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CITATION

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

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DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of April 1997 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1996 - 1997
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
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97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
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97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

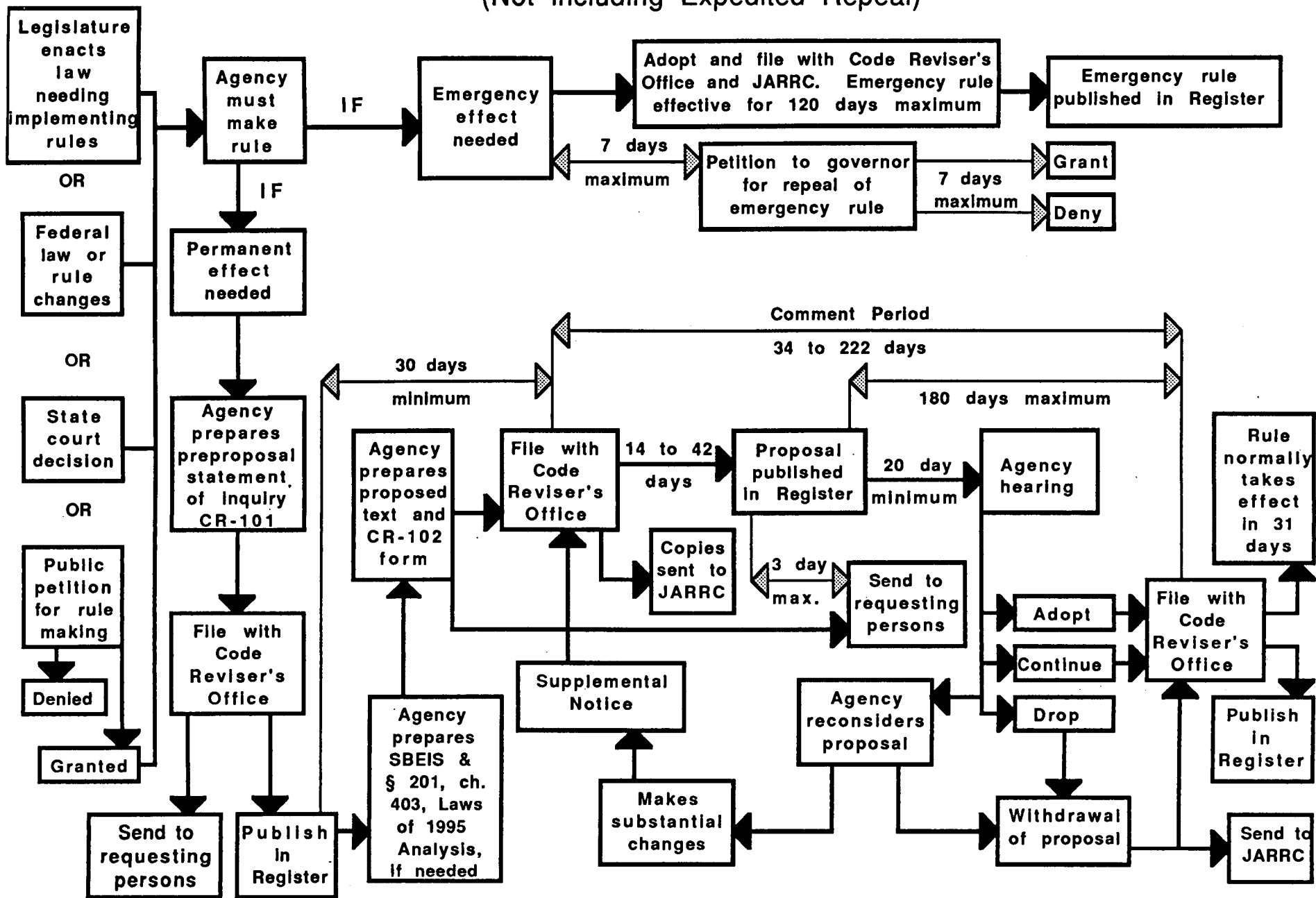
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 97-07-061
PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION

[Filed March 19, 1997, 8:40 a.m.]

Subject of Possible Rule Making: Amendments to WAC 315-12-030 Description of central and field organization of the commission and the director.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering amending WAC 315-12-030 to correct the address listed for the lottery's Spokane regional office and to clarify the services provided at each lottery location.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Aoki-Kramer, Rules Coordinator, at (360) 586-6583, FAX (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

March 13, 1997
 Merritt D. Long
 Director

WSR 97-07-066
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
MARINE SAFETY

[Filed March 19, 1997, 9:00 a.m.]

Subject of Possible Rule Making: Revising and updating chapter 317-40 WAC, Bunkering operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.211.030 and 88.46.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 317-40 WAC became effective October 29, 1994. Since then, a number of technical errors, clarifications, and regulatory gaps have been identified. Revising and updating the Bunkering Rules will increase the protection of Washington waters, marine environments and public health and safety. The Office of Marine Safety is considering the following changes and additions to chapter 317-40 WAC.

TECHNICAL CORRECTIONS/CLARIFICATIONS:

WAC 317-40-030(10) Definitions.

Delete the "300 gross ton or more" limitation from the definition of tank vessel to be consistent with the definition in statute and administrative rules.

"(10) "Tank vessel" means a ship (~~300 gross tons or more~~) that is . . ."

WAC 317-40-050 Receiving vessel procedures.

A. Clarify the time period pretransfer training is required to take place.

"(1) **Training.** . . . shall conduct a training session for all personnel with duties under the vessel's oil transfer

procedure (~~within 48 hours before~~) no more than 48 hours prior to a vessel's scheduled bunkering."

B. Clarify who should have ready access to the vessel's preloading plan.

"(3) **Preloading plan.** . . . The person in charge shall ensure that the plan is written in the crew's common working language, that all transfer personnel possess a copy of the plan, and that the plan is posted at ((a place where the plan is easily seen by, and in a language common to, vessel personnel engaged in bunkering)) the point of transfer. . . ."

C. Clarify how point-of-transfer and deck rover watch duties are assigned.

"(4) **Watchstanders.** (~~The vessel's oil transfer procedure must designate a~~) The receiving vessel shall post a point-of-transfer watch and a deck-rover watch, and assign these duties in writing to named individuals. The point-of-transfer watch and deck-rover watch duties are separate duties and may not be assigned to one person. Each ((watch)) watchstander must be equipped with two-way communications to communicate with the person in charge and vessel master or officer in charge."

D. Clarify the requirement to maintain visual contact and establish communication in compliance with 33 CFR sec. 155.785.

"(8) **Communication.**

(a) The receiving vessel's person in charge shall ensure that communication between the receiving vessel and delivering vessel or facility (~~is accomplished either visually and by voice, sound-powered phones, radio, or air horn as required under~~) complies with 33 C.F.R. sec. 155.785. Visual contact shall be continuously maintained throughout the transfer. . . ."

E. Delete "okay" from the list of English phrases and hand signals because it is not an easy term to translate nor for which to designate a universally used hand signal.

"(8) **Communication.**

(a) . . .

(b) The person in charge shall ensure that bunkering personnel know and use English phrases and hand signals to communicate the following instructions during bunkering: "stop," "hold," (~~"okay,"~~) "wait," "fast," "slow," and "finish."

WAC 317-40-070 Pretransfer conference.

Clarify the responsibility of the receiving vessel's person in charge for holding a pretransfer conference with the delivering vessel or facility.

"(1) Before any oil is transferred (~~during bunkering~~), the receiving vessel's person in charge (~~and~~) shall hold a pretransfer conference with the delivering vessel's or facility's person in charge ((shall hold a pretransfer conference)) to execute the declaration of inspection as required under 33 C.F.R. sec. 156.120. . . ."

WAC 317-40-080 Delivering vessel procedures.

Subsection (5) should be amended to match language in WAC 317-40-050 (8)(a).

"(5) The delivering vessel's person in charge ensures that communication between the receiving and delivering vessel (~~is accomplished either visually and by voice, sound-~~

~~powered telephone, radio, or air horn, as required under))~~
complies with 33 C.F.R. sec. 155.875; and . . ."

WAC 317-40-090 Record keeping.

Correct the provision's language and citation to WAC 317-40-050(1).

"(1) The master or ~~((his))~~ the master's designee shall record in the vessel's official or deck log the date and time of the receiving vessel training session required under ~~((WAC 317-40-060(1)))~~ WAC 317-40-050(1), and the name and rating of crew who attended, immediately upon completion of the session."

