  
 (a) Open the fourth Saturday in April through September 30.  
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ~~((131))~~ **(130) Fishhook Pond (Walla Walla County)**: It is unlawful to fish from a floating device.
- ~~((132))~~ **(131) Fishtrap Lake (Lincoln/Spokane counties)**: Open the fourth Saturday in April through September 30.
- ~~((133))~~ **(132) Forde Lake (Okanogan County)**:  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ~~((134))~~ **(133) Fourth of July Lake (Adams/Lincoln counties)**:  
 (a) Open the Friday after Thanksgiving through March 31.  
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- ~~((135))~~ **(134) Frank's Pond (Chelan County)**:  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Open to juvenile anglers only.
- ~~((136))~~ **(135) Frater Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.
- ~~((137))~~ **(136) Frenchman Hills Wasteway and Drains (Grant County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ~~((138))~~ **(137) Gadwall Lake (Grant County)**: Open the fourth Saturday in April through September 30.
- ~~((139))~~ **(138) Garfield Juvenile Pond (Whitman County)**: Open to juvenile anglers only.
- ~~((140))~~ **(139) Goat Creek (tributary to Methow River) (Okanogan County)**: Closed waters.
- ~~((141))~~ **(140) Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake)**: Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.
- ~~((142))~~ **(141) Gold Creek (tributary to Methow River) (Okanogan County)**: Closed waters.
- ~~((143))~~ **(142) Goose Creek (Lincoln County), within the city limits of Wilbur**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- ~~((144))~~ **(143) Goose Lake, Lower (Grant County)**: Game fish: Statewide minimum length/daily limit, except:  
 (a) Crappie: Daily limit 10; minimum length 9 inches.  
 (b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.
- ~~((145))~~ **(144) Grande Ronde River (Asotin County)**:  
 (a) From the mouth to County Road Bridge, about 2.5 miles upstream:  
 (i) Open year-round for game fish other than trout and steelhead.  
 (ii) From August 1 through April 15: Selective gear rules.  
 (iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

~~((146))~~ **(145) Green Lakes (Lower and Upper) (Okanogan County):**

(a) Selective gear rules.

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

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

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Eastern brook trout count as part of trout daily limit.

~~((147))~~ **(146) Grimes Lake (Douglas County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

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

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

Trout: Daily limit 1; minimum length 18 inches.

~~((148))~~ **(147) Halfmoon Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((149))~~ **(148) Hampton Lakes (Lower and Upper) (Grant County):** Open the fourth Saturday in April through September 30.

~~((150))~~ **(149) H and H Reservoir Number One (Pascal's Pond) (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((151))~~ **(150) Harris Lake (Grant County):**

(a) Selective gear rules.

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

Trout: Daily limit 1; minimum length 18 inches.

~~((152))~~ **(151) Hatch Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.

~~((153))~~ **(152) Hays Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.

~~((154))~~ **(153) Headgate Pond (Asotin County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((155))~~ **(154) Hen Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((156))~~ **(155) Hog Canyon Creek (Spokane County):** From the mouth to Scroggie Road: Closed waters.

~~((157))~~ **(156) Hog Canyon Lake (Spokane County):** Open the Friday after Thanksgiving through March 31.

~~((158))~~ **(157) Homestead Lake (Grant County):**

(a) Selective gear rules.

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

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

Trout: Daily limit 1; minimum length 18 inches.

~~((159))~~ (158) **Hourglass Lake (Grant County)**: Open the fourth Saturday in April through September 30.

~~((160))~~ (159) **Hutchinson Lake (Adams County)**: Open the fourth Saturday in April through September 30.

~~((161))~~ (160) **I-82 Ponds, 1 through 7 (Yakima County)**: It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((162))~~ (161) **Icicle River and tributaries (Creek) (Chelan County)**:

(a) From the mouth upstream 800 feet to posted signs: Closed waters.

(b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed waters.

(c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.

(d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot): Closed waters.

(e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.

~~((163))~~ (162) **Indian Creek (Yakima County)**: From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of Rimrock Reservoir: Closed waters.

~~((164))~~ (163) **Ingalls Creek (Chelan County)**: From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.

~~((165))~~ (164) **Jameson Lake (Douglas County)**: Open the fourth Saturday in April through October 31.

~~((166))~~ (165) **Jasmine Creek (Okanogan County)**:

(a) Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Game fish: Statewide minimum length/daily limit, except: Steelhead: Closed to fishing.

~~((167))~~ (166) **Jefferson Park Pond (Walla Walla County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((168))~~ (167) **Jolanda, Lake (Chelan County)**: Closed waters.

~~((169))~~ (168) **Kachess Lake (Reservoir) (Kittitas County)**:

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

~~((170))~~ (169) **Kachess River (Kittitas County)**:

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) From the mouth to Kachess Dam: Selective gear rules.

~~((171))~~ (170) **Keechelus Lake (Reservoir) (Kittitas County)**:

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

~~((172))~~ (171) **Kettle Creek (tributary to American River) (Yakima County)**: Closed waters.

~~((173))~~ (172) **Kettle River (Stevens County)**: From Barstow Bridge upstream:

(a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

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

(c) Game fish: Statewide minimum length/daily limit, except:  
Trout: Minimum length 14 inches.

(d) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((174))~~ **(173) Kings Lake and tributaries (Pend Oreille County):** Closed waters.

~~((175))~~ **(174) Kiwanis Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((176))~~ **(175) Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

~~((177))~~ **(176) Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((178))~~ **(177) Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((179))~~ **(178) Leech Lake (Yakima County):**

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except:  
Rainbow trout: Daily limit 1; minimum length 18 inches.

~~((180))~~ **(179) Lemna Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((181))~~ **(180) Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

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

(d) Game fish: Statewide minimum length/daily limit, except:  
Trout: Daily limit 1; minimum length 18 inches.

~~((182))~~ **(181) Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except:  
Trout: Daily limit 1; minimum length 18 inches.

~~((183))~~ **(182) Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.

~~((184))~~ **(183) Liberty Lake (Spokane County):** Open March 1 through October 31.

~~((185))~~ **(184) Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:  
Eastern brook trout count as part of trout daily limit.

~~((186))~~ **(185) Lions Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

((187)) (186) **Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

- (a) Open the Saturday before Memorial Day through August 15.
- (b) Release all fish.
- (c) Selective gear rules.

((188)) (187) **Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Landlocked salmon rules.

((189)) (188) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

((190)) (189) **Little Naches River including tributaries (Yakima County):** Selective gear rules.

((191)) (190) **Little Pend Oreille River and tributaries (Stevens County):** Selective gear rules.

((192)) (191) **Little Spokane River and tributaries (Spokane County):**

(a) From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream:

- (i) Open Saturday before Memorial Day through October 31.
- (ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

((193)) (192) **Little Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

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

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

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Eastern brook trout count as part of trout daily limit.

((194)) (193) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.

((195)) (194) **Little Wenatchee River (Chelan County):**

(a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.

(b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.

((196)) (195) **Long Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

(d) It is unlawful to fish from a floating device equipped with a motor.

((197)) (196) **Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

((198)) (197) **Long Lake (Lake Spokane) (Spokane County):** From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Landlocked salmon rules.

((199)) (198) **Loon Lake (Stevens County):** Open the fourth Saturday in April through October 31.

((200)) (199) **Lost Lake (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.

((201)) (200) **Lost Lake (Okanogan County):**



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

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((202))~~ **(201) Lost River (tributary to Methow River) (Okanogan County):**

(a) From the mouth to the mouth of Monument Creek: Closed waters.

(b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:

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

(ii) Selective gear rules.

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

(A) Trout: Minimum length 14 inches; daily limit 2.

(B) Dolly Varden/bull trout may be retained as part of trout daily limit.

~~((203))~~ **(202) Lyman Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((204))~~ **(203) Mad River (Chelan County):**

(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.

(b) From Windy Creek upstream and tributaries: Selective gear rules.

~~((205))~~ **(204) Manastash Creek (Kittitas County):** Selective gear rules.

~~((206))~~ **(205) Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((207))~~ **(206) Martha Lake (Grant County):** Open March 1 through September 30.

~~((208))~~ **(207) Mary Ann Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((209))~~ **(208) Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((210))~~ **(209) McCabe Pond (Kittitas County):** It is unlawful to fish from any floating device equipped with a motor.

~~((211))~~ **(210) McDowell Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

~~((212))~~ **(211) McManaman Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((213))~~ **(212) Medical Lake (Spokane County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((214))~~ **(213) Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.

((215)) (214) Mercer Creek (Kittitas County): Selective gear rules.

((216)) (215) Merry Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules.

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

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

Trout: Daily limit 1; minimum length 18 inches.

((217)) (216) Methow River (Okanogan County):

(a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.

(b) Tributaries from mouth to County Road 1535 (Burma Road)

Bridge except Black Canyon Creek:

(i) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(ii) Steelhead: Closed to fishing.

(c) From County Road 1535 (Burma Road) Bridge to Gold Creek:

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

(ii) Selective gear rules.

(iii) Release all fish.

(iv) Steelhead: Closed to fishing.

(d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:

(i) Selective gear rules.

(ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(iii) Steelhead: Closed to fishing.

(e) From Gold Creek to Foghorn Dam:

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

(ii) Selective gear rules.

(iii) Release all fish.

(iv) Steelhead: Closed to fishing.

(v) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby Creek, and Beaver Creek:

(i) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(ii) Steelhead: Closed to fishing.

(g) From Foghorn Dam to Weeman Bridge including tributaries:

(i) Open the Saturday before Memorial Day through August 15:

(A) Release all fish.

(B) Selective gear rules.

(C) Steelhead: Closed to fishing.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(h) From Weeman Bridge to the falls above Brush Creek: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek:

- (i) Selective gear rules.
- (ii) Release all fish.
- (iii) Steelhead: Closed to fishing.

~~((218))~~ (217) **Mill Creek (tributary to the Walla Walla River) (Walla Walla County):**

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream excluding tributaries: Selective gear rules.

(c) All tributaries upstream of Bennington Dam: Closed waters.

~~((219))~~ (218) **Mineral Creek (tributary to upper Kachess River) (Kittitas County):** From the mouth to the Wilderness Boundary: Closed waters.

~~((220))~~ (219) **Molson Lake (Okanogan County):** Game fish: State-wide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((221))~~ (220) **Monument Creek (Okanogan County), including tributaries:** Selective gear rules.

~~((222))~~ (221) **Morgan Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((223))~~ (222) **Moses Lake (Grant County):** Game fish: Statewide minimum length/daily limit, except:

- (a) Crappie: Daily limit 10; minimum length 9 inches.
- (b) Bluegill: Daily limit 5; minimum length 8 inches.
- (c) Yellow perch: Daily limit 25.

~~((224))~~ (223) **Mud Lake (Yakima County):**

(a) Selective gear rules.  
(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((225))~~ (224) **Mudgett Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((226))~~ (225) **Muskegon Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.  
(b) Selective gear rules.  
(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((227))~~ (226) **Myron Lake (Yakima County):**

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

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((228))~~ (227) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((229))~~ (228) **Naches River (Yakima/Kittitas counties):**

(a) From the mouth to Little Naches River:  
(i) Selective gear rules.  
(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

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

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((230))~~ **(229) Naneum Creek and tributaries (Kittitas County):** Selective gear rules.

~~((231))~~ **(230) Naneum Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((232))~~ **(231) Napeequa River (Chelan County):** From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.

~~((233))~~ **(232) Nason Creek (Chelan County):**

(a) From the mouth to Gaynor Falls and tributaries except White-pine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of White-pine Creek) upstream and tributaries: Selective gear rules.

~~((234))~~ **(233) Nile Creek and tributaries (Yakima County):** Selective gear rules.

~~((235))~~ **(234) No Name Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((236))~~ **(235) North Creek (tributary to Twisp River) (Okanogan County):** From the mouth upstream to Twisp River Road Bridge: Closed waters.

~~((237))~~ **(236) North Elton Pond (Yakima County):**

(a) Open the Friday after Thanksgiving through March 31.

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

~~((238))~~ **(237) North Potholes Reserve Ponds (Grant County):** Open March 1 through the day before waterfowl season begins.

~~((239))~~ **(238) Nunnally Lake (Grant County):**

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

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

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

Trout: Daily limit 1; minimum length 18 inches.

~~((240))~~ **(239) Oak Creek and tributaries (Yakima County):** Selective gear rules.

~~((241))~~ **(240) Okanogan River (Okanogan County):**

(a) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

Game fish: Open year-round. Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(b) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

Game fish: Open year-round. Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(c) From the highway bridge at Malott to the Highway 97 Bridge at Oroville:

Game fish: Open the Saturday before Memorial Day through September 15. Statewide minimum length/daily limit, except:

- (i) Release trout.
- (ii) Steelhead: Closed to fishing.

(d) From the Highway 97 Bridge at Oroville upstream to the Zosel Dam: Closed waters.

(e) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:

- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except:
  - (A) Release trout.
  - (B) Steelhead: Closed to fishing.

~~((242))~~ **(241) Osoyoos Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((243))~~ **(242) Palouse River (Whitman County):** From the mouth to the base of Palouse Falls:

(a) Open year-round for game fish except trout and steelhead.

(b) Trout: Open the Saturday before Memorial Day through October 31.

(c) Steelhead:

(i) Open August 1 through April 15.

(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.

~~((244))~~ **(243) Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek:** Open year-round.

~~((245))~~ **(244) Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

~~((246))~~ **(245) Park Lake (Grant County):** Open the fourth Saturday in April through ~~(September 30)~~ October 31.

~~((247))~~ **(246) Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((248))~~ **(247) Pataha Creek (Garfield County):**

(a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.

(b) From the city limits of Pomeroy upstream: Selective gear rules.

~~((249))~~ **(248) Pearrygin Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((250))~~ **(249) Pend Oreille River (Pend Oreille County):**

(a) Open year-round.

(b) Game fish: Statewide lake rules.

(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.