NEW PROVISIONS AND ISSUES: The Office of Marine Safety is considering the following changes to chapter 317-40 WAC, Bunkering regulations.

Expanding Rules to Cover All Oil Transfers

The office is considering expanding chapter 317-40 WAC to cover internal oil transfers, bulk lubrication and hydraulic oil transfers, and cargo transfers. Whenever oil is transferred to, from or within a vessel, the risk of an oil spill exists. Transfers of lubrication oil in bulk require as much vigilance and planning as transfers of bunkers or cargo. Internal oil transfers similarly require planning and vigilance to ensure tank levels and valve alignments are properly monitored.

Internal Oil Transfers

The office is considering the following requirements for internal oil transfers in Washington waters:

1. Developing a pretransfer plan before operations begin.
2. Designating qualified crew and assigning transfer duties in the vessel's oil transfer plan.
3. Conducting a pretransfer conference with the chief engineer to discuss the pretransfer plan, emergency procedures, communication, tank soundings, pollution prevention and duties for crew on watch.
4. Using an internal transfer checklist during operations and for monitoring the transfer, shutting down operations and securing tanks, piping, valves and other equipment used.
5. Logging start and finish times of the pretransfer conference, transfer and shutdown operations.
6. Requiring internal transfer procedures to be a permanent engine room standing order signed by all assistant engineers.

Bulk Lubrication and Hydraulic Oil Transfers

The office is considering expanding application of the bunkering regulations to include transfers of bulk lube [lube] and hydraulic oil. If expanded, pretransfer training, preloading plan, declaration of inspection, point-of-transfer watch and deck rover watch, pretransfer conference, work hour and record-keeping requirements would apply to bulk lubrication oil transfers.

Bulk Cargo Oil Transfers

The office is considering expanding application of the bunkering regulations to include cargo transfers. If expanded, cargo transfers would require pretransfer training, a pretransfer plan, point-of-transfer watch and deck rover watch, pretransfer conference, work hour and record-keeping requirements would apply to cargo transfers.

Defining "Bulk"

The office proposes to include a definition of "bulk" in chapter 317-40 WAC based on the definition in WAC 317-05-020(2) to be consistent with international standards. The definition would read: "'Bulk' means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, chute, or belt system to a receiving tank or other receptacle with a total capacity of 250 barrels (10,500 US gallons)."

Requiring Advance Notice of Oil Transfer

Advance notice before conducting a bulk oil transfer is necessary for the office to meet its mandate of protecting the waters of the state and public health and safety. Without comprehensive and timely knowledge of the number and types of oil transfers performed in Washington waters, the office is unable to determine the effectiveness of its inspection program. Advance notice will also ensure that the office's inspectors are able to be on site at the time of transfer rather than reviewing the operation after the transfer is complete.

The office is considering the following options:

1. Requiring 24-hour advanced notice from receiving vessels for bunker, lubrication, cargo and internal oil transfers;
2. Requiring 12-hour advanced notice from receiving vessels for bunker, lubrication, cargo and internal oil transfers;
3. Requiring 4-hour advanced notice from receiving vessels for bunker, lubrication, cargo and internal oil transfers unless the delivering vessel or facility has notified the appropriate captain of the port under 33 CFR sec. 156.118.

The office will choose the option that provides the best and most timely notice to the field inspectors while mitigating the burden on the receiving vessel. The third option depends on the cooperation of the local captain of the port.

Redefining Work Hours

Vessels operate twenty-four hours a day to meet the demands of their charterers and customers. Fatigue is a common problem and is often a contributing factor in many vessel casualties and oil spills. The office is considering expanding the definition of work hours for delivery vessel personnel to ensure they are adequately rested before assuming responsibilities on a tank barge.

The following requirement is being considered for delivery vessel procedures, WAC 317-40-080: "Delivering vessel personnel may not begin bunkering unless:

- (2) They have had at least 6 hours of rest before assuming responsibilities on a delivering vessel. Time spent traveling to the work site or waiting for the arrival of the delivery vessel may not be included in the 6-hour rest requirement. . . ." (Renumber the sections accordingly.)

Prohibition of Smoking During Transfer Operations

The office is considering including a prohibition of smoking during transfer operations on all vessels similar to 46 CFR 35.30-5(d).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Coast Guard and Washington

State Department of Ecology also regulate this subject. Input from both agencies will be solicited through interagency meetings and conferences.

Process for Developing New Rule: The Preproposal Statement of Inquiry will be mailed to all interested parties who will have a thirty-day period in which to submit written comments and opportunity to participate in a public workshop on May 2, 1997.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please submit written comments to Jeff Fishel, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407, phone (360) 664-9110, FAX (360) 664-9184, e-mail omsagent@wln.com.

A public workshop will be held Friday, May 2, 1997, in or near Olympia, Washington. Time and place will be 9:00 - 3:00 p.m. at Department of Transportation, 5720 Capitol Boulevard, Floor B, Board Room, Tumwater, WA. For directions please call (360) 664-9110.

March 19, 1997
Barbara Herman
Director

WSR 97-07-068
PREPROPOSAL STATEMENT OF INQUIRY
HOUSING FINANCE COMMISSION

[Filed March 19, 1997, 10:04 a.m.]

Subject of Possible Rule Making: WAC 262-03-010 to 262-03-090, providing procedures to debar or temporarily disqualify participants in the commission's programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.180 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules implement the commission's policy to conduct business only with responsible persons. The proposed rules establish the commission's procedures for debarring or temporarily disqualifying participants in the commission's programs.

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

Process for Developing New Rule: The commission will request written comments from persons who may be interested in the development of the rules implementing chapter 42.52 RCW and revising WAC 262-01-030(8). Comments received will be considered by the commission before the proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mr. Mark McLaughlin, Deputy Executive Director, Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, phone (206) 287-4462, FAX (206) 587-5113. Written comments must be received by June 25, 1997. These comments will be considered by the commission at its June 26, 1997, meeting. Thereafter, the commission will proceed with rule making.

March 18, 1997
Mr. Mark McLaughlin
Deputy Executive Director

PREPROPOSAL



WSR 97-07-002
PROPOSED RULES
BATES TECHNICAL COLLEGE

[Filed March 7, 1997, 11:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-01-084.

Title of Rule: Chapter 495A-141 WAC, Parking and traffic regulations.

Purpose: To protect and control pedestrian and vehicular traffic for the safety of students, staff, and public.

Statutory Authority for Adoption: RCW 28B.50.-140(10).

Statute Being Implemented: None.

Summary: To adopt rules controlling pedestrian and vehicular traffic.

Reasons Supporting Proposal: For the safety of students, staff, and public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ron Lively, 1101 South Yakima Avenue, Tacoma, WA 98405, (206) 596-1593.

Name of Proponent: Bates Technical College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Protection and control of pedestrian and vehicular traffic for the safety of students, staff, and public as well as college property.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule has no application to industry.

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

Hearing Location: Bates Technical College, Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma, WA 98405, on May 1, 1997, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Dan Eberle by April 23, 1997, TDD (206) 596-1698.

Submit Written Comments to: Jon Thorpe, FAX (206) 506-1663, by April 30, 1997.

Date of Intended Adoption: May 21, 1997.

March 6, 1997

Jon G. Thorpe

Senior Vice-President

Chapter 495A-141 WAC
PARKING AND TRAFFIC REGULATIONS

NEW SECTION

WAC 495A-141-010 Purpose for adopting parking and traffic regulations. Pursuant to the authority granted RCW 28B.50.140(10), the board of trustees of Bates Technical College, or their designee, is granted authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by, or maintained by the college. The objectives of these regulations are:

(1) To protect and control pedestrian and vehicular traffic.

(2) To assure ingress and egress at all times for emergency traffic.

(3) To minimize traffic disturbances during class hours.

(4) To facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all.

(5) To regulate the use of parking spaces.

(6) To protect students, staff, and state-owned property.

NEW SECTION

WAC 495A-141-011 Applicable parking and traffic regulations. (1) All regulations in this chapter and all motor vehicle and other traffic laws of the state of Washington shall apply on all Bates Technical College campuses.

(2) The traffic code of the city of Tacoma shall apply upon all college lands located within the city of Tacoma.

NEW SECTION

WAC 495A-141-012 Enforcement. The president or designee, shall be responsible for the enforcement of the regulations. Parking and traffic regulations will be enforced at all times.

NEW SECTION

WAC 495A-141-013 Liability of college. The college assumes no liability under any circumstances for theft or damage occurring to vehicles, bicycles, or their contents. No bailment of any sort is created by the purchase of a parking permit.

NEW SECTION

WAC 495A-141-014 Definitions. As used in this chapter, the following words and phrases shall mean:

(1) "Board" - the board of trustees of Bates Technical College.

(2) "Campus" - all lands and buildings devoted to, operated by, or maintained by Bates Technical College.

(3) "Campus security officer" - employee of the college who is responsible to the vice-president of business and finance, or designee, for campus traffic control, parking, security, and safety.

(4) "College" - Bates Technical College.

(5) "Safety and security supervisor" - the college's vice-president of business and finance, or designee.

(6) "Employee" - an individual appointed to the faculty, staff, or administration of the college.

(7) "Guests/visitors" - person or persons who come upon the campus as guests and person or persons who lawfully visit the campus.

(8) "Continuing permits" - permits issued to employees for an indefinite period of time.

(9) "President" - president of Bates Technical College.

(10) "President's designee" - vice-president of business and finance.

(11) "Student permits" - permits issued to students which are valid from the date of issue and for as long as the student is enrolled.

(12) "Temporary permits" - permits which are valid for a specific period designated on the permit.

(13) "Vehicle" - automobile, truck, motor-driven cycle, scooter, or any vehicle otherwise powered.

NEW SECTION

WAC 495A-141-030 Authorization for issuance of permits. The vice-president of business and finance, or designee, is authorized to issue parking permits to students, staff, and guests when the following is provided:

(1) When the vehicle information is properly registered with the college.

(2) When a temporary parking permit is necessary to enhance the business or operation of the college.

Permits are available to individuals who may wish to register additional vehicles. Only one vehicle registered to an individual shall be permitted to park on campus at any one time.

NEW SECTION

WAC 495A-141-035 Responsibility of person to whom permit is issued. The individual to whom a parking permit is issued shall be responsible for any violations of state, college or city traffic rules and regulations involving the vehicle. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the above stated rules and regulations.

NEW SECTION

WAC 495A-141-040 Vehicle parking permits. (1) All employees and students of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for day classes.

(2) All persons parking on the campus shall secure and display a currently valid parking permit within five days from the student's date of registration or from the first day of employment.

NEW SECTION

WAC 495A-141-045 Visitor permits. All guests/visitors (including salespersons, vendors, etc.) may park in appropriate staff parking areas after obtaining a temporary permit from the business office.

Visitors from other state agencies or institutions may display their business card on the dashboard (or other clearly visible location) in lieu of obtaining a temporary permit for short-term business at the college.

NEW SECTION

WAC 495A-141-050 Display of permits. The parking permit issued by the college shall be visibly affixed on the inside of the rear window of the vehicle for which the permit was issued, on the lower left-hand corner of the window as viewed from the rear of the vehicle. If this is not feasible then the permit shall be affixed to the driver side windshield lower corner. Motorcycle permits must be affixed in a conspicuous place.

NEW SECTION

WAC 495A-141-055 Transfer of permits. Parking permits are not transferable. Each new vehicle must be registered with the business office and be issued a separate parking permit.

NEW SECTION

WAC 495A-141-060 Permit revocation. Permits are licenses and the property of the college, and may be revoked for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used on an unregistered vehicle or by an unauthorized person.

(3) Falsification on the application for parking permit.

(4) Continued violations of parking and traffic regulations.

(5) Counterfeiting or altering of permits.

NEW SECTION

WAC 495A-141-065 Right to refuse permit. The vice-president of business and finance, or designee, reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking conduct indicates a disregard for the rights or safety of others.

NEW SECTION

WAC 495A-141-070 Right to appeal permit revocation/refusal. When a parking permit has been revoked or has been refused or when a fine or penalty has been levied against a violator of the rules and regulations, such action by the vice-president of business and finance, or designee, may be appealed.

NEW SECTION

WAC 495A-141-080 Designation of parking. The parking spaces available on campus may be allocated and designated by the vice-president of business and finance, or designee, in such a manner as will best achieve the objectives of these rules and regulations.

(1) Special provisions shall be made for physically disabled employees, students, visitors. Physically disabled individuals utilizing handicapped parking spaces must display in that vehicle a valid state-issued disabled parking permit or license plate. Temporary disabled permits will be issued by the business office. In addition to the disabled permit, valid college parking permits must be displayed on the vehicle.

(2) Guests who visit the campus for college related business for a maximum time of thirty minutes, a temporary permit is not required. Visitors requiring parking for longer than thirty minutes may obtain a temporary permit through the business office when verified by host department.

(3) Parking spaces may be designated for special purposes as deemed necessary.

(4) No vehicle shall be parked on the campus except in those areas set aside and designated for parking.

(5) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall.

NEW SECTION

WAC 495A-141-090 Regulatory signs, markings, barricades. The vice-president of business and finance, or designee, is authorized to make and erect signs, barricades, and other structures, and to paint marks and other directions upon the streets, entry/exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers or vehicles shall observe and obey all the signs, barricades, structures, markings and directions given them by the campus security officer in the control and regulation of traffic and parking.

NEW SECTION

WAC 495A-141-100 Speed limit. No vehicles shall be operated on the campus at a speed in excess of posted speed limits, or such slower speed as is reasonable and prudent to the circumstances.

NEW SECTION

WAC 495A-141-110 Pedestrian right of way. (1) The operator of a vehicle shall yield right of way to any pedestrian. Pedestrians shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall utilize the sidewalk or crosswalk.

NEW SECTION

WAC 495A-141-120 Motorcycles or bicycles. Bicycles are to be parked in bicycle racks where provided. No person shall park a motorcycle or bicycle inside a building, by a doorway, on a path, sidewalk, walkway, or in such a manner as to block or obstruct the normal flow of pedestrian or vehicle traffic.

NEW SECTION

WAC 495A-141-130 Report of accidents. (1) The operator of any vehicle involved in an accident on campus resulting in injury or death of any person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report such accident to the security officer on duty or operations office. Accidents occurring after the close of business shall be reported the next working day. The operator shall file a state of Washington motor vehicle report within twenty-four hours after such accident.

(2) Other minor accidents may be reported to the security officer on duty or operations office for insurance record purposes.

NEW SECTION

WAC 495A-141-140 Impounding disabled and inoperative vehicles. (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding twenty-four hours, without authorization from the vice-president of business and finance, or designee.

(2) Vehicles parked over twenty-four hours without authorization may be impounded and stored at the expense of either, or both, the owner and operator thereof.

NEW SECTION

WAC 495A-141-150 Violation of parking and traffic regulations. (1) Operators of illegally operated or parked vehicles shall be warned or cited through appropriate means that they are in violation of these regulations. All fines are payable at the business office.

(2) In instances where violations are repeated, and in the judgment of the vice-president of business and finance, or designee, with appropriate documented evidence, said vehicles may be impounded.

NEW SECTION

WAC 495A-141-160 Fees. The board of trustees of Bates Technical College shall set and review, as necessary, parking permit fees. Fees shall be levied in accordance with the current published fee schedule.

NEW SECTION

WAC 495A-141-165 Fines and penalties. The vice-president of business and finance, or designee, is authorized to impose the following fines and penalties for violation of the regulations:

(1) A schedule of fines shall be set by the board of trustees. The schedule shall be published by the college and included on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedules as established by the board of trustees for the following violations:

- (a) No valid permit displayed;
- (b) Occupying more than one parking space;
- (c) Occupying space/area not designated for parking;
- (d) Parking in area not authorized by permit;
- (e) Parking in reserved staff space without authorization;
- (f) Handicapped parking violation;
- (g) Blocking or obstructing traffic (may be towed if creating a safety hazard);
- (h) Parking adjacent to fire hydrant (may be towed if creating a safety hazard);
- (i) Parking in fire lane (may be towed if creating a safety hazard);
- (j) Parking in zone or area marked "no parking";
- (k) Speeding;
- (l) Reckless/negligent driving:
 - (i) 1st offense - warning;
 - (ii) 2nd offense - posted rate (if paid within twenty-four hours fine will be reduced by one-half);
 - (iii) 3rd offense - fine triples;
 - (iv) Any subsequent offense could result in loss of parking privileges on campus.