- ((251)) (250) Perch Lake (Grant County): Open the fourth Saturday in April through September 30.
- ((252)) (251) Peshastin Creek and all tributaries except Ingalls Creek (Chelan County): Closed waters.
- ((253)) (252) Petit Lake (Pend Oreille County):  
 (a) Open the fourth Saturday in April through October 31.  
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- ((254)) (253) Phalon Lake (Stevens County): Closed waters.
- ((255)) (254) Phillips Lake (Stevens County): Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((256)) (255) Pierre Lake (Stevens County): It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- ((257)) (256) Pillar Lake (Grant County): Open the fourth Saturday in April through September 30.
- ((258)) (257) Ping Pond (Oasis Park Pond) (Grant County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- ((259)) (258) Pit Lake (Douglas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- ((260)) (259) Poacher Lake (Grant County): Open the fourth Saturday before April through September 30.
- ((261)) (260) Potholes Reservoir (Grant County): Game fish: Statewide minimum length/daily limit, except:  
 (a) Crappie: Minimum length 9 inches.  
 (b) Crappie and bluegill: Combined limit of 25 fish.  
 (c) Yellow perch: Daily limit 25 fish.
- ((262)) (261) Potter's Pond (Stevens County): Open the fourth Saturday in April through October 31.
- ((263)) (262) Powerline Lake (Franklin County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- ((264)) (263) Quail Lake (Adams County):  
 (a) Fly fishing only.  
 (b) It is unlawful to fish from any floating device equipped with a motor.  
 (c) Release all fish.
- ((265)) (264) Quarry Pond (Walla Walla County): It is unlawful to fish from any floating device.
- ((266)) (265) Quincy Lake (Grant County): Open March 1 through September 30.
- ((267)) (266) Rainbow Lake (Columbia County):  
 (a) Open March 1 through November 30.  
 (b) It is unlawful to fish from any floating device.
- ((268)) (267) Rat Lake (Okanogan County):  
 (a) Selective gear rules.  
 (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.
- ((269)) (268) Rattlesnake Creek and tributaries (Yakima County):  
 (a) Selective gear rules.  
 (b) Release all fish.
- ((270)) (269) Red Rock Creek (Grant County): Open the Saturday before Memorial Day through September 30.

~~((271))~~ **(270) Reflection Pond (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((272))~~ **(271) Renner Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((273))~~ **(272) Rigley Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

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

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

Trout: Daily limit 2, minimum length 14 inches.

~~((274))~~ **(273) Rimrock Lake (Reservoir) (Yakima County):** Chumming is permissible.~~((275))~~ **(274) Ringold Springs Hatchery Creek (Franklin County):** Closed waters.~~((276))~~ **(275) Roaring Creek (Entiat River tributary) (Chelan County):** Closed waters.~~((277))~~ **(276) Rock Creek (Adams/Whitman counties):**

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

(i) Selective gear rules.

(ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

~~((278))~~ **(277) Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

~~((279))~~ **(278) Rocky Lake (Stevens County):** Open the fourth Saturday in April through October 31.~~((280))~~ **(279) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):** Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River downstream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(iii) The Kettle River upstream to Barstow Bridge from March 1 through the Friday before Memorial Day.

(b) From Grand Coulee Dam to the Little Dalles power line crossing:

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

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Daily limit 16 fish; no size restrictions.

(ii) Salmon:

- (A) Salmon count toward trout daily limit.
- (B) No catch record card required.
- (c) From the Little Dalles power line crossing to the Canadian border:
  - (i) Game fish: Statewide minimum length/daily limit, except:
    - (A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.
    - (B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.
    - (C) Walleye: Daily limit 16; no size restrictions.
  - (ii) Salmon:
    - (A) Salmon count toward trout daily limit.
    - (B) No catch record card required.
- ~~((281))~~ **(280) Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- ~~((282))~~ **(281) Royal Lake (Adams County):** Closed waters.
- ~~((283))~~ **(282) Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed waters.
- ~~((284))~~ **(283) Rufus Woods Lake (Douglas/Okanogan counties):**
  - (a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.
  - (b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2.
  - (c) Sturgeon: Closed to fishing.
  - (d) A nonmember fishing permit issued by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods.
  - (e) A Colville tribal member identification card satisfies the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods.
- ~~((285))~~ **(284) Sacheen Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ~~((286))~~ **(285) Saddle Mountain Lake (Grant County):** Closed waters.
- ~~((287))~~ **(286) Sago Lake (Grant County):** Open the fourth Saturday in April through September 30.
- ~~((288))~~ **(287) Salmon Creek (Okanogan County):**
  - (a) From the mouth to Conconully Reservoir:
    - (i) Selective gear rules.
    - (ii) Game fish: Statewide minimum length/daily limit, except:
      - (A) Release trout other than eastern brook trout.
      - (B) Steelhead: Closed to fishing.
  - (b) From Conconully Reservoir upstream including tributaries: Selective gear rules.
- ~~((289))~~ **(288) San Poil River (Ferry County):**
  - (a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:
    - (i) Game fish: Open year-round; statewide minimum length/daily limit, except:
      - (A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:
        - (I) Kokanee: Daily limit 2.



(II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(III) Walleye: Daily limit 16; no size restrictions.

(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round:

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

~~((290))~~ **(289) Sand Hollow Creek (Grant County) including tributaries:** From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

~~((291))~~ **(290) Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((292))~~ **(291) Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((293))~~ **(292) Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((294))~~ **(293) Shellneck Creek (Yakima County):** Closed waters.

~~((295))~~ **(294) Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

~~((296))~~ **(295) Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((297))~~ **(296) Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

- ((298)) **(297) Silver Lake (Spokane County):** Game fish: State-wide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.
- ((299)) **(298) Silver Nail Lake (Okanogan County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- ((300)) **(299) Similkameen River (Okanogan County):**
- (a) From Enloe Dam downstream 400 feet: Closed waters.
  - (b) From the mouth to Enloe Dam:
    - (i) Open July 1 through September 15.
    - (ii) Game fish: Statewide minimum length/daily limit, except:
      - (A) Release trout.
      - (B) Steelhead: Closed to fishing.
    - (iii) Whitefish:
      - (A) Open December 1 through the last day in February for whitefish only.
      - (B) Whitefish gear rules.
  - (c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:
    - (i) Open the Saturday before Memorial Day through October 31.
    - (ii) Whitefish:
      - (A) Open December 1 through the last day in February for whitefish only.
      - (B) Whitefish gear rules.
- ((301)) **(300) Sinlahekin Creek (Okanogan County):** From Palmer Lake to Cecile Creek Bridge:
- (a) Open the Saturday before Memorial Day through August 31.
  - (b) Selective gear rules.
  - (c) Whitefish:
    - (i) Open December 1 through the last day in February for whitefish only.
    - (ii) Whitefish gear rules.
- ((302)) **(301) Skookum Lake, North (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- ((303)) **(302) Skookum Lake, South (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
  - (b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- ((304)) **(303) Snake River:**
- (a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.
  - (b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.
  - (c) Within 400 feet of the base of any dam: Closed waters.
  - (d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.
  - (e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.
  - (f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.
  - (g) Game fish: Open year-round; statewide minimum length/daily limit, except:
    - (i) Trout: Open the Saturday before Memorial Day through October 31.
    - (ii) Steelhead:

- (A) Open July 1 through August 31; catch and release only. Barbless hooks required.
- (B) Open September 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.
- (C) April 1 through June 30; closed to fishing.
- ~~((305))~~ **(304) Snipe Lake (Grant County):** Open the fourth Saturday in April through September 30.
- ~~((306))~~ **(305) Snipes Creek (Benton County):** Selective gear rules.
- ~~((307))~~ **(306) South Columbia Basin Irrigation PE16.4 spillway at the Ringold Springs access downstream 400' towards the Columbia River. (46°30'20.0"N 119°15'28.7"W) (Franklin County):** Closed waters.
- ~~((308))~~ **(307) Spectacle Lake (Okanogan County):** Open April 1 through September 30.
- ~~((309))~~ **(308) Spokane River (Spokane County):** From Nine Mile Dam upstream to the Idaho/Washington state line:
- (a) Selective gear rules.
  - (b) Open the Saturday before Memorial Day through March 15.
  - (c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.
- ~~((310))~~ **(309) Sprague Lake (Adams/Lincoln counties):**
- (a) The following waters are closed waters:
    - (i) Cow Creek.
    - (ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, to Danekas Road.
    - (iii) The small bay at the southeast end of the lake.
  - (b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.
  - (c) Game fish: Statewide minimum length/daily limit except:
    - (i) Crappie: Minimum length 9 inches.
    - (ii) Crappie and bluegill: Combined limit of 25 fish.
- ~~((311))~~ **(310) Spring Creek (Benton County):** Selective gear rules.
- ~~((312))~~ **(311) Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**
- (a) Open the fourth Saturday in April through October 31.
  - (b) Selective gear rules.
  - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.
- ~~((313))~~ **(312) Spring Lake (Columbia County):** It is unlawful to fish from any floating device.
- ~~((314))~~ **(313) Spring Lakes (Upper and Lower) (Grant County):** Open March 1 through September 30.
- ~~((315))~~ **(314) Springdale Pond (Lucky Duck Pond) (Stevens County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- ~~((316))~~ **(315) Spruce Creek (tributary to South Fork Tieton River) (Yakima County):** Closed waters.
- ~~((317))~~ **(316) Starvation Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- ~~((318))~~ **(317) Starzman Lakes (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ~~((319))~~ **(318) Stehekin River (Chelan County):** From the mouth (Powerline crossing) upstream and tributaries:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat.

~~((320))~~ (319) **Stratford/Brook Lake (Grant County)**: Open March 1 through September 30.

~~((321))~~ (320) **Sugarloaf Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((322))~~ (321) **Sullivan Creek and tributaries (Pend Oreille County)**:

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

~~((323))~~ (322) **Sullivan Lake (Pend Oreille County)**: Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((324))~~ (323) **Summit Lake (Okanogan County)**: Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((325))~~ (324) **Summit Lake (Stevens County)**: Open the fourth Saturday in April through October 31.

~~((326))~~ (325) **Swan Lake (Ferry County)**: It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((327))~~ (326) **Swauk Creek and tributaries (Kittitas County)**: Selective gear rules.

~~((328))~~ (327) **Taneum Creek and tributaries (Kittitas County)**: Selective gear rules.

~~((329))~~ (328) **Teal Lakes (North and South) (Grant/Adams counties)**: Open the fourth Saturday in April through September 30.

~~((330))~~ (329) **Teaway River (Kittitas County), and tributaries except North Fork**: Selective gear rules.

~~((331))~~ (330) **Teaway River, North Fork (Kittitas County)**:

(a) From the mouth to Beverly Creek and tributaries; including Beverly Creek:

(i) Selective gear rules.

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

(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.

~~((332))~~ (331) **Tern Lake (Grant County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((333))~~ (332) **Thirtymile Creek (tributary to Chewuch River) (Okanogan County)**: From mouth upstream to falls (approximately 700 feet): Closed waters.

~~((334))~~ (333) **Tieton River (Yakima County)**:

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

~~((335))~~ (334) **Tieton River, North Fork (Yakima County)**:

(a) From mouth to USFS Road 740 Bridge:

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

(ii) Selective gear rules.

(b) The Clear Lake spillway channel: Closed waters.

(c) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.

(d) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream of Clear Lake:

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

(ii) Selective gear rules.

~~((336))~~ **(335) Tieton River, South Fork (Yakima County):** From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

~~((337))~~ **(336) Tillicum Creek (tributary to Mad River) (Chelan River):**

(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.

(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.

~~((338))~~ **(337) Touchet River and tributaries (Columbia/Walla Walla counties):**

(a) From the mouth to the confluence of the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(A) November 1 through April 15: Release all fish except steelhead.

(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(b) From the confluence of the North and South Forks upstream including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

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

(iii) Selective gear rules.

~~((339))~~ **(338) Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

~~((340))~~ **(339) Tucannon River (Columbia County):**

(a) All tributaries are closed waters, except Pataha Creek.

(b) Mouth upstream to Tucannon Hatchery Road Bridge:

(c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(i) November 1 through April 15: Release all fish except steelhead.

(ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed waters.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

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

(ii) Selective gear rules.

(f) Cow Camp Bridge upstream: Closed waters.

~~((341))~~ **(340) Tucquala Lake (Kittitas County):**

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

(b) Statewide stream rules apply.

~~((342))~~ **(341) Twentymile Creek (tributary to Chewuch River) (Okanogon County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.

~~((343))~~ **(342) Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County):** Closed waters.

~~((344))~~ **(343) Twisp River (Okanogan County):**

(a) Mouth to War Creek:

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

(ii) Selective gear rules.

(iii) Release all fish.

(b) Twisp River tributaries from War Creek upstream except North Creek and North Fork Twisp River:

(i) Selective gear rules.

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

(iii) Release all fish.

(c) From War Creek upstream: Closed waters.

~~((345))~~ **(344) Twisp River, North Fork (Okanogan County):** From mouth to falls including tributaries: Closed waters.

~~((346))~~ **(345) Umtanum Creek (Kittitas County):** Selective gear rules.

~~((347))~~ **(346) Union Creek (Yakima County):** From the mouth to the falls: Closed waters.

~~((348))~~ **(347) Upper Wheeler Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

~~((349))~~ **(348) Vic Meyers (Rainbow) Lake (Grant County):**

(a) Open the fourth Saturday in April through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((350))~~ **(349) Walla Walla River (Walla Walla County):** From mouth to Washington/Oregon stateline:

(a) All tributaries except Touchet River and Mill Creek: Closed waters.

(b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:

(i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.

(B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.

~~((351))~~ **(350) Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((352))~~ **(351) Wapato Lake (Chelan County):** Open the fourth Saturday in April through October 31.

~~((353))~~ **(352) Ward Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((354))~~ **(353) Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((355))~~ **(354) Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

~~((356))~~ **(355) Washburn Island Pond (Okanogan County):**

(a) Open April 1 through September 30.

(b) An internal combustion motor may be attached to a floating device, but cannot be used.

~~((357))~~ **(356) Washburn Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

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

Trout: Daily limit 1; minimum length 18 inches.

(c) Selective gear rules.

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

~~((358))~~ **(357) Watson Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

~~((359))~~ **(358) Wenaha River tributaries:**

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

(b) Selective gear rules.

~~((360))~~ **(359) Wenas Creek (Yakima County):** From the mouth to Wenas Lake, including tributaries: Selective gear rules.

~~((361))~~ **(360) Wenatchee Lake (Chelan County):**

(a) Selective gear rules.

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

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(iii) Kokanee: Closed to fishing.

~~((362))~~ **(361) Wenatchee River (Chelan County):**

(a) From the mouth to the Icicle Road Bridge:

(i) Game fish: Closed to fishing.

(ii) Salmon: Open August 1 through September 30:

(A) Daily limit 6; up to 2 adult hatchery Chinook may be retained.

(B) Release sockeye, coho, and wild adult Chinook.

(iii) Night closure.

(iv) Selective gear rules, except bait allowed.

(b) From Icicle Road Bridge upstream to Lake Wenatchee: Closed waters.

~~((363))~~ **(362) Whitepine Creek (Chelan County):** From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.

~~((364))~~ **(363) White River (Chelan County):** From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.

~~((365))~~ **(364) Widgeon Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((366))~~ **(365) Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.

~~((367))~~ **(366) Williams Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.

~~((368))~~ **(367) Wilson Creek (Kittitas County):** From BNSF railroad bridge upstream: Selective gear rules.

~~((369))~~ **(368) Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open March 1 through September 30.

~~((370))~~ **(369) Wolf Creek (Methow River tributary) (Okanogan County):** Closed waters.