(3) At the discretion of the vice-president of business and finance, or designee, an accumulation of citations by a staff member may be turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and

areas, may be subject to a fine and may be impounded. The expenses of such impounding and storage shall be the responsibility of the registered owner or driver of the vehicle.

(5) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(6) The college shall not be liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(7) Vehicles involved in violations of these regulations may be impounded as provided for in these regulations.

(8) Persons may appeal the issuance of a citation.

(9) In the event a student fails or refuses to pay an uncontested fine which has been outstanding in excess of five days, the vice-president of business and finance, or designee, may initiate the following actions:

(a) Student may not be able to obtain transcript of credits until all fines are paid.

(b) Student may not receive a degree/diploma/certificate of completion until all fines are paid.

NEW SECTION

WAC 495A-141-170 Appeal proceedings/appeal of fines and penalties. (1) Appeals must be presented in writing, giving full particulars, listing witnesses, evidence, etc.

(2) Appeals must be submitted to the president or designee within five business days from date of citation.

(3) If an appeal is not resolved to the satisfaction of the alleged violator, he/she shall have five additional business days from receipt of decision by the president or designee to appeal to the parking advisory committee.

NEW SECTION

WAC 495A-141-180 Parking advisory committee. The parking advisory committee shall be structured and responsible for the following purposes:

(1) To review and recommend necessary changes to the college parking and traffic regulations annually.

(2) To receive and hear appeals related to parking and traffic violations. All decisions made by the parking advisory committee relative to parking/traffic appeals shall be final.

(3) Membership shall consist of at least:

(a) Three student representatives;

(b) One faculty representative;

(c) One classified representative;

(d) One administrator;

(e) One security officer;

(f) President or designee - ex officio.

WSR 97-07-003

PROPOSED RULES

BATES TECHNICAL COLLEGE

[Filed March 7, 1997, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-01-083.

Title of Rule: Amending chapter 495A-120 WAC, Student conduct code by adding new sections on hazing.

Purpose: To implement state statute prohibiting hazing by a student, organization or living group.

Statutory Authority for Adoption: RCW 28B.10.902(3), 28B.50.140(13).

Statute Being Implemented: RCW 28B.10.900 - 28B.10.903.

Summary: To implement state statute prohibiting hazing.

Reasons Supporting Proposal: Required by statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alberta May-Koheler, 1101 South Yakima, Tacoma, WA 98405, (206) 596-1532.

Name of Proponent: Bates Technical College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To prohibit and define hazing.

Proposal Changes the Following Existing Rules: The rule adds another type of prohibited activity.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule has no application to industry.

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

Hearing Location: Bates Technical College, Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma, WA 98405, on May 1, 1997, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Dan Eberle by April 23, 1997, TDD (206) 596-1698.

Submit Written Comments to: Jon Thorpe, FAX (206) 596-1663, by April 30, 1997.

Date of Intended Adoption: May 21, 1997.

March 6, 1997

Jon G. Thorpe

Senior Vice-President

NEW SECTION

WAC 495A-120-041 Hazing. (1) Hazing, as defined by state law and this policy, is prohibited at Bates Technical College.

(2) Consistent with state law, RCW 28B.10.900, hazing at Bates Technical College means any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause bodily danger or physical harm, or serious mental or emotional harm, to any student or person attending a public or private institution of higher education or other postsecondary educational institution in this state. "Hazing" does not include customary athletic events or other similar contests or competitions. For example, athletic activity such as playing soccer or baseball is not considered hazing. However, team initiation rituals could involve hazing and are prohibited.

(3) At Bates Technical College a student organization includes a student association or educational program. Examples of prohibited activities regardless of the location, include, but are not limited to: Forced consumption of alcohol or drugs, excessive exercise, activities which may

threaten the health of the individual or compelling individuals to engage in activities which violate the Bates Technical College *Student Code of Conduct*.

(4) No student at Bates Technical College may conspire to engage in hazing. Conspire means to plan for or otherwise engage in hazing.

NEW SECTION

WAC 495A-120-042 Penalties for hazing. (1) Any organization, association or student group that knowingly permits hazing shall, according to RCW 28B.10.901:

(a) Be liable for harm caused to persons or property resulting from hazing; and

(b) Be denied recognition by Bates Technical College as an official organization, association or student group on this campus.

If the organization, association or student group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(2) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for a period of at least one full quarter.

(3) Forfeiture of state-funded grants, scholarships or awards to recipients engaged in hazing activities or impermissible conduct not amounting to hazing may continue for additional quarters, up to and including permanent forfeiture, based upon the seriousness of the violations.

(4) Violation of the state hazing law is punishable in a court of law. Hazing violations are misdemeanors punishable under state criminal law according to RCW 9A.20.021. The maximum sentence for a misdemeanor is imprisonment in the county jail for ninety days or a one thousand dollar fine or both.

(5) Violations of the hazing policy are also enforced through the *Student Code of Conduct - Grievance and Appeals Process*. Hazing incidents should be reported to the vice-president for student services.

NEW SECTION

WAC 495A-120-043 Sanctions for impermissible conduct not amounting to hazing. (1) Impermissible conduct which may not be defined as hazing includes, but is not limited to conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(2) Impermissible conduct associated with initiation into a student organization, association, program, or any pastime or amusement engaged in, with respect to the organization association or program will not be tolerated at Bates Technical College.

(3) Impermissible conduct not amounting to hazing is subject to sanctions available under the *Student Code of Conduct*, depending upon the seriousness of the violation.

**WSR 97-07-007
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed March 10, 1997, 11:21 a.m.]

Continuance of WSR 97-01-077.

Preproposal statement of inquiry was filed as WSR 97-01-048.

Title of Rule: RE: TIAA/CREF retirement plan.

Hearing Location: State Board Office, 319 7th Avenue, Olympia, WA, on Thursday, April 24, 1997, at 10 a.m.

Assistance for Persons with Disabilities: Contact Claire Krueger by April 15, 1997, TDD (360) 753-3680, or (360) 753-7413.

Submit Written Comments to: C. Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, by April 15, 1997.

Date of Intended Adoption: April 24, 1997.

March 10, 1997

Claire C. Krueger

Executive Assistant

Administrative Rules Coordinator

**WSR 97-07-015
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed March 11, 1997, 1:23 p.m.]

Original Notice.

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

Title of Rule: Chapter 308-330 WAC, Washington model traffic ordinance.

Purpose: Maintenance and updating of rules adopted to encourage highway safety and uniform traffic laws by local authorities.

Statutory Authority for Adoption: RCW 46.90.010.

Statute Being Implemented: RCW 46.90.010.

Summary: The proposed rules are a collection of amendments to and repeals of adopted rules which provide uniform traffic laws throughout Washington local authorities. Duplicate rules are being repealed and omitted laws are added by reference.

Reasons Supporting Proposal: Review and study of the previously adopted rules indicate the need for update.

Name of Agency Personnel Responsible for Drafting: Jack L. Lince, 1125 Washington Street S.E., Olympia, WA, (360) 902-3773; Implementation: Nancy Kelly, 1125 Washington Street S.E., Olympia, WA, (360) 902-3754; and Enforcement: Local authorities, local government agencies.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: No new rules are being proposed.

Proposal Changes the Following Existing Rules: Repealing: WAC 308-330-121, definition for "department" is provided in RCW 46.04.162, which is incorporated in this chapter by reference in WAC 308-330-100.

WAC 308-330-123, definition for "director" is provided in RCW 46.04.163, which is incorporated in this chapter by reference in WAC 308-330-100.

WAC 308-330-329, rental cars are licensed pursuant to chapters 46.12 and 46.16 RCW. RCW 46.87.023 only pertains to the registration of rental car companies and are not a part of this chapter.

WAC 308-330-375, this section is the same as RCW 46.55.230, which is incorporated into this chapter by reference in WAC 308-330-406.

Amending: WAC 308-330-197, adding RCW 46.09.040, use permit prerequisite to operation of off-road and nonhighway vehicles.

WAC 308-330-200, adding RCW 46.10.020 Ownership, transport, or operation of snowmobile without registration prohibited.

WAC 308-330-300, adding RCW 46.12.160 Refusal or cancellation of certificate—Notice—Penalty for subsequent operation; RCW 46.12.210 Penalty for false statements or illegal transfers; and RCW 46.12.200 Alteration or forgery—Penalty.

WAC 308-330-305, adding RCW 46.16.068 Trailing units—Permanent plates; RCW 46.16.090 Gross weight fees on farm vehicles—Penalty; RCW 46.16.160 Vehicle trip permits—Restrictions and requirements—Fees and taxes—Penalty—Rules; RCW 46.16.350 Amateur radio operator plates—Expiration or revocation of radio license—Penalty; RCW 46.16.560 Personalized license plates—Defined; RCW 46.16.585 Personalized license plates—Fees—Renewal—Penalty; RCW 46.16.630 Moped registration; RCW 46.16.640 Wheelchair conveyances; RCW 46.16.680 Kit vehicles; and deleting "section 11, chapter 225, Laws of 1995" and inserting therein the codified citation RCW 46.16.307 Collectors' vehicles—Use restrictions.

WAC 308-330-307, adding RCW 46.20.055 Instruction permits and temporary licenses; and RCW 46.20.070 Juvenile agricultural driving permits.

WAC 308-330-316, deleting "section 12, chapter 225, Laws of 1996" and inserting therein the codified citation RCW 46.37.518 Street rods and kit vehicles; and adding RCW 46.37.630 Private school buses.

WAC 308-330-322, after "Washington (RCW)" and "and Washington Administrative Code (WAC)"; adding RCW 46.48.175 Rules—Penalties—Responsibility for compliance; RCW 46.48.185 Inspections; and chapter 446-50 WAC, Transportation of hazardous materials.

WAC 308-330-370, after "custody of a" delete "registered disposer" and insert therein "tow truck operator registered pursuant to chapter 46.55 RCW."

WAC 308-330-400, after "through" delete "46.61.508" and insert therein "46.61.530."

WAC 308-330-406, deleting "RCW 46.55.030" and "RCW 46.55.910." These RCWs pertain only to the Department of Licensing and Department of Transportation and should not be included in this chapter.

WAC 308-330-408, deleting RCW 46.61.220 and recodify in WAC 308-330-415.

WAC 308-330-415, adding RCW 46.61.165 Reservation of portion of highway for use by public transportation vehicles, etc.; and recodifying RCW 46.61.220 Transit vehicles from WAC 308-330-408.

WAC 308-330-421, adding RCW 46.61.380 Rules for design, marking, and mode of operating school buses.

WAC 308-330-425, administrative change rearranging the referenced RCW to be in numerical sequence.

WAC 308-330-436, administrative change inserting "purpose" after "principle."

WAC 308-330-462, adding RCW 46.61.585 Winter recreational parking areas—Special permit required; and RCW 46.61.587 Winter recreational parking areas—Penalty.

WAC 308-330-800, adding RCW 47.36.005 Definitions pertaining to chapter 47.36 RCW, Traffic control devices; RCW 47.36.210 Signs or flagmen at thoroughfare work site—Compliance enjoined; and RCW 47.36.230 Signs or flagmen at thoroughfare work sites—Penalty.

WAC 308-330-825, adding RCW 70.93.030 Definitions pertaining to chapter 70.93 RCW, Waste reduction, recycling, and Model Litter Control Act; RCW 70.93.050 Enforcement of chapter; and RCW 70.93.097 Transported waste must be covered or secured.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030. The proposed rule making does not impose more than a minor cost on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA, on April 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jack Lince by April 21, 1997, TDD (360) 664-8885.

Submit Written Comments to: Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by April 21, 1997.

Date of Intended Adoption: April 30, 1997.

March 11, 1997

Nancy S. Kelly, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 94-23-029, filed 11/8/94, effective 12/9/94)

WAC 308-330-197 RCW sections adopted—Off-road and nonhighway vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.040, 46.09.120, 46.09.130, 46.09.140, 46.09.180, and 46.09.190.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-200 RCW sections adopted—Snowmobiles. The following sections of the Revised Code of Washington (RCW) pertaining to snowmobiles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.10.010, 46.10.020,

46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, 46.10.140, and 46.10.190.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.005, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.160, 46.12.210, 46.12.215, 46.12.220, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-305 RCW sections adopted—Vehicle licenses. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.068, 46.16.088, 46.16.090, 46.16.135, 46.16.140, 46.16.145, 46.16.160, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.307, 46.16.316, 46.16.350, 46.16.381, 46.16.390, 46.16.500, 46.16.505, ((section 11, chapter 225, Laws of 1996, and RCW)) 46.16.560, 46.16.585, 46.16.595, 46.16.630, 46.16.640, and 46.16.680.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-307 RCW sections adopted—Driver licenses-identification cards. The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.500, 46.20.510, 46.20.550, 46.20.750, and 46.20.3101.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130,

46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.495, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.518, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.37.620, and ((section 12, chapter 225, Laws of 1996)) 46.37.630.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-322 RCW sections adopted—Transportation of hazardous materials. The following section of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) pertaining to transportation of hazardous materials as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.48.170, 46.48.175 and 46.48.185 and chapter 446-50 WAC.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-370 Stolen and abandoned vehicles—Reports of—Recovery, report required, penalty—Disposition. It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a ((registered disposer)) tow truck operator registered pursuant to chapter 46.55 RCW.

AMENDATORY SECTION (Amending WSR 96-13-089, filed 6/19/96, effective 7/20/96)

WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through ~~((46.61.508))~~ 46.61.530 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

WAC 308-330-406 RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators. The following sections of the Revised Code of Washington (RCW) pertaining to abandoned, unauthorized, and junk vehicle tow truck operators as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.55.010, 46.55.020, 46.55.025, ~~((46.55.030,))~~ 46.55.035, 46.55.037, 46.55.040, 46.55.050, 46.55.060, 46.55.063, 46.55.070, 46.55.080, 46.55.085, 46.55.090, 46.55.100, 46.55.105, 46.55.110, 46.55.113, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, and 46.55.240~~((and 46.55.910)).~~

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-408 RCW sections adopted—Traffic laws, signs, signals, markings. The following sections of the Revised Code of Washington (RCW) pertaining to obedience to and effect of traffic laws, traffic signs, signals and markings as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.005, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.024, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, 46.61.080, and 46.61.085~~((and 46.61.220)).~~

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-415 RCW sections adopted—Right of way. The following sections of the Revised Code of Washington (RCW) pertaining to vehicles and pedestrians use of roadways, right of way, rights and duties as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.165, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.230, 46.61.235, 46.61.240, 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.261, 46.61.264, 46.61.266, and 46.61.269.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-421 RCW sections adopted—Starting and stopping. The following sections of the Revised Code of Washington (RCW) pertaining to turning, starting, signals on stopping and turning, and special stops as now or hereafter amended are hereby adopted by reference as a part

of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.290, 46.61.295, 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.371, 46.61.372, 46.61.375, 46.61.380, and 46.61.385.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.503, 46.61.504, 46.61.5054, 46.61.5055, 46.61.5057, 46.61.5058, 46.61.506, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.525, 46.61.527, 46.61.530, 46.61.535, and 46.61.540~~((and 46.61.5054, 46.61.5055, 46.61.5057, and 46.61.5058)).~~

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-436 Parking for certain purposes unlawful. (1) No person shall park any vehicle upon any highway for the principle purpose of:

- (a) Displaying advertising;
- (b) Displaying such vehicle for sale;
- (c) Selling merchandise from such vehicle, except when authorized.

(2) No person shall park any vehicle upon any roadway for the principle purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-462 RCW sections adopted—Stopping, standing, and parking. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle stopping, standing, and parking as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.560, 46.61.570, 46.61.575, 46.61.581, 46.61.582, 46.61.583, 46.61.585, 46.61.587, and 46.61.590.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-800 RCW sections adopted—Traffic control devices. The following sections of the Revised Code of Washington (RCW) pertaining to traffic control devices as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.36.005, 47.36.060, 47.36.110, 47.36.180, 47.36.200, ~~((and))~~ 47.36.210, 47.36.220, and 47.36.230.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-825 RCW sections adopted—Littering. The following section of the Revised Code of Washington (RCW) pertaining to littering as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 70.93.030, 70.93.050, 70.93.060, and 70.93.097.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-330-121 Department.
- WAC 308-330-123 Director.
- WAC 308-330-329 RCW sections adopted—Rental car businesses.
- WAC 308-330-375 Disposition of abandoned junk motor vehicles.