~~((371))~~ **(370) Yakima River (Yakima County):**

(a) Downstream of Highway 240 Bridge: Columbia River rules apply.

- (b) From the Highway 240 Bridge to 400 feet downstream of the Horn Rapids (Wanawish) Dam:
- (i) Open March 1 through October 31.
  - (ii) Chumming is permissible.
  - (iii) Game fish: Statewide minimum size/daily limit, except: Release trout.
  - (iv) Barbless hooks required for salmon and steelhead.
  - (v) Salmon: Open September 15 through November 15.
  - (A) Daily limit 6; up to 2 adults may be retained.
  - (B) Release all salmon other than Chinook and coho.
  - (C) Night closure.
- (c) From 400 feet downstream of the Horn Rapids (Wanawish) Dam to the dam: Closed waters.
- (d) From the Horn Rapids (Wanawish) Dam to 200 feet downstream of the USBR Chandler Powerhouse:
- (i) Open March 1 through October 31.
  - (ii) Chumming is permissible.
  - (iii) Game fish: Statewide minimum size/daily limit, except: Release trout.
  - (iv) Barbless hooks required for salmon and steelhead.
  - (v) Salmon: Open September 15 through November 15.
  - (A) Daily limit 6; up to 2 adults may be retained.
  - (B) Release all salmon other than Chinook and coho.
  - (C) Night closure.
- (e) From 200 feet downstream of the USBR Chandler Powerhouse to 200 feet upstream of the Chandler Powerhouse:
- (i) Open March 1 through August 31.
  - (ii) Chumming is permissible.
  - (iii) Game fish: Statewide minimum size/daily limit, except: Release trout.
  - (iv) Barbless hooks required for steelhead.
  - (v) September 1 through October 31: Closed waters.
- (f) From 200 feet upstream of the Chandler Powerhouse to the downstream side of the westbound I-82 Bridge in Prosser:
- (i) Open March 1 through October 31.
  - (ii) Chumming is permissible.
  - (iii) Game fish: Statewide minimum size/daily limit, except: Release trout.
  - (iv) Barbless hooks required for salmon and steelhead.
  - (v) Salmon: Open September 15 through November 15.
  - (A) Daily limit 6; up to 2 adults may be retained.
  - (B) Release all salmon other than Chinook and coho.
  - (C) Night closure.
- (g) From the downstream side of the westbound I-82 Bridge in Prosser to the Grant Avenue Bridge in Prosser:
- (i) Open March 1 through October 31.
  - (ii) Chumming is permissible.
  - (iii) Fishing from a floating device is prohibited September 15 through November 15.
  - (iv) Game fish: Statewide minimum size/daily limit, except: Release trout.
  - (v) Barbless hooks required for salmon and steelhead.
  - (vi) Salmon: Open September 15 through November 15.
  - (A) Daily limit 6; up to 2 adults may be retained.
  - (B) Release all salmon other than Chinook and coho.
  - (C) Night closure.
- (h) From Grant Avenue Bridge to Prosser Dam: Closed waters.



- (i) From Prosser Dam to Highway 223 Bridge:
  - (i) Open March 1 through October 31.
  - (ii) Game fish: Statewide minimum size/daily limit, except: Release trout.
  - (iii) Barbless hooks required for steelhead.
- (j) From Highway 223 Bridge to 400 feet below the Sunnyside (Parker) Dam:
  - (i) Selective gear rules.
  - (ii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.
  - (iii) Whitefish:
    - (A) Open December 1 through the last day in February for whitefish only.
    - (B) Whitefish gear rules.
- (k) From 400 feet below the Sunnyside (Parker) Dam to the dam: Closed waters.
  - (l) From the Sunnyside (Parker) Dam to the Yakima Avenue-Terrace Heights Bridge:
    - (i) Selective gear rules.
    - (ii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.
    - (iii) Whitefish:
      - (A) Open December 1 through the last day in February for whitefish only.
      - (B) Whitefish gear rules.
  - (m) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet: Closed waters.
    - (n) From 400 feet upstream of the Yakima Avenue-Terrace Heights Bridge to 3,500 feet below Roza Dam:
      - (i) Selective gear rules.
      - (ii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.
      - (iii) Whitefish:
        - (A) Open December 1 through the last day in February for whitefish only.
        - (B) Whitefish gear rules.
      - (o) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.
    - (p) From Roza Dam to the U.S. Bureau of Reclamation restricted area signs: Open year-round.
      - (i) Selective gear rules.
      - (ii) Internal combustion motors are prohibited.
      - (iii) Game fish: Statewide minimum length/daily limit, except: Release trout.
        - (iv) Whitefish: December 1 through the last day in February: Whitefish gear rules.
    - (q) From the U.S. Bureau of Reclamation restricted area signs to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles): Open year-round.
      - (i) Selective gear rules.
      - (ii) Game fish: Statewide minimum length/daily limit, except: Release trout.
      - (iii) Whitefish: December 1 through the last day in February: Whitefish gear rules.
    - (r) From the boat launch ramp on the Roza Access Area (approximately 1.3 river miles) to 400 feet below Easton Dam; including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: Open year-round.

(i) Selective gear rules.

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

(iii) Whitefish: December 1 through the last day in February: Whitefish gear rules.

(s) From 400 feet below Easton Dam to the dam: Closed waters.

(t) From Easton Dam to the base of Keechelus Dam including Easton Lake:

(i) Selective gear rules.

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

~~((372))~~ **(371) Yakima Sportsmen's Park Ponds (Yakima County):**  
Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((373))~~ **(372) Yocum Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

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

## WSR 24-20-067

## PERMANENT RULES

## DEPARTMENT OF AGRICULTURE

[Filed September 27, 2024, 6:54 a.m., effective October 28, 2024]

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

Purpose: This rule-making order amends WAC 16-390-240 USDA audit verification and terminal market inspection fees, by adopting fees identical to, and not less than, fees adopted by the United States Department of Agriculture, Agricultural Marketing Service (USDA-AMS) as published in the Federal Register (Vol. 89, No. 88) on May 6, 2024 under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table with an effective date of October 1, 2024. These changes are necessary to comply with the department of agriculture's (department) cooperative agreement with USDA-AMS for services the department provides as a "Federal-State Inspection Agency."

Citation of Rules Affected by this Order: Amending WAC 16-390-240.

Statutory Authority for Adoption: RCW 15.17.030, 15.17.140(2), 15.17.150, and 15.17.270.

Adopted under notice filed as WSR 24-15-014 on July 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 1, 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: September 26, 2024.

Derek I. Sandison  
Director

**OTS-5540.1**

AMENDATORY SECTION (Amending WSR 23-18-028, filed 8/28/23, effective 10/1/23)

**WAC 16-390-240 USDA audit verification and terminal market inspection fees.** WSDA performs audit and inspection services requested by customers under a "cooperative agreement" with the United States Department of Agriculture's Agricultural Marketing Service (USDA/AMS). Under USDA/AMS rules, WSDA provides these services as a "federal-state inspection agency." Under USDA/AMS regulations and the cooperative agreement, the fees that WSDA charges for these services must be no less than the current USDA/AMS fees for these services. The applicable current USDA/AMS fees were published in the Federal Register in Vol.

((88, No. 98 on May 22, 2023)) 89, No. 88 on May 6, 2024, under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table and, for the mileage fee related to terminal market inspection, for incorporation in the USDA/AMS "General Market Manual" at Appendix II, "Schedule of User Fees." In conformity with the cooperative agreement, WSDA adopts the same applicable fees for these services as set forth in this section.

(1) Mileage related to audit verification services is charged at the rate established by the Washington state office of financial management at the time the service was performed.

(2) Specialty crop fees/audit and terminal market fees:

Quality and Condition Inspections for Whole Lots	(( <del>\$242.00</del> ) <u>\$254.00</u> per lot		
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots	(( <del>\$200.00</del> ) <u>\$210.00</u> per lot		
Condition Half Lot	(( <del>\$185.00</del> ) <u>\$194.00</u> per lot		
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product	(( <del>\$110.00</del> ) <u>\$116.00</u> per lot		
Dockside Inspections - Each Package Weighing <30 lbs.	\$0.044 per pkg.		
Dockside Inspections - Each Package Weighing >30 lbs.	\$0.068 per pkg.		
Charge per Individual Product for Dockside Inspection	(( <del>\$240.00</del> ) <u>\$252.00</u> per lot		
Charge per Each Additional Lot of the Same Product	(( <del>\$110.00</del> ) <u>\$116.00</u> per lot		
Inspections for All Hourly Work	Regular	Overtime	Holiday
	(( <del>\$116.00</del> ) <u>\$123.00</u>	(( <del>\$153.00</del> ) <u>\$163.00</u>	(( <del>\$190.00</del> ) <u>\$203.00</u>
Audit Services - Federal	(( <del>\$155.00</del> ) <u>\$163.00</u> per audit		
Audit Services - State	(( <del>\$155.00</del> ) <u>\$163.00</u> per audit		
GFSI Certification Fee <sup>2</sup>	\$250.00 per audit		

<sup>2</sup> Global Food Safety Initiative (GFSI) Certification Fee—\$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.

(3) The mileage fee related to terminal market inspection services is \$1.96 per mile. Round trip mileage will be charged from an inspector's assigned location to the inspection site.

## WSR 24-20-080

## PERMANENT RULES

## DEPARTMENT OF TRANSPORTATION

[Filed September 27, 2024, 1:45 p.m., effective October 28, 2024]

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

Purpose: The Washington state department of transportation (WSDOT) needs to adopt these rules to comply with the rules adopted by the office of minority and women's business enterprises (OMWBE) under chapter 39.19 RCW. These rules are intended to adopt the OMWBE public works small business certifications. These rules apply to WSDOT's contracting process to reduce and discourage discrimination in WSDOT's contracting. In addition, WSDOT is increasing its small business goal from five percent up to 20 percent.

Citation of Rules Affected by this Order: Amending WAC 468-17-030, 468-17-050, 468-17-060, 468-17-070, 468-17-080, 468-17-090, 468-17-100, and 468-17-110.

Statutory Authority for Adoption: Chapter 39.19 RCW and RCW 47.28.030(3).

Adopted under notice filed as WSR 24-13-121 on June 20, 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 8, 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: September 27, 2024.

Nikki Nisbet  
Acting Director  
Business Support Services

**OTS-5512.2**

AMENDATORY SECTION (Amending WSR 21-19-031, filed 9/10/21, effective 10/11/21)

**WAC 468-17-030 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Award" means the formal decision by the department to accept a bid and the intent to enter into a contract with the bidder.

(2) "Commercially useful function" means the activity conducted by a firm responsible for the execution of the work of the contract and that is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the firm must also be responsible, with respect to

materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. Additional requirements are discussed in WAC 468-17-060.

(3) "Condition of award (COA)" means that a prime contractor or consultant, on a design-bid-build or consultant agreement, commits to subcontracting with a public works small business enterprise (~~((SBE))~~) (PWSBE) or veteran-owned business (VOB). On design-build or general contractor/construction manager contracts, all (~~((SBEs))~~) (PWSBEs) and VOBs in the quarterly small and veteran business plans are considered COA firms.

(4) "Consultant agreement" means a contract entered into by a public body for architectural and engineering services (performed pursuant to chapter 39.80 RCW) with another party, i.e., an independent individual or firm, in which the other party agrees to perform a service, render an opinion, or recommendations according to the consultant's methods and without being subject to the control of the public body except as to the result of the work.

(5) "Contract goal" means a percentage of the contract amount the prime contractor or prime consultant must meet with (~~(small, mini, micro)~~) PWSBE and veteran-owned businesses.

(6) "Department" means the Washington state department of transportation (WSDOT).

(7) "Design-bid-build (DBB) contract" means a contract between a public body and another party in which the public body contracts separately with a designer and a contractor for the design and construction of a facility, portion of the facility, or other item specified in the contract. Designers and contractors bear no contractual obligation to one another under a DBB contract.

(8) "Design-build (DB) contract" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract as defined in chapter 39.10 RCW.

(9) "General contractor/construction manager (GC/CM)" means a contract between a public body and another party in which the party agrees to both build and manage the construction of the facility, portion of the facility, or other item specified in the contract as defined in chapter 39.10 RCW.

(10) "Good faith efforts (GFE)" means efforts to achieve a goal or other requirement of this chapter which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement. GFE is not necessary when a contract goal has been met.

(11) (~~"Mini-business" means any business that:~~

~~(a) Is owned and operated independently from all other businesses;~~

~~(b) Has a gross revenue of less than three million dollars annually as reported on its federal tax return or on its return filed with the department of revenue;~~

~~(c) Is self-certified as a "mini-business" through the Washington state department of enterprise services (DES); and~~

~~(d) Is listed as a "mini-business" on the Washington electronic business service (WEBS).~~

~~(12) "Micro-business" means any business that:~~

~~(a) Is owned and operated independently from all other businesses;~~

~~(b) Has a gross revenue of less than one million dollars annually as reported on its federal tax return or on its return filed with the department of revenue;~~

~~(c) Is self-certified as a "micro-business" through the Washington state department of enterprise services (DES); and~~

~~(d) Is listed as a "micro-business" on the WEBS.~~

~~(13))~~ "Public works small business enterprise (PWSBE)" means a business certified by the office of minority and women's business enterprises, pursuant to WAC 326-20-087.

(12) "Quarterly small and veteran business plans" means documents design-builders are required to submit which outline the strategies the organization will be utilizing to meet the established contract goals.

~~((14) "Small business enterprise (SBE)" means an in-state business that:~~

~~(a) Is owned and operated independently from all other businesses and has either:~~

~~(i) Fifty or fewer employees; or~~

~~(ii) A gross revenue of less than seven million dollars annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or~~

~~(b) Is self-certified as a "small business enterprise (SBE)" through the Washington state department of enterprise services and is listed as a SBE on the WEBS.~~

~~(15))~~ (13) "Tiered participation" means the amount of additional contract goal credit the prime contractor or prime consultant may receive for using ((SBE)) PWSBE and VOBs of different designations, as detailed in WAC 468-17-080.

~~((16))~~ (14) "Veteran-owned businesses (VOB)" means a business certified by the Washington state department of veterans affairs, pursuant to RCW 43.60A.190.

AMENDATORY SECTION (Amending WSR 21-19-031, filed 9/10/21, effective 10/11/21)

**WAC 468-17-050 Goals.** On solely state-funded projects, the small and veteran business goals for participation of public works small and veteran-owned enterprises shall be as directed by the department or other state agencies conducting disparity studies. Presently these goals are set as follows:

(1) Veteran business goal of five percent; and

(2) Public works small business enterprise goal of ~~((five))~~ up to 20 percent.