**WSR 97-07-017
PROPOSED RULES
PIERCE COLLEGE**
[Filed March 11, 1997, 4:50 p.m.]

Original Notice.

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

Title of Rule: Chapter 132K-08 WAC.

Purpose: To repeal chapter 132K-08 WAC, A code of ethics for boards of trustees, issues addressed in chapter 132K-08 WAC have been adopted as board policy and are no longer necessary to be included in the WACs.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Issues addressed in chapter 132K-08 WAC have been adopted by the board in policy form.

Reasons Supporting Proposal: It is unnecessary to address these issues in policy and WAC form.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Boesenberg, 9401 Farwest Drive S.W., Lakewood, (206) 964-6519.

Name of Proponent: Pierce College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: It would eliminate chapter 132K-08 WAC, A code of ethics for boards of trustees from Title 132K WAC, Community Colleges—Pierce College.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

Hearing Location: 9401 Farwest Drive S.W., Lakewood, WA 98498, on April 22, 1997, at 11:30 - 12:30.

Assistance for Persons with Disabilities: Contact John Boesenberg by April 20, 1997, TDD (206) 964-6228.

Submit Written Comments to: No more than five pages please, FAX (206) 964-6599, by April 20, 1997.

Date of Intended Adoption: April 22, 1997.

January 17, 1997
John Boesenberg, Director
Personnel Services

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132K-08-010 Code of ethics..

**WSR 97-07-018
PROPOSED RULES
PIERCE COLLEGE**
[Filed March 11, 1997, 4:50 p.m.]

Original Notice.

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

Title of Rule: Chapter 132K-04 WAC, Board of trustees—Bylaws.

Purpose: To update chapter 132K-04 WAC, Board of trustees—Bylaws.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: These WACs address the workings of Pierce College's board of trustees. Since they were last reviewed in 1986, many changes have occurred.

Reasons Supporting Proposal: To update and correct.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Boesenberg, 9401 Farwest Drive S.W., Lakewood, (206) 964-6519.

Name of Proponent: Pierce College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: It revises/updates chapter 132K-04 WAC, Board of trustees—Bylaws.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

Hearing Location: Pierce College, 9401 Farwest Drive S.W., Lakewood, WA 98498, on April 22, 1997, at 10:30 - 11:30.

Assistance for Persons with Disabilities: Contact John Boesenberg by April 20, 1997, TDD (206) 964-6228.

Submit Written Comments to: No more than five pages please, FAX (206) 964-6599, by April 20, 1997.

Date of Intended Adoption: April 22, 1997.

February 12, 1997
John Boesenberg, Director
Personnel Services

PROPOSED

**Chapter 132K-04 WAC
BOARD OF TRUSTEES(~~—BYLAWS~~)**

AMENDATORY SECTION (Amending Order 86-1, Resolution No. 86-1, filed 7/11/86)

WAC 132K-04-001 Introduction. The Pierce College board of trustees, under law, is charged with the responsibility of Community College District #11. ~~((The authority is vested in the board, not in its individual board members. To assist the board in carrying out its responsibilities, it employs a president of the college district and delegates to him the responsibility for administering the district under policies approved by the board.~~

~~Policies of the board of trustees are found in the records of board action and in the policies and procedures manual of which this document is a part. The bylaws which follow contain rules adopted by the board which are in force and which relate to the organization and powers of the board and its method of conducting business.))~~ It shall be the responsibility of the board of trustees to establish policy and to evaluate the total college program. The board of trustees shall appoint a district president to administer the college and shall delegate to him/her the authority and responsibility for implementation of board policy.

AMENDATORY SECTION (Amending D-1, filed 9/20/67)

WAC 132K-04-010 Office of board. The board of trustees shall maintain an office at ~~((Lakewood Center, Tacoma, Washington, 98499, where all regular meetings shall be held, unless otherwise announced, and))~~ 9401 Farwest Dr. S.W., Lakewood, Washington 98499-1999, where all records, minutes, and the official college seal shall be kept. This office shall be open during ((all)) normal business hours ((to any resident taxpayer of the state of Washington)).

Correspondence or other business for the board shall be sent to the secretary of the board, who is located in this office.

AMENDATORY SECTION (Amending D-1, filed 9/20/67)

WAC 132K-04-020 Board meetings. The board of trustees ~~((shall hold at least one regular meeting each month and such other regular or))~~ customarily holds a regular meeting on the second Wednesday of each month at such time and place as it may designate. Special meetings ((as)) may be requested by the ((chairman)) chair of the board or by a majority of the members of the board. ((Regular meetings shall be held on the second Monday of each month except that the board of trustees may by resolution change the time of any meeting.))

All regular and special meetings of the board of trustees shall be publicly announced prior to the meeting and shall be open to the general public.

No official business shall be conducted by the board of trustees except during a regular or special meeting held at a preannounced time and place.

AMENDATORY SECTION (Amending D-1, filed 9/20/67)

WAC 132K-04-030 Board meetings—Information for board members. Information and materials pertinent to the agenda of all regular meetings of the board shall be sent to the trustees prior to each meeting. Any matters of business or correspondence must be received by the secretary of the board by 12:00 noon three work days before the meeting in order to be included on the agenda. The ~~((chairman))~~ chair or secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in his/her judgment the matter is of an emergency nature.

AMENDATORY SECTION (Amending Order 86-1, Resolution No. 86-1, filed 7/11/86)

WAC 132K-04-050 Board meetings—((Agenda)) Participation. ~~((The order of the agenda governing all regular meetings of the board of trustees of Pierce College shall be as follows:~~

- ~~(1) Roll call~~
- ~~(2) Establishment of quorum~~
- ~~(3) Approval of minutes of the previous meeting~~
- ~~(4) Recommendations for action of the board~~
- ~~(5) New business~~
- ~~(6) Correspondence~~
- ~~(7) Reports to the board~~
- ~~(8) Chairman calls for agenda items for the next meeting~~

~~(9) Adjournment~~

~~The order of the agenda may be changed by the chairman with the consent of the board members present.))~~

The ~~((chairman))~~ chair shall announce at the beginning of each meeting that members of the audience may speak to any item on the agenda at the time of its presentation to the board. The ~~((chairman))~~ chair shall have the right to limit the length of time used by a speaker for the discussion of a subject.

AMENDATORY SECTION (Amending Order 86-1, Resolution No. 86-1, filed 7/11/86)

WAC 132K-04-080 Officers of board. ~~((At the first regular meeting of the board each year))~~ Annually, normally during its September meeting, the board shall elect, from its membership, a ((chairman and vice chairman)) chair and vice-chair to serve for the ensuing year. ((In addition,)) The district president ((of the Pierce College district)) shall serve as secretary to the board of trustees as specified by state law. The secretary may, at his/her discretion, appoint ((his executive secretary or other)) an appropriate college staff member to act as recording secretary for all regular and special meetings of the board.

The ~~((chairman))~~ chair, in addition to any duties imposed by rules and regulations of the state board, shall preside at each regular or special meeting of the board, sign all legal and official documents recording actions of the board, and review the agenda prepared for each meeting of the board. The ~~((chairman))~~ chair shall, while presiding at official meetings, have full right of discussion and vote.

The ~~((vice chairman))~~ vice-chair, in addition to any duties imposed by rules and regulations of the state board

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shall act as ~~((chairman))~~ chair of the board in the absence of the ~~((chairman))~~ chair.

~~((The secretary of the board shall be the president of the college district. In addition to any duties imposed by rules and regulations of the state board, he shall keep the official seal of the board, maintain all records of meetings and other official actions of the board. He shall give notice of all meetings in the manner required by the bylaws and state statutes.~~

~~The secretary shall also be responsible for board correspondence, compiling the agenda of meetings, and distributing the minutes of the meetings and related reports.~~

~~The secretary, or his designate, must attend all regular and special meetings of the board, and official minutes must be kept of all such meetings.))~~

AMENDATORY SECTION (Amending Order 86-1, Resolution No. 86-1, filed 7/11/86)

WAC 132K-04-110 Official seal. The board of trustees shall maintain an official seal for use upon any or all official documents of the board. The seal shall have inscribed upon it the name of the college which shall be:

~~((Pierce College~~

~~District No. 11~~

~~State of Washington))~~

COMMUNITY COLLEGE DISTRICT NO. 11

PIERCE COLLEGE

STATE OF WASHINGTON

AMENDATORY SECTION (Amending Order 86-1, Resolution No. 86-1, filed 7/11/86)

WAC 132K-04-130 Delegation of responsibility. It shall be the responsibility of the Pierce College board of trustees to establish policy and to evaluate the success of the college operation. To administer the college, the board of trustees shall employ a ~~((college))~~ district president and hold him/her responsible for the interpretation of board policy into administrative action and for the administration of the college in general.

Specific policies and their administrative interpretation shall be described in detail in the several sections of the official policies and procedures manual of the ~~((college))~~ district.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132K-04-070 Board meetings—Parliamentary procedure.

**WSR 97-07-023
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed March 12, 1997, 3:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-01-091.

Title of Rule: WAC 388-507-0710 AFDC-related medical income standards and 388-513-1350 Institutional—Available resources.

Purpose: Adopt new standards for the medically needy income level and community spouse resource level. Corrects a cross-reference.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090; for WAC 388-513-1350 also add RCW 74.09.575.

Statute Being Implemented: RCW 74.04.057.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-7462.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It concerns eligibility policy and affects only clients and staff.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to the Department of Social and Health Services.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-A, Lacey, WA 98503, on April 22, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by April 8, 1997, TTY (360) 902-8324, voice (360) 902-7540.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by April 22, 1997.

Date of Intended Adoption: No sooner than April 23, 1997.

March 12, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3963, filed 4/10/96, effective 5/11/96)

WAC 388-507-0710 AFDC-related medical income standards. (1) The department shall determine income standards for AFDC-related clients as described under WAC 388-505-0590 (2) and (4).

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(2) Effective January 1, (~~(1996)~~) 1997, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$ ((496)) 512
(b) Two persons	\$ 592
(c) Three persons	\$ 667
(d) Four persons	\$ 742
(e) Five persons	\$ 858
(f) Six persons	\$ 975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and above	\$1,483

AMENDATORY SECTION (Amending Order 3963, filed 4/10/96, effective 5/11/96)

WAC 388-513-1350 Institutional—Available resources. (1) Resources are defined under chapter 388-511 WAC for an SSI-related client and under WAC 388-22-030 for an AFDC-related client.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-513-1310, 388-513-1330, 388-513-1340, and 388-513-1360. Transfers of resources are evaluated under WAC 388-513-1365.

(3) The department shall determine ownership of resources following Washington state community property principles for a person:

(a) Whose most recent period of institutionalization began on or before September 30, 1989; and

(b) Who remains continuously institutionalized.

(4) For purposes of Medicaid eligibility, the department shall consider resources are:

(a) Community resources when jointly held in the:

(i) Names of both the institutionalized and community spouse; or

(ii) Name of the institutionalized spouse only.

(b) The separate property of the community spouse when:

(i) Held in the separate name of the community spouse; or

(ii) Transferred between spouses as described under WAC (~~(388-513-1370(6))~~) 388-513-1350(7).

(5) The department shall:

(a) Divide by two, the total value of the community resources the spouses own; and

(b) Assign one-half of the total value of the community resources to each spouse.

(6) The department shall not consider a person continuously institutionalized if, for thirty consecutive days, the person:

(a) Is absent from an institution; or

(b) Does not receive home-based or community-based waived services.

(7) For the purpose of determining Medicaid eligibility of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989, the department shall:

(a) Exclude resources as described under WAC 388-511-1160; except, the department shall exempt one vehicle without regard to use or value when the institutionalized person has a community spouse;

(b) Consider available to the community spouse, resources in the name of either the community spouse or the institutionalized spouse, except resources exceeding the greater of:

(i) Seventy-~~(six)~~ nine thousand ~~((seven hundred forty))~~ twenty dollars effective January 1, (~~(1996)~~) 1997;

(ii) An amount established by a fair hearing under chapter 388-08 WAC when the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

(iii) An amount ordered transferred to the community spouse by the court.

(c) Ensure resources available to the community spouse are in the name of the community spouse or transferred to the community spouse or to another person for the sole benefit of the community spouse:

(i) Before the first regularly scheduled eligibility review; or

(ii) As soon as practicable thereafter, taking into account such time as may be necessary to obtain a court order for the support of the community spouse.

(d) Consider resources greater than such resources described under subsection (7)(b) of this section available to the institutional spouse.

(8) The department shall consider resources of the community spouse:

(a) Unavailable to the institutionalized spouse:

(i) The month after the institutionalized spouse is determined eligible for institutional benefits; and

(ii) While the institutionalized spouse remains in a continuous period of institutionalization.

(b) Available to the institutionalized spouse when the institutionalized spouse:

(i) Acquires resources which, when added to resources held by the institutionalized spouse, exceed the one-person resource maximum, if the most recent period of institutionalization began on or after October 1, 1989; or

(ii) Has a break of thirty days or more in a period of institutionalization.

WSR 97-07-026

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed March 12, 1997, 4:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-19-400 Application of brief adjudicative proceedings, 308-19-410 Preliminary record in brief adjudicative proceedings, and 308-19-420 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 18.185 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more

informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997
Mary Jelvik
Administrator

PART F BRIEF ADJUDICATIVE PROCEEDINGS

NEW SECTION

WAC 308-19-400 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a bail bond agency, qualified agent, branch office or bail bond agent in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-19-410 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-19-420 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-07-027
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed March 12, 1997, 4:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-32-100 Application of brief adjudicative proceedings, 308-32-110 Preliminary record in brief adjudicative proceedings, and 308-32-120 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 18.28 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997

Mary Jelvik
Administrator

NEW SECTION

WAC 308-32-100 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a debt adjuster, debt adjusting agency or debt adjusting branch office in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-32-110 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a

federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-32-120 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-07-028

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed March 12, 1997, 4:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-127-310 Application of brief adjudicative proceedings, 308-127-320 Preliminary record in brief adjudicative proceedings, and 308-127-330 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 64.36 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997

Mary Jelvik

Administrator

NEW SECTION

WAC 308-127-310 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a timeshare project, timeshare promoter or timeshare salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a registration holder requesting renewal has submitted all required information and whether a registration holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-127-320 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

(a) The application for the registration or renewal and all associated documents;

(b) All documents relied upon by the director in proposing to deny the registration or renewal; and

(c) All correspondence between the applicant for registration or renewal and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the registration holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the registration holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the registration holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-127-330 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-07-029

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed March 12, 1997, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-30-170 Application of brief adjudicative proceedings, 308-30-180 Preliminary record in brief adjudicative proceedings, and 308-30-190 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 42.44 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997

Mary Jelvik
Administrator

NEW SECTION

WAC 308-30-170 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for an appointment meets the minimum criteria for an appointment as a notary public in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether an appointment holder requesting renewal has submitted all required information and whether an appointment holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-30-180 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for appointment or reappointment shall consist of:

(a) The application for appointment or reappointment and all associated documents;

(b) All documents relied upon by the director in proposing to deny the appointment or reappointment; and

(c) All correspondence between the applicant for appointment or reappointment and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the appointment holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the appointment holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the appointment holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-30-190 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

**WSR 97-07-030
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed March 12, 1997, 4:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-33-110 Application of brief adjudicative proceedings, 308-33-120 Preliminary record in brief adjudicative proceedings, and 308-33-130 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 19.31 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997
Mary Jelvik
Administrator

PROPOSED

NEW SECTION

WAC 308-33-110 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as an employment agency, general manager or branch office in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-33-120 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the director in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the license holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-33-130 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-07-031**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed March 12, 1997, 4:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-14-210 Application of brief adjudicative proceedings, 308-14-220 Preliminary record in brief adjudicative proceedings, and 308-14-230 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 18.145 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 11:30 a.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing,
Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020,
FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997
Mary Jelvik
Administrator

NEW SECTION

WAC 308-14-210 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a certificate meets the minimum criteria for a certificate to practice as a court reporter in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a certificate holder requesting renewal has submitted all required information and whether a certificate holder meets minimum criteria for renewal; and

(4) Whether a certificate holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-14-220 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal certificate shall consist of:

(a) The application for the certificate or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the certification or renewal; and

(c) All correspondence between the applicant for certification or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the certificate holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the certificate holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the certificate holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the certificate holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-14-230 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-07-032

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed March 12, 1997, 4:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-20-710 Application of brief adjudicative proceedings, 308-20-720 Preliminary record in brief adjudicative proceedings, and 308-20-730 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 18.16 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997
Mary Jelvik
Administrator