AMENDATORY SECTION (Amending WSR 21-19-031, filed 9/10/21, effective 10/11/21)

**WAC 468-17-060 Commercially useful function.** Under the enforceable goals program, commercially useful function (CUF) restrictions apply to all ~~((SBEs, mini-businesses, micro-businesses))~~ PWSBEs and VOBs. These businesses must perform a CUF in order for their participation to be counted against any goal. A business performs a CUF when

it is both responsible for the execution of the work of the contract and it meets its responsibility under the contract by actually performing, managing, and supervising the work involved. If any materials or supplies are needed to perform the contract, the business must negotiate price, determine quality and quantity, order the material, install (if applicable), and pay for those materials or supplies itself.

Additional considerations when making a determination on a CUF are as follows:

(1) A (~~(SBE, VOB, micro-business or mini-business)~~) PWSBE or VOB does not perform a CUF if its role is limited to that of an extra participant in a transaction or contract or it is involved in a project for the purposes of creating a semblance of (~~(SBE, VOB, micro-business or mini-business participation)~~) PWSBE or VOB.

(2) Other relevant factors that may be considered when evaluating whether a (~~(SBE, VOB, micro-business or mini-business)~~) PWSBE or VOB is performing a CUF include industry practices, the amount of work subcontracted and whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing.

(3) In addition, a business that functions as a supplier shall:

(a) Be the manufacturer of the goods or materials or assume the actual and contractual responsibility for furnishing the goods or materials and executing material changes in the configuration of those goods or materials; or

(b) Secure a contract or distributor agreement with a manufacturer to act as an independent authorized representative capable of passing on product warranties to the purchaser.

(4) Factors which may indicate that a supplier is not performing a commercially useful function include, but are not limited to, the following:

(a) A minimum amount of inventory is not maintained;

(b) Billing and shipping arrangements are performed by nonowners or staff of nonowners;

(c) A significant amount of deliveries are shipped directly from the producer or manufacturer to the end user;

(d) The firm does not take ownership of the product.

AMENDATORY SECTION (Amending WSR 19-12-026, filed 5/29/19, effective 6/29/19)

**WAC 468-17-070 Mandatory small and veterans' business program.**

Public works small business enterprises and veteran-owned businesses intending to benefit from the small and veteran-owned business enforceable goals program must attain a (~~(SBE)~~) PWSBE certification from OMWBE, or a VOB certification from the Washington department of veteran's affairs (~~(, or be self-certified as a SBE, mini-business, or micro-business through the WEBS)~~).

AMENDATORY SECTION (Amending WSR 19-12-026, filed 5/29/19, effective 6/29/19)

**WAC 468-17-080 Tiered participation in state goals.**

(1) When WSDOT has determined tiered participation will be available on a contract, a prime contractor, design-builder, general contractor/



construction manager or consultant may meet the small and veteran business goals by using any combination of qualified contractors or consultants (i.e., VOB or small business contractors including (~~SBEs, mini-businesses and micro-businesses~~) PWSBEs). Prime contractors may receive a multiplied credit for utilizing businesses that fall into certain categories. The categories and respective multipliers are as follows:

(a) Category A. (~~SBEs, mini-businesses, micro-businesses~~) PWSBEs and VOBs that have not worked with WSDOT in the past five years may be credited at four times the actual dollars paid.

(b) (~~Category B. A micro-business not eligible for credit as defined in category A may be credited at three times the actual dollars paid.~~

(c) (~~Category C. A mini-business not eligible for credit as defined in category A or B may be credited at two times the actual dollars paid.~~

(d)) Category (~~D. SBEs~~) B. PWSBEs and VOBs that are not eligible for a credit as defined in categories A, B or C will be credited at the actual dollars paid with no additional multiplier.

(2) Prime and subcontractors are responsible for verifying their eligibility for tiered credit participation. Eligible firms submitting multiple quotes as categories A, B, C, and D firms, on multiple projects with bids due on the same week, shall be regarded as such on all projects that receive awards from quotes entered on that week.

AMENDATORY SECTION (Amending WSR 21-19-031, filed 9/10/21, effective 10/11/21)

**WAC 468-17-090 Small and veteran business plans.** (1) Prime contractors, design-builders, general contractors/construction managers and consultants must submit a small and veterans' business plan that specifies how the contractor will meet ((SBE)) PWSBE and VOB participation goals, prior to the award of any contract. The small and veteran business plan for design-bid-build and consultant contracts must list all of the ((~~SBEs, VOBs, micro-businesses or mini-businesses~~)) PWSBEs or VOBs that will participate in the contract; a description of the work that each ((~~SBE, VOB, micro-business or mini-business~~)) PWSBE or VOB will perform; the dollar amount of the participation of each ((~~SBE, VOB, micro-business or mini-business~~)) PWSBE or VOB; the contractor's written commitment to use the ((~~SBE, VOB, micro-business or mini-business~~)) PWSBE or VOB submitted; and written confirmation from each ((SBE)) PWSBE or VOB firm that it is participating in the contract in the kind and amount of work provided in the inclusion plan. The small and veteran business plan for design-build and general contractor/construction manager contracts must list in detail the contractor's means and methods that it will use to meet the goal and a commitment by the contractor to attempt to meet the goal. If the total ((SBE)) PWSBE and VOB participation in the small and veteran business plan does not meet the goal, then the contractor must also submit evidence of good faith efforts (GFEs). A contractor may be awarded a project only after WSDOT has approved its small and veteran business plan or confirmed its GFEs. Revisions of small and veteran business plans may be necessary prior to plan approvals.

(2) Quarterly small and veteran business plans are required for design-build and general contractor/construction manager projects. The

first quarterly small and veteran business plan shall be submitted prior to contract award and must be approved by the department prior to contract execution. Subsequent small and veteran business plans must include information, as applicable, regarding:

- (a) Small and veteran business goal attainment;
- (b) A list all of the (~~(SBEs, VOBs, mini-businesses or micro-businesses)~~) PWSBEs or VOBs that have been contracted to date;
- (c) A description of the work that each (~~(SBE, VOB, micro-business or mini-business)~~) PWSBE or VOB will perform;
- (d) The dollar amount of the participation of each (~~(SBE, VOB, micro-business or mini-business)~~) PWSBE or VOB;
- (e) The contractor's written commitment to use the (~~(SBE, VOB, micro-business or mini-business)~~) PWSBE or VOB submitted;
- (f) Written confirmation from each (~~(SBE, VOB, micro-business or mini-business)~~) PWSBE or VOB firm that it is participating in the contract in the kind and amount of work provided in the small and veteran business plan;
- (g) Corrective actions necessary to meet the established goals;
- (h) Outreach strategies;
- (i) Innovative approaches to secure goal(s); and
- (j) Other evidence of GFES to meet the contract goal.

AMENDATORY SECTION (Amending WSR 19-12-026, filed 5/29/19, effective 6/29/19)

**WAC 468-17-100 Good faith efforts.** The efforts employed by the prime contractor, design-builder, or consultant should be commercially reasonable and should demonstrate that they are actively and aggressively trying to fulfill the established small and veteran business goals. Mere pro forma efforts are not commensurate with good faith efforts. Actions that may be considered as part of good faith efforts to achieve small and veteran business goals include, but are not limited to:

- (1) Identification of interested small and veteran-owned firms that have the capability to perform the work of the contract;
- (2) Providing reasonable time for (~~(SBE, VOB, mini-businesses and micro-businesses)~~) PWSBE or VOB to fully and meaningfully respond to bid solicitations, that includes providing adequate information about the plans, specifications, and requirements of the contract along with timely responses to subcontractor inquiries and proposals;
- (3) Apportioning contract work items into economically feasible units to facilitate (~~(SBE, VOB, micro-business or mini-business)~~) PWSBE or VOB participation and where possible, establishing flexible time frames for performance to encourage participation;
- (4) Effectively using the services of available veteran and small business community organizations, contractors' groups, local and state support offices, and other organizations in the recruitment and placement of targeted firms;
- (5) Adequately researching interested subcontractors and their capabilities before rejecting their proposals;
- (6) Not relying on price alone in the selection of subcontractors and considering reasonable quotes from (~~(SBE, VOB, micro-business or mini-business)~~) PWSBE or VOB, even if other quotes are less expensive.

AMENDATORY SECTION (Amending WSR 19-12-026, filed 5/29/19, effective 6/29/19)

**WAC 468-17-110 Overhead reimbursement.** WSDOT may reimburse each prime contractor or consultant five percent of the actual amount that the prime contractor or consultant paid to (~~SBEs, VOBS, micro-businesses or mini-businesses~~) PWSBEs or VOBS and that is counted toward the goal. This overhead reimbursement is available only on construction projects, is to be based on actual dollars paid, excludes multiplier credits, and may not exceed (~~one hundred thousand dollars~~) \$100,000 for any prime contractor or consultant in a single calendar year. Overhead reimbursement payments will be made only after a contractor has fulfilled its small and veteran business goals. Reimbursement payments will not be paid to contractors for partial completion of aforementioned goals. No contractor may receive an overhead reimbursement if it meets the contract goal using work performed with its own forces.

**WSR 24-20-082**  
**PERMANENT RULES**  
**PUGET SOUND**  
**CLEAN AIR AGENCY**

[Filed September 27, 2024, 2:10 p.m., effective November 1, 2024]

Effective Date of Rule: November 1, 2024.

Purpose: **Section 3.11:** The Puget Sound Clean Air Agency's (agency) practice for many years has been to annually adjust the maximum civil penalty amount as allowed by law. The proposed adjustment to the maximum civil penalty amount accounts for inflation, as authorized by RCW 70A.15.3160 (formerly RCW 70.94.431) and as determined by the state office of the economic and revenue forecast council. Without this adjustment, the maximum penalty amount would effectively decrease each year. The consumer price index (CPI) for the Seattle/Tacoma/Bellevue area increased by 4.29 percent for the 2023 calendar year, which amounts to an increase of \$1,041.00 in the maximum civil penalty amount. The agency has used CPI for wage earners (CPI-W) in the Puget Sound region for many years to make this inflation-based adjustment because it reflects the data of what happened (i.e. not a forecast) and it represents local economic information.

The proposed amendment does not affect the way the agency determines actual civil penalty amounts in individual cases. This continues to be done following civil penalty worksheets previously approved by the board.

**Section 3.25:** This section currently provides that whenever federal rules are referenced in agency regulations, the effective date of the federal regulations referred to is July 1, 2023. This provides certainty so that persons affected by the regulations and agency staff know which version of a federal regulation to reference. For many years, the agency's practice has been to update this date annually to stay current with federal regulations. Following this practice, the proposed amendments would change the reference date to July 1, 2024.

Citation of Rules Affected by this Order: Regulation I, Sections 3.11 Civil Penalties and 3.25 Federal Regulation Reference Date.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Adopted under notice filed as WSR 24-17-130 on August 20, 2024.

Date Adopted: September 26, 2024.

Christine Cooley  
Executive Director

**AMENDATORY SECTION**

**REGULATION I, SECTION 3.11 CIVIL PENALTIES**

(a) Any person who violates any of the provisions of chapter 70A.15 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed \$((~~24,273.00~~)) 25,314.00, per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to chapter 70A.15 RCW or Regulations I, II, and III of the Puget Sound Clean Air Agency shall be liable for a civil penalty of not more than \$((~~24,273.00~~)) 25,314.00, for each day of continued noncompliance.

(c) Within 30 days of the date of receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. To be considered timely, a mitigation request must be actually

received by the Agency, during regular office hours, within 30 days of the date of receipt of a Notice and Order of Civil Penalty. This time period shall be calculated by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or legal holiday, and then it is excluded and the next succeeding day that is not a Saturday, Sunday, or legal holiday is included. The date stamped by the Agency on the mitigation request is prima facie evidence of the date the Agency received the request.

(d) A mitigation request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the party requesting mitigation;

(2) A copy of the Notice and Order of Civil Penalty involved;

(3) A short and plain statement showing the grounds upon which the party requesting mitigation considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the party requesting mitigation relies to sustain his or her grounds for mitigation;

(5) The relief sought, including the specific nature and extent; and

(6) A statement that the party requesting mitigation has read the mitigation request and believes the contents to be true, followed by the party's signature.

The Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(e) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. An appeal must be filed with the Hearings Board and served on the Agency within 30 days of the date of receipt of the Notice and Order of Civil Penalty or the notice of disposition on the application for relief from penalty.

(f) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(g) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(h) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(i) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

**AMENDATORY SECTION**

REGULATION I, SECTION 3.25 FEDERAL REGULATION REFERENCE DATE

Whenever federal regulations are referenced in Regulation I, II, or III, the effective date shall be July 1, (~~2023~~) 2024.

**WSR 24-20-086**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed September 27, 2024, 3:31 p.m., effective September 30, 2024]

Effective Date of Rule: September 30, 2024.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The law that this rule implements is already in effect, so the department of retirement systems is putting the rule into effect less than 31 days after filing.

Purpose: Implementing chapter 319, Laws of 2024, flexible and part-time work for general and limited authority Washington peace officers.

Citation of Rules Affected by this Order: Amending WAC 415-104-011, 415-104-225, 415-104-235, and 415-104-374.

Statutory Authority for Adoption: RCW 41.50.50 and chapter 319, Laws of 2024.

Adopted under notice filed as WSR 24-17-123 on August 19, 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 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 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, 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: September 27, 2024.

Tracy Guerin  
Director

### OTS-5567.3

AMENDATORY SECTION (Amending WSR 17-10-035, filed 4/26/17, effective 5/27/17)

**WAC 415-104-011 Definitions.** All definitions in RCW 41.26.030 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.26 RCW are defined in this chapter.

(1) **Commissioned** means that an employee is employed as an officer of a general authority Washington law enforcement agency and is empowered by that employer to enforce the criminal laws of the state of Washington.

(2) **Director of public safety** means a person who is employed on or after January 1, 1993, by a city or town on a full-time, fully compensated basis to administer the programs and personnel of a public safety department.

This definition applies only to cities or towns in which the population did not exceed (~~ten thousand~~) 10,000 at the time the person became employed as a director of public safety.

(3) **Elective employer** means the employer of the LEOFF Plan 1 elected official during the member's leave of absence from the LEOFF employer for the purpose of serving in elective office.

(4) **Full-time employee** means an employee who is normally expected to earn basic salary from an employer for a minimum of (~~one hundred sixty~~) 160 hours in a calendar month.

(5) **Fully compensated employee for firefighters** means an employee who is normally expected to earn a basic monthly salary no less than (~~one hundred sixty~~) 160 times the state minimum hourly wage. Nominal sums including, but not limited to, stipends or ancillary benefits such as insurance or leave accrual, provided to volunteer firefighters are not compensation for the purpose of determining whether a firefighter is fully compensated.

(6) **Fully compensated employee for law enforcement officers** means the employee earns basic salary from an employer at a rate of pay comparable to the rate of pay received by full-time employees.

(7) **Left the employ of an employer** as used in RCW 41.26.470, 41.26.510, and 41.26.520 means any break in employment, whether formally separated or not formally separated, due to service in the uniformed services, national guard, military reserves, federal emergency management agency, or national disaster medical system of the United States Department of Health and Human Services.

(~~(7)~~) (8) **LEOFF** means the law enforcement officers' and firefighters' retirement system established by chapter 41.26 RCW.

(~~(8)~~) (9) **LEOFF employer** means the employer, as defined in RCW 41.26.030, who employs the member as a law enforcement officer or firefighter.

(~~(9)~~) (10) **LEOFF Plan 1 elected official** means a LEOFF Plan 1 member who is a civil service employee on leave of absence because he or she has been elected or appointed to an elective public office and who chooses to preserve retirement rights as an active LEOFF member under the procedure described in this chapter.

(~~(10)~~) (11) **Performing service** as used in RCW 41.26.470, 41.26.510, and 41.26.520 means engaging in activities in response to a disaster, major emergency, special event, federal exercise, or official training after having left the employ of an employer as described in subsection (~~(6)~~) (7) of this section.

(~~(11)~~) (12) **Plan 1 and Plan 2.**

(a) "Plan 1" means the law enforcement officers' and firefighters' retirement system providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(b) "Plan 2" means the law enforcement officers' and firefighters' retirement system providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(~~(12)~~) (13) **Public safety officer** means a person who is employed on or after January 1, 1993, on a full-time, fully compensated basis by a city or town to perform both law enforcement and firefighter duties.

This definition applies only to cities or towns in which the population did not exceed (~~ten thousand~~) 10,000 at the time the person became employed as a public safety officer.



~~((13))~~ (14) **Uniformed firefighter position** means a position which may only be filled by uniformed personnel as that term is defined in RCW 41.56.030 (7)(e) as in effect on July 1, 1995. A position only qualifies as a uniformed firefighter position if the employer has identified it as such for all purposes. An employer may designate a position as uniformed regardless of whether the employer is covered by public employees' collective bargaining under chapter 41.56 RCW.

AMENDATORY SECTION (Amending WSR 20-06-039, filed 2/27/20, effective 3/29/20)

**WAC 415-104-225 Am I a LEOFF member?** If you are employed by an employer as a ~~((full-time, fully compensated))~~ law enforcement officer or firefighter, you are required to be a LEOFF member.

(1) **Law enforcement officers.**

(a) You are a law enforcement officer ~~((only))~~ if you are commissioned and employed on a ~~((full-time,))~~ fully compensated basis as a:

- (i) City police officer;
- (ii) Town marshal or deputy marshal;
- (iii) County sheriff;

(iv) Deputy sheriff, if you passed a civil service exam for deputy sheriff and you possess all of the powers, and may perform any of the duties, prescribed by law to be performed by the sheriff;

(b) Beginning July 1, 2024, the term "law enforcement officer" also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis.

(c) Effective January 1, 1994, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a:

(i) General authority Washington peace officer under RCW 10.93.020(3);

(ii) Port district general authority law enforcement officer and you are commissioned and employed by a port district general authority law enforcement agency;

(iii) State university or college general authority law enforcement officer; or

~~((e))~~ (d) Effective January 1, 1993, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a public safety officer or director of public safety of a city or town if, at the time you first became employed in this position, the population of the city or town did not exceed ~~((ten thousand))~~ 10,000. See RCW 41.26.030(3).

~~((d))~~ (e) If you meet the requirements of (a), (b), (c) or ~~((e))~~ (d) of this subsection, you qualify as a law enforcement officer regardless of your rank or status as a probationary or permanent employee.

~~((e))~~ (f) You are not a law enforcement officer if you are employed in either:

(i) A position that is clerical or secretarial in nature and you are not commissioned; or

(ii) A corrections officer position and the only training required by the Washington criminal justice training commission for your position is basic corrections training under WAC 139-10-210.

(2) **Firefighters.**

(a) You are a firefighter if you are employed in a uniformed firefighter position by a fire department of an employer on a full-time, fully compensated basis, and as a consequence of your employment, you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling and extinguishing fires. The primary duty of a position is defined by what is expected of the full-time position, not by the number of hours or percentage of hours that the duty is performed.

**Example A:** A full-time position in a fire department of an employer is responsible for preventing, controlling, and extinguishing fires. The employer rarely has fires. The position spends the majority of its time performing other fire protection activities. The position is a firefighter.

**Example B:** A fire department of an employer has a full-time fire marshal position or firefighter trainer position. The position requires the legal authority and responsibility to perform fire protection activities. The position is a firefighter.

**Example C:** An employer's community development department has a fire marshal position. The community development department is not a fire department and its purpose is not fire protection activities. The position is not a firefighter.

(i) "Fire protection activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, performing community fire drills and inspecting homes and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling and extinguishing fires.

(ii) You are a firefighter if you qualify as supervisory firefighter personnel.

(A) To qualify as "supervisory firefighter personnel" you must:

(I) Supervise firefighters or other supervisory firefighter personnel;

(II) Be in a position located within a firefighting department or organization whose primary or sole purpose is fire protection activities; and

(III) Direct fire protection activities.

(B) This includes first line supervisors of firefighters, who typically direct from the scene of a fire, up to and including positions that are administrative in nature when the primary duty is to provide executive leadership for fire protection activities, such as setting strategic priorities for the organization.

**Example A:** A City Administrator supervises various city departments including a fire department. The City Administrator supervises the Fire Chief, who is a firefighter, as well as other department heads. The City Administrator would not be considered supervisory firefighter personnel because, while the duties of the position include oversight of the fire department, it is not the primary duty of the position. Furthermore, the position is not located within a firefighting department or organization whose primary or sole purpose is fire protection activities.

**Example B:** A Fire Chief of a large fire department does not respond to fires, but instead works in an office setting providing direction and leadership, such as setting strategic priorities and approving hiring and firing, for the Fire Department. The Fire Chief supervises three battalion chiefs, a Human Resources Director, and a Chief Financial Officer. The Fire Chief is supervisory firefighter

personnel because the position supervises firefighters, is located within an organization whose sole purpose is fire protection activities, and the primary purpose of the position is to provide executive leadership to fire protection activities.

**Example C:** An Administrator of an organization whose primary purpose is fire protection activities does not respond to fires, but instead works in an office setting providing direction and leadership, such as setting strategic priorities and approving hiring and firing, for the organization. The Administrator supervises two Battalion Chiefs, a Human Resources Director, and a Chief Financial Officer. The Administrator is supervisory firefighter personnel because the position supervises firefighters, is located within an organization whose primary purpose is fire protection activities, and the primary purpose of the position is to provide executive leadership to fire protection activities.

(iii) If your employer requires firefighters to pass a civil service examination, you must be actively employed in a position that requires passing such an examination in order to qualify as a firefighter unless you qualify as supervisory firefighter personnel.

(iv) You are a firefighter if you meet the requirements of this section regardless of your rank or status as a probationary or permanent employee or your particular specialty or job title.

(v) You do not qualify for membership as a firefighter if you are a volunteer firefighter or resident volunteer firefighter.

(b) You are a firefighter if you are employed on a full-time, fully compensated basis by an employer as an emergency medical technician (EMT). To be an "emergency medical technician" you must:

(i) Be certified by the department of health to perform emergency medical services at the level of care of an EMT; and

(ii) Complete the requirements of your employer, if any, to perform the job duties of an EMT.

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

(a) "Commissioned" - WAC 415-104-011.

(b) "Director of public safety" - WAC 415-104-011.

(c) "Employer" - RCW 41.26.030.

(d) "Firefighter" - RCW 41.26.030.

(e) "Full time" - WAC 415-104-011.

(f) "Fully compensated" - WAC 415-104-011.

(g) "Law enforcement officer" - RCW 41.26.030.

(h) "Member" - RCW 41.26.030.

(i) "Public safety officer" - WAC 415-104-011.

(j) "Uniformed firefighter position" - WAC 415-104-011.

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

**WAC 415-104-235 Can I terminate my status as a LEOFF member?**

(1) Your membership in the retirement system is terminated if you:

(a) Die;

(b) Separate from service; or

(c) Cease to be employed (~~(full-time)~~) as a law enforcement officer or full-time firefighter.

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

- (a) "Firefighter" - RCW 41.26.030 and WAC 415-104-225(2).
- (b) "Full-time employee" - WAC 415-104-011.
- (c) "Law enforcement officer" - RCW 41.26.030 and WAC 415-104-225(1).
- (d) "Member" - RCW 41.26.030.
- (e) "Service" - RCW 41.26.030.

AMENDATORY SECTION (Amending WSR 04-20-005, filed 9/23/04, effective 10/24/04)

**WAC 415-104-374 LEOFF Plan 2 part-time leave of absence. (1)**

**What are the LEOFF Plan 2 part-time leave rules for full-time law enforcement officers?**

- (a) You must be a current LEOFF Plan 2 **law enforcement** member;
- (b) Your employer must authorize you to work part time and go on an unpaid part-time leave of absence;
- (c) While in part-time work/part-time leave status, you cannot do any other work for pay for your employer; and
- (d) When you return to full-time employment, the employment must be with the same employer who granted you the part-time leave.

**(2) May I purchase service credit for periods of part-time leave?**

See WAC 415-02-175 for information about purchasing service credit for an unpaid authorized leave of absence.

## WSR 24-20-094

## PERMANENT RULES

## DEPARTMENT OF HEALTH

[Filed September 30, 2024, 2:05 p.m., effective October 31, 2024]

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

Purpose: Immunization of childcare and school children against certain vaccine-preventable diseases.

For WAC 246-105-040, the department of health (department) adopted rule updates from the 2019 version of the ACIP recommendations to the most recent 2024 version. The adopted rule references the ["] "*Advisory Committee on Immunization Practices (ACIP) Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger—United States, 2024*"; as published in the "*Morbidity and Mortality Weekly Report (MMWR) 2024*"; 73(1):6-10." Updating the reference to the 2024 guidelines allows the rule to remain consistent with national consensus regulating clinical standards of care as recommended by the CDC's Advisory Committee on Immunization Practices.

For WAC 246-105-060, the department removed the reporting date from the rule and replaced it with, "Submit an annual immunization status report under RCW 28A.210.110 at a time and in a manner approved by the department." This change enables the department to determine the reporting date as authorized by RCW 28A.210.110 and provide flexibility to better support schools and childcare centers in meeting the reporting deadline.

Citation of Rules Affected by this Order: Amending WAC 246-105-040 and 246-105-060.

Statutory Authority for Adoption: RCW 43.20.050 and 28A.210.110.

Adopted under notice filed as WSR 24-15-056 on July 16, 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 1, 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 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 2, Repealed 0.

Date Adopted: September 30, 2024.

Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

OTS-5424.1

AMENDATORY SECTION (Amending WSR 19-21-161, filed 10/22/19, effective 11/22/19)

**WAC 246-105-040 Requirements based on national immunization guidelines.** The department shall develop and distribute implementation guidelines for schools and child care centers that are consistent with the national immunization guidelines described in this section and the requirements in WAC 246-105-090.

(1) Unless otherwise stated in this section, a child must be vaccinated against, or provide documentation of immunity against, each vaccine-preventable disease listed in WAC 246-105-030 at ages and intervals according to the national immunization guidelines in the "Advisory Committee on Immunization Practices (ACIP) Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger—United States, ((2019)) 2024"; as published in the *Morbidity and Mortality Weekly Report* (MMWR) ((2019; 68(5):112-114)) 2024; 73(1):6-10.

(2) As part of the implementation guidelines, the department shall align the ages and intervals specified in the national immunization guidelines and this chapter with a corresponding grade level.

(3) In addition to the ages and intervals required by subsections (1) and (2) of this section, the following vaccine administration guidelines shall apply.

(a) Schools shall accept proof of immunization status by grade level as required by subsection (2) of this section.

(b) Schools and child care centers may accept one of the following as proof of a child's immunization status against varicella:

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

(ii) Diagnosis or verification of a history of varicella disease by a health care provider acting within their scope of practice; or

(iii) Diagnosis or verification of a history of herpes zoster by a health care provider acting within their scope of practice; or

(iv) Serologic proof of immunity against varicella; or

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

AMENDATORY SECTION (Amending WSR 19-21-161, filed 10/22/19, effective 8/1/20)

**WAC 246-105-060 Duties of schools and child care centers.** (1) Schools and child care centers shall require on or before the first day of attendance either a CIS or COE form that documents a child's immunization status as required by WAC 246-105-050:

(a) For new enrollees registering for admission into preschool and kindergarten through grade ((~~twelve~~)) 12 or a child care center as a requirement of admission;

(b) Annually for continued enrollment in a child care center; and

(c) Any child identified as experiencing homelessness under the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11431 et seq., or in foster care under 20 U.S.C. 6311 (g) (1) (E) lacking documentation of immunization status on or before the first day of attendance must be

immediately enrolled and allowed to fully participate in all school activities.

(2) A school nurse, child care health consultant, or chief administrator shall use information from the CIS or COE form to determine the immunization status of a child as: Fully immunized, out of compliance, conditional, or exempt.

(a) For enrollees attending under conditional status or an enrollee with an expired temporary medical exemption, except those identified under subsection (1)(c) of this section, the following schedule for documenting proof of full immunization applies:

(i) Any doses the child is eligible to receive based on the requirements established in WAC 246-105-040 must be administered on or before the first day of attendance. Any additional missing immunizations must be received within (~~thirty~~) 30 calendar days after the first day of attendance or after a temporary medical exemption is no longer valid, unless receipt within such time is inconsistent with the national immunization guidelines; or

(ii) When the immunizations are part of a series with recommended intervals between doses, each additional missing immunization must be received no later than (~~thirty~~) 30 calendar days past the recommended date of administration of the next dose as established by the national immunization guidelines.

(b) Failure to document proof of full immunization consistent with the schedule established in (a) of this subsection shall result in exclusion of a child from a school or a child care center as described in WAC 246-105-080.

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

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

(b) Keep or be able to produce within (~~twenty-four~~) 24 hours a current list of children who are not fully immunized. This list must be transmitted to the local health department upon request.

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

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

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

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

(b) Submit an immunization status report under RCW 28A.210.110 at a time and in a manner approved by the department. (~~The report must be submitted to the department by November 1 of each year. If a school opens after October 1, the report is due thirty calendar days from the first day of school.~~)

## WSR 24-20-107

## PERMANENT RULES

## DEPARTMENT OF REVENUE

[Filed October 1, 2024, 7:46 a.m., effective January 1, 2025]

Effective Date of Rule: January 1, 2025.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 82.49.040 requires the department of revenue (department) to prepare a depreciation schedule (at minimum annually) for use in the determination of the fair market value for watercrafts, which is the basis for measuring the watercraft excise tax. The annual update to this rule takes effect every January 1st.

Purpose: RCW 82.49.040 requires the department to prepare a depreciation schedule (at minimum annually) for use in the determination of the fair market value for watercrafts, which is the basis for measuring the watercraft excise tax. The purpose of this rule-making effort is to adopt watercraft excise tax depreciation values for the 2025 calendar year based on watercraft valuation, sales, and registration data.

Citation of Rules Affected by this Order: Amending WAC 458-20-23801 Watercraft excise tax—Watercraft depreciation schedule.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 82.49.040.

Adopted under notice filed as WSR 24-17-114 on August 19, 2024.

A final cost-benefit analysis is available by contacting Brenton Madison, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606, TTY 1-800-451-7985, email BrentonM@dor.wa.gov, website dor.wa.gov.

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

Number of Sections Adopted at 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 0, Repealed 0.

Date Adopted: October 1, 2024.

Brenton Madison  
Rules Coordinator

**OTS-5542.1**



AMENDATORY SECTION (Amending WSR 23-20-070, filed 9/29/23, effective 1/1/24)

**WAC 458-20-23801 Watercraft excise tax—Watercraft depreciation schedule.** (1) **Introduction.** This rule addresses the watercraft excise tax, including an overview of the tax, exemptions from the tax, and the watercraft depreciation schedule used to determine a watercraft's fair market value. The rule also addresses administrative issues including payment, interest, and penalties.

(2) **Examples.** This rule includes examples that identify a number of facts and then state a conclusion. These examples should only be used as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(3) **Definitions and terms.** The following definitions and terms apply throughout this rule.

(a) **"Dealer"** means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state. RCW 88.02.310.

(b) **"Fair market value."**

(i) In cases where the most recent purchase price of a vessel is known to the vessel owner, "fair market value" means the purchase price of the vessel in the year it was purchased. For subsequent years, "fair market value" means the purchase price of the vessel depreciated according to the schedule in subsection (6) of this rule. RCW 82.49.040.

(ii) In cases where a vessel has been acquired by lease or gift, or the most recent purchase price of the vessel is not known to the vessel owner, "fair market value" means the appraised value of the vessel determined according to subsection (7) of this rule. RCW 82.49.050(1).

(iii) In cases where the department determines that the purchase price stated by the owner is not a reasonable representation of the true "fair market value" of the vessel, the department must appraise the vessel according to subsection (7) of this rule. RCW 82.49.050(2).

(c) **"Owner"** means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest, and means registered owner where the reference to owner may be construed as either to registered or legal owner. RCW 88.02.310.

(d) **"Vessel"** means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. RCW 88.02.310.

(e) **"Waters of this state"** means any waters within the territorial limits of this state as described in 43 U.S.C. Sec. 1312. RCW 88.02.310.

(4) **Overview of the watercraft excise tax.**

(a) The watercraft excise tax generally applies to vessels measuring 16 feet or more in overall length. The tax is imposed for the privilege of using a vessel upon the waters of this state, except those vessels which are exempt from the tax under subsection (5) of this rule and under RCW 82.49.020. The tax is imposed on an annual basis and is equal to the greater of five dollars or one-half of one percent of a vessel's fair market value.

(b) Persons required to register a vessel with this state under chapter 88.02 RCW who fail to register their vessel and avoid paying the watercraft excise tax are guilty of a gross misdemeanor and are

liable for any unpaid excise tax. The department must also impose the penalties authorized under subsection (9) of this rule and under RCW 82.49.080 and chapter 82.32 RCW.

(c) When a person first registers a vessel in this state, the watercraft excise tax is imposed beginning with the month in which the vessel is registered through the following June 30th. In cases where the initial registration period is less than 12 months, the watercraft excise tax is prorated according to the number of months covered by the registration period. The initial registration is valid from the month of registration through the following June 30th.

(i) The department of licensing may extend or diminish the initial registration period for purposes of staggered renewal periods under RCW 88.02.560.

(ii) A vessel is considered first registered in this state if in the immediately preceding 12 month period the vessel was not registered in this state or was registered in another jurisdiction during the same period.

(iii) **Example 1. Watercraft excise tax computation - Initial vessel registration.**

**Facts:** Dan Carter purchases a 20 foot powerboat from a Washington dealer in April 2022. The purchase price is \$20,000. Dan is a resident of Washington. Dan registers the vessel with the department of licensing shortly after his purchase, in April 2022.

**Result:** The department of licensing will issue a registration decal for the vessel covering the registration period of July 2021 through June 2022 and collect the annual watercraft excise tax liability for this registration period in the amount of \$25 ( $\$20,000$  (purchase price)  $\times$  .005 (watercraft excise tax rate)  $\times$  .25 (3 month prorated period April - June 2022)).

(5) **Exemptions.** The following types of vessels are exempt from watercraft excise tax:

(a) Those exempt from vessel registration under RCW 88.02.570;

(b) Those used exclusively for commercial fishing purposes;

(c) Those measuring less than 16 feet in overall length, including personal watercraft;

(d) Those owned and operated by the United States, another state, or any municipality or subdivision thereof;

(e) Those owned by a nonprofit organization or association engaged in character building of children under 18 years of age and solely used for such purposes;

(f) Those held for sale by a dealer, but not rented on a regular commercial basis; and

(g) Those owned by Indian tribes and tribal members, used in the exercise of treaty fishing rights, and exempt under WAC 308-93-720.

(6) **Depreciation schedule.**

(a) RCW 82.49.040 requires the department to prepare a depreciation schedule annually, for use in determining the fair market value of vessels, which is the measure of the watercraft excise tax. The following schedule includes separate depreciation rates for two categories of vessels, including a column for the vessel's year of ownership and columns for the depreciated percentage of the vessel's value by vessel length. First, vessel owners must determine the appropriate column to use, depending on the length of the vessel they own. Second, vessel owners must identify the depreciated percentage of value for their vessel according to the row which corresponds to the number of years they have owned the vessel.

<b>((Year of Ownership</b>	<b>Vessels less than 30 feet</b>	<b>Vessels 30 feet or more</b>
1	1.00	1.00
2	0.86	0.84
3	0.79	0.77
4	0.73	0.70
5	0.68	0.66
6	0.64	0.62
7	0.60	0.59
8	0.57	0.56
9	0.55	0.53
10	0.52	0.52
11	0.50	0.50
12	0.47	0.47
13	0.45	0.45
14	0.44	0.44
15	0.42	0.43
16	0.40	0.42
17	0.39	0.42
18	0.37	0.41
19	0.36	0.40
20	0.35	0.39
21	0.34	0.39
22	0.33	0.38
23	0.32	0.37
24	0.32	0.36
25 or more	0.32	0.36))

<b><u>Year of Ownership</u></b>	<b><u>Vessels less than 30 feet</u></b>	<b><u>Vessels 30 feet or more</u></b>
<u>1</u>	<u>1.00</u>	<u>1.00</u>
<u>2</u>	<u>0.87</u>	<u>0.84</u>
<u>3</u>	<u>0.78</u>	<u>0.76</u>
<u>4</u>	<u>0.73</u>	<u>0.71</u>
<u>5</u>	<u>0.69</u>	<u>0.67</u>
<u>6</u>	<u>0.65</u>	<u>0.64</u>
<u>7</u>	<u>0.62</u>	<u>0.61</u>
<u>8</u>	<u>0.59</u>	<u>0.58</u>
<u>9</u>	<u>0.57</u>	<u>0.56</u>
<u>10</u>	<u>0.55</u>	<u>0.53</u>
<u>11</u>	<u>0.53</u>	<u>0.51</u>
<u>12</u>	<u>0.49</u>	<u>0.48</u>
<u>13</u>	<u>0.46</u>	<u>0.45</u>
<u>14</u>	<u>0.45</u>	<u>0.44</u>
<u>15</u>	<u>0.44</u>	<u>0.43</u>
<u>16</u>	<u>0.42</u>	<u>0.42</u>
<u>17</u>	<u>0.40</u>	<u>0.41</u>

<u>Year of Ownership</u>	<u>Vessels less than 30 feet</u>	<u>Vessels 30 feet or more</u>
<u>18</u>	<u>0.39</u>	<u>0.40</u>
<u>19</u>	<u>0.37</u>	<u>0.39</u>
<u>20</u>	<u>0.36</u>	<u>0.38</u>
<u>21</u>	<u>0.35</u>	<u>0.37</u>
<u>22</u>	<u>0.34</u>	<u>0.37</u>
<u>23</u>	<u>0.34</u>	<u>0.36</u>
<u>24</u>	<u>0.33</u>	<u>0.36</u>
<u>25 or more</u>	<u>0.33</u>	<u>0.35</u>

(b) **Example 2. Standard vessel registration renewal.**

**Facts:** Deborah Peters purchased a 28-foot sailboat in September 2017. The purchase price of the sailboat was \$40,000. Deborah is a Washington resident and the sailboat is used exclusively upon Washington waters. In June 2022, Deborah renews the vessel's registration for the upcoming annual period of July 2022 through June 2023.

**Result:** Deborah will use the column titled "Vessels less than 30 feet" to determine the fair market value of her sailboat. Since Deborah bought the sailboat within the annual period of July 2017 through June 2018, that period is considered Year 1 for purposes of ownership. Accordingly, the period of July 2022 through June 2023 is considered Year 6 for purposes of ownership. The depreciated value of the sailboat in Year 6 is equal to 61 percent of Deborah's initial purchase price of \$40,000, or \$24,400. Deborah is subject to watercraft excise tax in the amount of \$122 ( $\$24,400$  (fair market value)  $\times$  .005 (watercraft excise tax rate)).

(7) **Vessel appraisal.**

(a) If a vessel has been acquired by lease or gift, or the most recent purchase price of a vessel is not known to the owner, the department must appraise the vessel before it can be registered for use upon the waters of this state.

(b) If the department determines the purchase price of a vessel reported by the vessel's owner at the time of its registration is not representative of its fair market value, the department must appraise the vessel to determine its fair market value. If the appraised value is less than the reported purchase price, the department will issue a refund of the overpaid tax. If the appraised value is greater than the reported purchase price, the department will notify the vessel owner of the additional tax liability, which must be paid within 30 days of the department's notice.

(c) If a vessel is homemade, the vessel's owner must make a notarized declaration of its value. See RCW 82.49.050(3) for more information.

(d) For purposes of this subsection, "appraisal" includes the use of industry pricing guides, other evaluation tools, and independent appraisals in order to ascertain the fair market value of a vessel.

(8) **Disputes related to a vessel's appraised value or taxability.**

(a) Any vessel owner who disputes a vessel's appraised value under RCW 82.49.050, or taxable status, may request a review of a tax assessment by filing a petition with the department as provided in WAC 458-20-100 (Informal administrative reviews).

(b) If the vessel owner's petition is denied, the vessel owner may appeal to the board of tax appeals as provided in RCW 82.03.190. In deciding the case, the board of tax appeals may require an inde-

pendent appraisal of the vessel, the cost of which must be shared between the vessel owner and the department.

(9) **Administration.**

(a) **Payment of tax.** The watercraft excise tax is due and payable to the department of licensing, county auditor, or other appointed agent at the time the vessel is registered. A registration will not be issued or renewed until the watercraft excise tax is paid in full. For previously registered vessels, watercraft excise tax is due at the time of the vessel's registration renewal and must be paid prior to the start of the vessel registration period, which covers the period of July 1st through June 30th of the following year.

(b) **Refunds.** Taxpayers who overpay the watercraft excise tax in full or in part at the time of a vessel's registration are eligible for a refund of the overpaid tax. Taxpayers are also entitled to receive interest according to RCW 82.32.060. See RCW 82.49.065 for more information regarding refunds.

(c) **Penalties and interest.** An owner of a vessel that is not registered as required under chapter 88.02 RCW and that avoided payment of the watercraft excise tax is liable for the following penalties and interest:

- (i) One hundred dollars for the owner's first violation;
- (ii) Two hundred dollars for the owner's second violation;
- (iii) Four hundred dollars for the owner's third violation and any successive violations;
- (iv) The penalties prescribed under chapter 82.32 RCW; and
- (v) The interest prescribed under chapter 82.32 RCW.

**WSR 24-20-113**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 1, 2024, 9:24 a.m., effective November 1, 2024]

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

Purpose: This rule making repeals rules relating to subminimum wage certificates issued for the employment of individuals with disabilities at less than the minimum wage under chapter 296-128, Minimum wages, and chapter 296-126, Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW. This rule making repeals WAC 296-128-050 through 296-128-090 and amends WAC 296-126-001, 296-126-010, 296-126-015, and 296-126-020 to remove applicable subsections.

This rule making is needed to implement RCW 49.46.170(2), enacted under 2021's ESSB 5284 (chapter 97, Laws of 2021), which eliminated the department of labor and industries' authority to issue any subminimum wage certificates for the employment of individuals with disabilities under RCW 49.12.110 and 49.46.060 as of July 31, 2023.

Citation of Rules Affected by this Order: Repealing WAC 296-128-050 through 296-128-090; and amending WAC 296-126-001, 296-126-010, 296-126-015, and 296-126-020.

Statutory Authority for Adoption: RCW 49.46.170(2).

Adopted under notice filed as WSR 24-15-125 on July 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 4, Repealed 9.

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: October 1, 2024.

Joel Sacks  
Director

**OTS-5572.1**

AMENDATORY SECTION (Amending WSR 10-04-092, filed 2/2/10, effective 3/15/10)

**WAC 296-126-001 Applicability.** (1) These rules apply to employers and employees in the state as defined in RCW 49.12.005 (3) and (4).

(2) These rules do not apply to:

(a) Newspaper vendors or carriers;

(b) Domestic or casual labor in or about private residences; or

(c) Agricultural labor as defined in RCW 50.04.150 (~~(; or~~  
~~(d) Sheltered workshops~~)).

**Note 1:** Public employers and employees should review RCW 49.12.005 (3)(a) and (b) and WAC 296-126-002(2) to determine applicability.

**Note 2:** For a variance from the rules under this chapter, see WAC 296-126-130.

## OTS-5439.1

AMENDATORY SECTION (Amending WSR 10-04-092, filed 2/2/10, effective 3/15/10)

**WAC 296-126-010 Exceptions to minimum wage rate—Special certificates.** (1) The director may issue a special certificate to an employer authorizing the employer to pay the following employees at a wage rate that is less than the applicable minimum wage rate:

(a) (~~An employee who is physically or mentally handicapped to such a degree that he or she is unable to obtain employment in the competitive labor market;~~

~~(b))~~) A trainee or learner not subject to the jurisdiction of the Washington state apprenticeship and training council under chapter 49.04 RCW; or

~~((c))~~) (b) A student learner.

(2) The director shall fix the reduced minimum wage and issue a special certificate only where the director determines that an employer has applied for it in good faith.

(3) The director shall fix the duration of the validity of the certificate.

AMENDATORY SECTION (Amending WSR 10-04-092, filed 2/2/10, effective 3/15/10)

**WAC 296-126-015 Wage rates under special certificates.** Employers shall compute the wage rates under special certificates as follows:

(1) (~~Physically and mentally handicapped employees: At a rate designed to adequately reflect the employees' earning capacity.~~

~~(2))~~) Learners: At (~~(eighty-five))~~) 85 percent of the applicable minimum wage rate.

~~((3))~~) (2) Student-learner: At (~~(seventy-five))~~) 75 percent of the applicable minimum wage rate.

**Note:** See chapter 49.46 RCW and chapter 296-128 WAC for minimum wage laws.

AMENDATORY SECTION (Amending WSR 89-10-014, filed 4/24/89, effective 6/1/89)

**WAC 296-126-020 Minimum wages—Minors.** Except where a higher minimum wage is required by Washington state or federal law:

(1) Every employer shall pay to each of his or her employees who have reached their (~~(sixteenth or seventeenth))~~) 16th or 17th year of

age a rate of pay per hour which is equal to the hourly rate required by RCW 49.46.020 for employees ((eighteen)) 18 years of age or older, whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

(2) Every employer shall pay to each of his or her employees who have not reached their ((sixteenth)) 16th year of age a rate of pay per hour that is not less than ((eighty-five)) 85 percent of the hourly rate required by RCW 49.46.020 for employees ((eighteen)) 18 years of age or older whether computed on an hourly, commission, piecework, or other basis, except as may be otherwise provided under this chapter.

~~((3) These provisions shall not apply to handicapped minors for whom special handicapped minor work permits have been issued as provided in RCW 49.12.110. The handicapped rate therein shall be set at a rate designed to adequately reflect the individual's earning capacity.))~~

### OTS-5440.1

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-128-050	Applicability of this regulation.
WAC 296-128-055	Definition.
WAC 296-128-060	Application for certificate.
WAC 296-128-065	Conditions for granting a certificate.
WAC 296-128-070	Issuance of certificate.
WAC 296-128-075	Terms of certificate.
WAC 296-128-080	Renewal of certificate.
WAC 296-128-085	Review.
WAC 296-128-090	Amendment of this regulation.



**WSR 24-20-120**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed October 1, 2024, 1:01 p.m., effective November 1, 2024]

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

Purpose: Completing implementation of the required minimum distribution provision from the SECURE Act of 2022 and revising language to align with other deferred compensation program WAC.

Citation of Rules Affected by this Order: Amending WAC 415-501-488, 415-501-491, and 415-501-495.

Statutory Authority for Adoption: RCW 41.50.050 and the SECURE Act 2.0 of 2022 (P.L. 117-328).

Adopted under notice filed as WSR 24-17-060 on August 15, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 3, 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 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 1, 2024.

Tracy Guerin  
Director

**OTS-5494.2**

AMENDATORY SECTION (Amending WSR 22-17-049, filed 8/11/22, effective 9/11/22)

**WAC 415-501-488 How will the account be distributed if my beneficiary is my spouse?** If you die with money in your account and your beneficiary is your spouse, an account will be established in your spouse's name.

(1) The distribution options will be provided to your spouse when DCP is notified of your death. Your spouse may choose the method of distribution (installment payments or lump sum) and may be subject to a required minimum distribution each calendar year until ~~((your))~~ the account is exhausted.

~~((a) The department must receive your spouse's election at least 30 days before distribution is to begin.~~

~~(b) Receiving more than the required minimum distribution during one calendar year does not excuse your spouse from taking the required minimum in any calendar year to which the required minimum applies.)~~

(2) Required minimum distribution. ~~((The required minimum distribution in each of the relevant calendar years is based on life expect-~~

~~ancies set forth in the treasury regulations.)) If applicable, the department will begin distribution according to the minimum distribution requirements in the Internal Revenue Code Section 401 (a) (9).~~

Receiving more than the required minimum distribution during one calendar year does not excuse your spouse from taking the required minimum in the following calendar year(s).

(3) If your spouse dies before the entire account is exhausted, the remainder of the account will be paid according to their beneficiary election(s) on file (see WAC 415-501-480). If there is no beneficiary election on file, the remaining balance will be paid to their estate.

AMENDATORY SECTION (Amending WSR 22-17-049, filed 8/11/22, effective 9/11/22)

**WAC 415-501-491 How will the account be distributed if my beneficiary is not my spouse?** If you die with money in your account and your beneficiary is an individual other than your spouse, an account will be established in your beneficiary's name.

(1) For rules governing distribution to an entity other than an individual (e.g., a trust, estate, or organization), see WAC 415-501-493.

(2) The distribution options will be provided to your beneficiary when DCP is notified of your death, and will be based on treasury rules in effect at that time.

(3) ~~((The department must receive your beneficiary's election at least 30 days before distribution is to begin.))~~ Required minimum distribution. If applicable, the department will pay out any required minimum distribution(s) according to the Internal Revenue Code Section 401 (a) (9).

(4) If your beneficiary dies before the entire account is exhausted, the remainder of the account will be paid according to their beneficiary election(s) on file (see WAC 415-501-480). If there is no beneficiary election on file, the remaining balance will be paid to their estate.

AMENDATORY SECTION (Amending WSR 20-17-006, filed 8/5/20, effective 9/5/20)

**WAC 415-501-495 Will the department honor domestic relations orders?** (1) The department will honor a domestic relations order (DRO) only if the order:

(a) Was entered by a court of competent jurisdiction pursuant to the domestic relations law of any state;

(b) Establishes a right of a spouse or former spouse to a portion of your deferred compensation account pursuant to a division of property;

(c) Clearly states either the dollar amount or a percentage of the account to be transferred to the account of the spouse or former spouse from your account; and

(d) Provides your name and date of birth, and the name and date of birth of your spouse or former spouse.

(2) You must provide the address and Social Security number of both you and your spouse or former spouse to the department.

(3) To implement a DRO, the department will establish a separate account for the spouse or former spouse in the amount specified in subsection (1)(c) of this section. The transfer(s) will be prorated across all funds and money sources based on the amount awarded to the spouse or former spouse. Thereafter, the spouse or former spouse may provide investment instructions under WAC 415-501-475.

(4) Your spouse or former spouse may choose a method of distribution, including an eligible direct rollover.

(5) If a DRO filed with the department prior to January 1, 2002, provides that distribution to the spouse or former spouse is not available until you separate from service, the department will comply with the express terms of the order unless it is subsequently amended.

(6) Required minimum distribution and determining age requirements for distribution. If the spouse or former spouse has (~~not elected another method of distribution before~~) a balance in their account at the time the original account holder reaches ((age seventy-two)) the required minimum distribution age, the department will begin distribution in accordance with the minimum distribution requirements (~~in IRC~~) as designated in Internal Revenue Code Section 401 (a)(9) and the treasury regulations thereunder.

(7) If the spouse or former spouse dies before the account is fully distributed, the remaining balance will be paid according to the beneficiary election(s) on file (see WAC 415-501-480). If there is no beneficiary election on file, the remaining balance will be paid to their estate.

**WSR 24-20-130**  
**PERMANENT RULES**  
**DEPARTMENT OF**

**CHILDREN, YOUTH, AND FAMILIES**

[Filed October 1, 2024, 3:30 p.m., effective November 1, 2024]

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

Purpose: The early learning division (ELD) is revising the eligibility requirement for child care and food assistance. ELD is also implementing changes that allow individuals utilizing birth to three early childhood education and assistance program (ECEAP) and early head start programs as an approved activity for eligibility. These WAC revisions are necessary to comply with the November 1, 2024, legislative requirements.

Citation of Rules Affected by this Order: Amending WAC 110-15-0005, 110-15-0045, 110-15-0065, and 110-15-0075.

Statutory Authority for Adoption: Chapter 34.05 RCW; RCW 43.216.020, 43.216.065; SHB 1945, section 1, chapter 225, Laws of 2024; 2SHB 2124, section 4, chapter 282, Laws of 2024.

Adopted under notice filed as WSR 24-17-145 on August 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 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 0, Amended 4, 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: October 1, 2024.

Brenda Villarreal  
Rules Coordinator

**OTS-5796.3**

AMENDATORY SECTION (Amending WSR 24-17-059, filed 8/15/24, effective 9/15/24)

**WAC 110-15-0005 Eligibility.** (1) Consumers at the time of application and reapplication must meet the following requirements to be eligible for WCCC:

- (a) Have parental control of one or more eligible children;
- (b) Live in Washington state;
- (c) Participate in an approved activity or meet the eligibility special circumstances requirements under WAC 110-15-0020, 110-15-0023, or 110-15-0024;
- (d) Not have assets that exceed \$1,000,000;
- (e) Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed; and

- (f) Have one of the following:
  - (i) Countable income at or below:
    - (A) Sixty percent of the SMI at initial application; or
    - (B) Sixty-five percent of the SMI at reapplication;
  - (ii) A household annual income adjusted for family size that does not exceed 75 percent of the SMI within the first 12 months of a state-registered apprenticeship program; or
    - (iii) Have a household annual income adjusted for family size that does not exceed 85 percent of the SMI and confirmed or verified in the department's electronic workforce registry to be employed by:
      - ~~(A) A licensed or certified child care provider ((as confirmed or verified in the department's electronic workforce registry and have a household annual income adjusted for family size that does not exceed 85 percent of the SMI));~~
      - (B) An early childhood education and assistance program;
      - (C) A birth to three early childhood education and assistance program;
      - (D) A head start program;
      - (E) An early head start program; or
      - (F) A successor federal program.
- (2) Parents currently attending high school or who are age 21 or younger and completing a high school equivalency certificate are eligible for WCCC if their income does not exceed 85 percent of the SMI at the time of application.
- (3) Children must meet the following requirements to be eligible for WCCC:
  - (a) Reside in Washington state; and
  - (b) Be less than age:
    - (i) Thirteen on the first day of eligibility; or
    - (ii) Nineteen and:
      - (A) Have a verified special need, as outlined in WAC 110-15-0020;
  - or
  - (B) Be under court supervision.

AMENDATORY SECTION (Amending WSR 24-17-059, filed 8/15/24, effective 9/15/24)

**WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst.** Applicants and consumers:

- (1) Not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities:
  - (a) Employment;
  - (b) Self-employment;
  - (c) Supplemental nutrition assistance program employment and training (SNAP E&T); ~~((e))~~
  - (d) Have a child enrolled in:
    - (i) A birth to three early childhood education and assistance program; or
    - (ii) An early head start program; or
  - (e) The following education programs:
    - (i) High school or working towards a high school equivalency certificate for consumers under age 22;
    - (ii) Part-time enrollment in a:
      - (A) Vocational education;
      - (B) Adult basic education (ABE);

- (C) High school equivalency certificate for consumers age 22 and older; or
- (D) English as a second language (ESL) program combined with an average of:
- (I) Twenty or more employment hours per week;
  - (II) Sixteen or more work-study hours per week; or
  - (iii) For full-time students of a community, technical, or tribal college, enrollment in:
    - (A) A vocational education program that leads to a degree or certificate in a specific occupation;
    - (B) An associate degree program; or
    - (C) A registered apprenticeship program.
- (2) Who meet the requirements of subsection (1)(d) of this section are eligible to receive subsidy payment for up to 10 hours per week of study time for approved classes.
- (3) Who are eligible for WCCC benefits under the terms of this section are eligible to receive subsidy payment for:
- (a) Transportation time between the child care location and the consumer's place of employment or approved activity; and
  - (b) Up to eight hours of sleep time before or after a night shift.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

**WAC 110-15-0065 Calculation of income.** ((DSHS)) The department uses a consumer's countable income when determining income eligibility and copayment. A consumer's countable income is the sum of all their income listed in WAC 110-15-0060 minus any child support paid out through a court order, division of child support administrative order, or tribal government order.

(1) To determine a consumer's income, ((DSHS)) the department must either:

- (a) Calculates an average monthly income by:
    - (i) Determining the number of months, weeks, or pay periods it took the consumer's WCCC household to earn the income ~~((+))~~ and dividing the income by the same number of months, weeks or pay periods ~~((-))~~; or
    - (ii) ~~((If the past wages are no longer reflective of the current income, DSHS may accept))~~ Accepting the employer's statement of current ~~((+))~~ or anticipated wages for future income determination ~~((-))~~ if the past wages are no longer reflective of the current income; or
  - (b) ~~((When the consumer begins new employment and has less than three months of wages, DSHS uses))~~ Use the best available estimate of the consumer's WCCC household's current income when the consumer begins new employment and has less than three months of wages as:
    - (i) ~~((As))~~ Verified by the consumer's employer; or
    - (ii) ~~((As))~~ Provided by the consumer through a verbal or written statement documenting the new employment at the time of application, reapplication or change reporting, and wage verification within ~~((six-ty))~~ 60 calendar days of ((DSHS)) the department's request.
- (2) If a consumer receives a lump sum payment, or ~~((+))~~ such as money from the sale of property or back child support payment ~~((+))~~, or in the month of application or during the consumer's WCCC eligibility:
- (a) ~~((DSHS calculates))~~ The department must:

- ~~(i)~~ Calculate a monthly amount by dividing the lump sum payment by ~~((twelve))~~ 12; and
- ~~((b) DSHS adds)~~ (ii) Add the monthly amount to the consumer's expected average monthly income for the:
  - ~~((i) For the)~~ (A) Month it was received; and
  - ~~((ii) For the)~~ (B) Remaining months of the current eligibility period; and
  - ~~((e))~~ (b) To remain eligible for WCCC the consumer must meet WCCC income guidelines after the lump sum payment is applied.
- (3) Active recipients of the supplemental nutrition assistance program are income eligible.

AMENDATORY SECTION (Amending WSR 24-17-059, filed 8/15/24, effective 9/15/24)

- WAC 110-15-0075 Determining income eligibility and copayment amounts.** (1) The department determines consumers' eligibility and copayments, when care is provided under a WCCC voucher or contract, by:
- (a) Family size as described in WAC 110-15-0015; and
  - (b) Countable income as described in WAC 110-15-0065.
- (2) The department calculates consumers' copayments as follows:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the SMI	Waived
Above 20 percent and at or below 36 percent of the SMI	\$65
Above 36 percent and at or below 50 percent of the SMI	\$90
Above 50 percent and at or below 60 percent of the SMI	\$165
At reapplication, above 60 percent and at or below 65 percent of the SMI	\$215
An applicant between 60 percent and 75 percent of the SMI for families participating in a state-registered apprenticeship	\$215

- (3) Active recipients of the supplemental nutrition assistance program are income eligible and the copayment will be determined using the income standards in subsection (2) of this section.
- (4) The department does not prorate copayments when consumers use care for only part of a month.
- ~~((4))~~ (5) The department waives copayments for eligible consumers who ~~((are))~~ meet one or more of the following:
- (a) Age 21 years or younger who attend high school or are working towards completing a high school equivalency certificate;
  - (b) Employed by ~~((a licensed or certified child care provider))~~, as confirmed or verified in the department's electronic workforce registry~~((?))~~:

- (i) A licensed or certified child care provider;
- (ii) An early childhood education and assistance program;
- (iii) A birth to three early childhood education and assistance program;
- (iv) A head start program;
- (v) An early head start program; or
- (vi) A successor federal program;
- (c) ((Eligible)) Eligibility under:
  - (i) WAC 110-15-0023; or
  - (ii) WAC 110-15-0024.



**WSR 24-20-136**  
**PERMANENT RULES**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2024-06—Filed October 1, 2024, 5:22 p.m., effective November 1, 2024]

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

Purpose: This rule includes both substantive and technical changes to producer and adjuster licensing requirements under chapter 284-17 WAC. It ensures that insurance regulations are clear, relevant, and consistent with Title 48 RCW and the forthcoming National Insurance Producer Registry (NIPR) interface enhancement.

The first substantive change streamlines limited line credit insurance producer licensing by amending WAC 284-17-009. Under this amendment, limited line credit insurance will automatically be included for producers with a life, disability, property, or casualty line of authority, eliminating the need for separate licensing requests.

Another substantive update permits insurance agencies to designate a new responsible licensed producer (DRLP) during the license renewal process if the current DRLP is inactive. This change addresses a concern raised by the NIPR and amends WAC 284-17-443, which currently restricts new affiliations during the renewal process. This restriction poses issues for agencies with a single affiliate who becomes inactive. Additionally, the rule amends WAC 284-17-490 (5)(b) to simplify the fee structure for canceling producer licenses, thereby resolving complex fee calculations and preventing delays in the NIPR interface enhancement project.

The proposed rule's technical changes remove outdated language in WAC 284-17-720 (2)(b) that exempted crop adjusters from continuing education (CE) requirements, aligning with a 2022 rule mandating CE for all licensed resident adjusters. The rule also deletes references to insurance producer prelicensing education (PLE) requirements that were statutorily removed in 2023. Finally, the rule removes obsolete references to specific dates related to the implementation of required electronic submissions for licensing processes, as all licensing is now conducted electronically.

Citation of Rules Affected by this Order: Repealing WAC 284-17-735; and amending WAC 284-17-009, 284-17-011, 284-17-055, 284-17-443, 284-17-490, and 284-17-720.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a) and 48.17.005.

Adopted under notice filed as WSR 24-16-118 on August 5, 2024.

A final cost-benefit analysis is available by contacting Simon Casson, P.O. Box 40255, Olympia, WA 98504-0255, phone 360-725-7038, fax 360-586-3109, email policy@oic.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 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 4, Repealed 1.

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

Date Adopted: October 1, 2024.

Mike Kreidler  
Insurance Commissioner

## OTS-5541.2

AMENDATORY SECTION (Amending WSR 11-19-040, filed 9/13/11, effective 10/14/11)

**WAC 284-17-009 Limited line credit insurance.** Limited line credit insurance is defined at RCW 48.17.010(9).

(1) Insurers must ensure that their licensed and appointed insurance producers who transact the limited line credit insurance are qualified by education or experience to offer their credit insurance products.

(2) The requirements of this chapter for (~~prelicensing and~~) continuing insurance education do not apply to insurance producers that transact only the limited line credit insurance.

(3) Limited line credit insurance is included as part of any producer license issued with life, disability, property, casualty, or personal lines of authority.

AMENDATORY SECTION (Amending WSR 13-06-023, filed 2/27/13, effective 7/1/13)

**WAC 284-17-011 Limited line of travel insurance.** (1) Travel insurance is a limited line of authority. A person must not sell, solicit, or negotiate travel insurance in this state unless that person is licensed as an insurance producer with the travel limited line of authority or as set forth in subsection (2) of this section.

(2) A business entity acting as a travel insurance producer is required to:

(a) Be licensed as a producer with the travel limited line of authority; and

(b) Designate an individual licensed as a producer with the travel limited line of authority to act as a designated licensed responsible person (DLRP) who is responsible for the business entity's compliance with the laws of this state.

(3) The requirements of this chapter for passing an insurance producer examination and for (~~prelicensing and~~) continuing insurance education do not apply to insurance producers that transact only the limited line of travel insurance.

(4) A travel retailer may offer and disseminate travel insurance on behalf of and under a travel insurance producer business entity license only if the travel insurance producer holds a business entity license, and the travel insurance producer:

(a) Clearly identifies the licensed business entity as the licensed producer on marketing materials and fulfillment packages distributed by travel retailers to customers, identification shall include the entity's name and contact information;

(b) Keeps a register of each travel retailer that offers travel insurance on the licensed business entity's behalf. The register must include the name and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's federal tax identification number. The licensed business entity must also certify that the travel retailer registered complies with United States Code, Title 18, section 1033. The licensed business entity must submit the register within ~~((thirty))~~ 30 days upon request by the commissioner;

(c) Complies with the fingerprinting requirements applicable to insurance producers in the resident state of the business entity;

(d) Has paid all applicable insurance producer licensing fees as set forth in Washington state law; and

(e) Requires each employee of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which is subject to review by the commissioner.

(5) An employee of a travel retailer may sell or offer travel insurance without being individually licensed as an insurance producer if the travel retailer is licensed and acting in compliance with this chapter, and the employees are under the supervision of a licensed travel producer.

(6) A travel retailer whose activities, and those of its employees, are limited to offering and disseminating travel insurance on behalf of and under the direction of a licensed business entity meeting the conditions stated in this section, is authorized to do so, upon registration by the licensed business entity.

(7) As the insurer designee, the travel insurance producer is responsible for the acts and supervision of the travel retailer.

AMENDATORY SECTION (Amending WSR 12-22-020, filed 10/29/12, effective 11/29/12)

**WAC 284-17-055 Electronic submission of licensing processes—Implementation dates.** (1) ~~((Beginning May 1, 2011, all company appointments including new, renewal, and terminations must be submitted electronically.~~

~~(2) Beginning June 1, 2011, all license renewals, both individual and business entity, must be submitted electronically.~~

~~(3) Beginning July 1, 2011, all applications for licenses, including affiliations, must be submitted electronically.~~

~~(4) Beginning July 1, 2011, all processes determined by the commissioner to be exclusive online))~~ All licensing processes must be completed electronically through the commissioner's website or through a third-party licensing provider. A list of exclusive online licensing processes is available on the commissioner's website at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

~~((5) Beginning February 1, 2013,))~~ (2) All fingerprints for a resident insurance license must be submitted electronically. A list of

locations where electronic submission is available can be found on the commissioner's website: [www.insurance.wa.gov](http://www.insurance.wa.gov).

~~((6))~~ (3) The commissioner will no longer print or mail any document generated as part of a licensing process which the commissioner has determined to be an exclusive online licensing process.

AMENDATORY SECTION (Amending WSR 18-22-069, filed 11/1/18, effective 12/17/18)

**WAC 284-17-443 Renewal of appointments or affiliations.** (1)

When the appointment or affiliation renewal is available online, the insurer or business entity may access and review the list of their appointments or affiliations, remove any licensees from their list, and complete the renewal process by remitting the finalized list and correct fees via electronic submission to the commissioner. New appointments or affiliations may not be added until after the renewal process has been completed, except that a new affiliation may be added during the renewal process to designate a licensed insurance producer responsible for the business entity compliance as required by RCW 48.17.090(3).

(2) The online appointment or affiliation renewal and payment of fees must be completed no later than the renewal date.

AMENDATORY SECTION (Amending WSR 11-04-067, filed 1/28/11, effective 2/28/11)

**WAC 284-17-490 Late renewal or reinstatement.** If a request for renewal of a license is received by the commissioner after its due date, the licensee must not transact insurance under the license until the renewal or reinstatement is completed.

(1) As a precondition to late renewal or reinstatement of a license, payment of the following late fees, as set forth in RCW 48.17.170 (6) and (7), is required:

Days Late	Surcharge
First 30 days late	50% of the license renewal fee
31-60 days late	100% of the license renewal fee
61 days to <del>((twelve))</del> <u>12</u> months late	200% of the license renewal fee

(2) If no request for late renewal is received by the commissioner within ~~((sixty))~~ 60 days after expiration of a license, the license and all associated appointments and affiliations will be terminated. All authority conferred by the license ends on its expiration date.

(3) If a license is expired for more than ~~((sixty))~~ 60 days but less than ~~((twelve))~~ 12 months, a licensee may request its reinstatement. A license is not eligible for reinstatement if the reinstatement application is received by the commissioner more than ~~((twelve))~~ 12 months after its expiration date.

(4) (a) A licensee may request reinstatement of a license without retesting if no more than ~~((twelve))~~ 12 months has passed since the

expiration or cancellation date of the license, whichever is earlier. All of the following must accompany the request for reinstatement:

- (i) A completed application for reinstatement;
- (ii) Certificates for (~~twenty-four~~) 24 credit hours of continuing insurance education, including three hours of ethics education, completed during the (~~twenty-four~~) 24 months prior to the date of application for reinstatement, as set forth in WAC 284-17-224; and
- (iii) The fee and surcharge applicable to the reinstatement, as set forth in subsection (1) of this section.

(b) After (~~twelve~~) 12 months, the licensee must retake and pass all (~~applicable prelicensing insurance education courses and the~~) applicable license examinations. A new license application, including fingerprint card, and all required fees are also required. A new fingerprint card is not required if the licensee has other active licenses or held another license during the past year.

(5) (a) If a licensee cancels a license prior to its renewal date and later asks that it be reissued and the request to reissue is submitted prior to the license renewal date, the licensee must submit an application and must pay the applicable fee prior to the license renewal date.

(b) If a licensee cancels a license prior to its renewal date and a request to reissue the license is made after the license renewal date (~~but before twelve months after the date the license was canceled~~), the request to reissue will be treated as though it were a late renewal or reinstatement and the late fee will be calculated from the (~~cancellation~~) expiration date.

(c) If the request to reissue is made more than (~~twelve~~) 12 months after the license renewal date, it cannot be reissued.

(d) The renewal date of any reissued license will be on the same renewal cycle as the original license.

(6) Information regarding renewal or reinstatement of a license and the electronic submission process is available at the commissioner's website at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

(7) License renewals and reinstatements may be submitted by licensees that are registered with the commissioner's online services through the website at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

AMENDATORY SECTION (Amending WSR 11-08-016, filed 3/30/11, effective 6/27/11)

**WAC 284-17-720 Crop adjuster license renewal requirements.** (1) Every licensed crop adjuster adjusting crop insurance losses insured through a federal insurance program must:

(a) Renew their license on or before the expiration of the license; and

(b) On or before February 28th of each year, file with the commissioner a true and accurate copy of documents establishing their certification program completion. Failure to timely file a copy of the documentation with the commissioner is a sufficient basis for the commissioner to suspend, revoke, or refuse to renew a crop adjuster license.

(2) Every licensed crop adjuster adjusting crop losses not insured through a federal crop insurance program(~~+~~

~~-a-))~~ must renew their license on or before the expiration of the license(~~+~~~~and~~

~~(b) Are not required to take continuing education).~~

(3) Crop adjusters who do not renew their license prior to the expiration date must pay the surcharge under RCW 48.17.170.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-17-735            Limited conversion to crop adjuster  
   license.

WSR 24-20-145

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed October 2, 2024, 10:55 a.m., effective November 2, 2024]

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

Purpose: In response to a petition for rule making, the department of agriculture is proposing to clarify current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Citation of Rules Affected by this Order: Amending WAC 24-12-011.

Statutory Authority for Adoption: RCW 15.24.073.

Other Authority: RCW 43.01.160, 43.23.025.

Adopted under notice filed as WSR 24-15-139 on July 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 1, 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: October 2, 2024.

Derek I. Sandison
Director

OTS-5660.1

AMENDATORY SECTION (Amending WSR 19-24-098, filed 12/4/19, effective 1/4/20)

WAC 24-12-011 Referendum mail ballot voting eligibility. (1) In the conduct of a referendum mail ballot pursuant to the provisions of RCW 15.24.090 the commission shall require that each returned ballot be accompanied by a completed apple grower eligibility certificate in substantially the following form:

WASHINGTON APPLE COMMISSION
APPLE GROWER ELIGIBILITY CERTIFICATE

(Note: All appropriate spaces on this certificate must be completed to properly qualify your vote.)

I HEREBY CERTIFY THAT:

- 1. My name and address are as follows (please print):
Name:
Mailing Address:
Orchard Address:
City: State:

- 2. I am qualified to vote for one of the following reasons (please check the appropriate space):
  - a . . . . . I am an individual owner-operator or an individual lessee-operator of commercially producing apple orchard/orchards.
  - b . . . . . I am a member of and have been designated to cast the single ballot for (please fill in name), a partnership, joint venture or corporation owning/leasing and operating commercially producing apple orchard/orchards.
- 3. I take my fresh apple crop to the following dealer organizations to pack/ship my fruit. (Please list all that apply to this orchard.)

By signing this certificate, I grant the commission permission to contact dealer(s) listed above to verify total net lbs. fresh apples shipped in the two prior crop years.

.....  
 Signature of Voter  
 Name (print).....  
 Date.....

Note: A completed apple grower eligibility certificate must accompany each ballot.

(2) The commission shall contact each dealer listed on the apple grower eligibility certificate to verify total net lbs. fresh apples shipped in the last two crop years by voting grower.

(3) The commission and the director of the department of agriculture may, in counting and validating ballots, rely on and accept the representations of eligibility to vote and the representations of total net lbs. fresh apples shipped by grower as certified by dealer.

(4) Apple growers entitled to vote in a referendum mail ballot pursuant to the provisions of RCW 15.24.090 are defined to be each grower who operates a commercial producing apple orchard, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. Individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though ((he)) the commercial orchard operator is also a member of a partnership or corporation that votes for other apple acreage.

(5) A commercial producing apple orchard means an apple orchard currently producing or growing apples in sufficient quantity so that the apples are or will be marketed through prevailing commercial channels and are or will be subject to assessment pursuant to the provisions of chapter 15.24 RCW.