NEW SECTION

WAC 308-20-710 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a salon/shop, booth renter, mobile operator, personal service operator, instructor, cosmetologist, barber, manicurist, esthetician or school in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpay-

ment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-20-720 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-20-730 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

March 12, 1997
Mary Jelvik
Administrator

WSR 97-07-033
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed March 12, 1997, 4:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-29-090 Application of brief adjudicative proceedings, 308-29-100 Preliminary record in brief adjudicative proceedings, and 308-29-110 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 19.16 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

NEW SECTION

WAC 308-29-090 Application of brief adjudicative proceedings. The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the board chair pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a collection agency, out-of-state collection agency or collection agency branch office in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board; and

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-29-100 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the director in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the license holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-29-110 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief

PROPOSED

adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-07-034
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed March 12, 1997, 4:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-420-250 Application of brief adjudicative proceedings, 308-420-260 Preliminary record in brief adjudicative proceedings, and 308-420-270 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 19.105 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W.,

Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 9:45 a.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997

Mary Jelvik
Administrator

NEW SECTION

WAC 308-420-250 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a camping resort, camping resort operator or camping resort salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a registration holder requesting renewal has submitted all required information and whether a registration holder meets minimum criteria for renewal.

NEW SECTION

WAC 308-420-260 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

(a) The application for the registration or renewal and all associated documents;

(b) All documents relied upon by the agency in proposing to deny the registration or renewal; and

(c) All correspondence between the applicant for registration or renewal and the agency regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the registration holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the registration holder and the agency regarding compliance with the final order or agreement; and

(d) All documents relied upon by the agency showing that the registration holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-420-270 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

**WSR 97-07-035
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed March 12, 1997, 4:29 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-015 and 96-20-004.

Purpose: WAC 308-11-140 Application of brief adjudicative proceedings, 308-11-150 Preliminary record in brief adjudicative proceedings, and 308-11-160 Conduct of brief adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c).

Statute Being Implemented: Chapter 18.11 RCW.

Summary: The rules provide information about when the department can conduct a brief adjudicative proceeding, what records for the proceedings are required and/or allowed, and how the proceeding shall be conducted.

Reasons Supporting Proposal: The reason supporting this proposal is to provide an appeal process in a more informal and less onerous environment which benefits all parties compared to the existing administrative process currently in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 405 Black Lake Boulevard, Olympia, WA 98502, 753-2494.

Name of Proponent: Department of Licensing, Business and Professions Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule allows the department to administer brief adjudicative proceedings, describes preliminary records for the proceedings and conduct of the proceedings for specific

issues. The rule expands the program's regulatory options providing the public with a simple and timely appeal process for department action.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact.

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

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard S.W., Conference Room 1, Building 2, Olympia, WA 98502, on April 25, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Trudie Newcomer by April 15, 1997, TDD (360) 586-2788, or (360) 586-7569.

Submit Written Comments to: Department of Licensing, Mary Jelvik, P.O. Box 9020, Olympia, WA 98507-9020, FAX (360) 664-2550, by April 18, 1997.

Date of Intended Adoption: May 1, 1997.

March 12, 1997

Mary Jelvik
Administrator

NEW SECTION

WAC 308-11-140 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as an auctioneer or auction company in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(4) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

NEW SECTION

WAC 308-11-150 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

(a) The application for the license or renewal and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license or renewal; and

(c) All correspondence between the applicant for license or renewal and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

- (a) The previously issued final order or agreement;
- (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
- (c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and
- (d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed educational loan or service-conditional scholarship shall consist of:

- (a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed educational loan or service-conditional scholarship; or
- (b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-11-160 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

WSR 97-07-036
PROPOSED RULES
WASHINGTON STATE PATROL
[Filed March 14, 1997, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-03-042.

Title of Rule: WAC 204-10-045 Wireless communications systems.

Purpose: To define acceptable standards for hands-free, wireless communication systems as enacted under chapter 34, Laws of 1996.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.480.

Summary: Recent legislation allows motorists to drive vehicles equipped with wireless communication systems. This rule will define acceptable standards.

Reasons Supporting Proposal: Chapter 34, Laws of 1996.

Name of Agency Personnel Responsible for Drafting: Ms. Carol Morton, P.O. Box 42635, Olympia, WA, (360) 412-8934; Implementation and Enforcement: Captain Tim Erickson, P.O. Box 42614, Olympia, WA, (360) 753-0350.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 34, Laws of 1996 allows motorists to drive vehicles equipped with hands-free, wireless communications systems. This rule will define acceptable standards for those systems. A new section under chapter 204-10 WAC, Equipment standards, will set the standards.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The public can choose not to purchase a wireless system. If the equipment and standards review unit checks a "home-made" system and finds it acceptable according to the standards, a person may use that system.

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

Hearing Location: State Patrol, Commercial Vehicle Division, Conference Room, Ground Floor, General Administration Building, Olympia, Washington, on April 22, 1997, at 9 a.m.

Assistance for Persons with Disabilities: Contact Kendra Hensley by April 15, 1997, (360) 753-0678.

Submit Written Comments to: Carol Morton, P.O. Box 42635, Olympia, WA 98504-2635, FAX (360) 493-9090, by April 15, 1997.

Date of Intended Adoption: April 29, 1997.

March 13, 1997

Annette M. Sandberg
Chief

NEW SECTION

WAC 204-10-045 Wireless communications systems. Hands-free, wireless communication systems may also refer to the use of cellular phone systems. These hands-free listening devices may be used by motorists while driving motor vehicles. Listening devices that include an earpiece shall cover only one ear.

WSR 97-07-037
PROPOSED RULES
WASHINGTON STATE PATROL
 [Filed March 14, 1997, 10:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-03-043.

Title of Rule: Chapter 204-41 WAC, Seat belt exemptions.

Purpose: To allow seat belt exemptions to meter readers, similar to rural United States postal carriers and rural newspaper carriers.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.510.

Summary: Adopt new section to allow meter readers, who are in and out of their vehicles an average of 400 times daily, an exemption from seat belt use while on their routes.

Reasons Supporting Proposal: The amendment to this rule will allow seat belt exemptions to meter readers, with certain conditions explained in the amendment.

Name of Agency Personnel Responsible for Drafting: Ms. Carol Morton, P.O. Box 42635, Olympia, WA, (360) 412-8934; Implementation and Enforcement: Captain Tim Erickson, P.O. Box 42614, Olympia, WA, (360) 753-0350.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adoption of new section will allow meter readers an exemption from seat belt use while on their routes.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on any small businesses.

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

Hearing Location: State Patrol, Commercial Vehicle Division, Conference Room, Ground Floor, General Administration Building, Olympia, Washington, on April 22, 1997, at 10 a.m.

Assistance for Persons with Disabilities: Contact Kendra Hensley by April 15, 1997, (360) 753-0678.

Submit Written Comments to: Carol Morton, P.O. Box 42635, Olympia, WA 98504-2635, FAX (360) 493-9090, by April 15, 1997.

Date of Intended Adoption: April 29, 1997.

March 13, 1997
 Annette M. Sandberg
 Chief

NEW SECTION

WAC 204-41-060 Utility meter readers. Meter readers may be exempted from the seat belt requirements only during the time they are reading meters in residential areas and are continually in and out of their vehicles. Seat belt use is required when traveling to and from their actual route, or when on other utility business.

WSR 97-07-052
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)
 [Filed March 17, 1997, 3:05 p.m.]

Continuance of WSR 96-21-151 and 97-05-075.

Preproposal statement of inquiry was filed as WSR 96-18-079.

Title of Rule: Amend personal use rules.

Purpose: Correct rule reference.

Other Identifying Information: This continues WAC 220-56-225 from WSR 96-21-151 and 97-05-075.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Corrects technical reference.

Reasons Supporting Proposal: Correction.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA 98501, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA 98501, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, WA 98501, 902-2925.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Technical correction.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small businesses affected.

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

Date of Intended Adoption: April 18-19, 1997.

March 10, 1997
 Evan Jacoby
 Legal Counsel

WSR 97-07-062
PROPOSED RULES
LOTTERY COMMISSION
 [Filed March 19, 1997, 8:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-24-101 and 97-02-037.

Title of Rule: New sections WAC 315-11A-192 Instant Game Number 192, 315-11A-193 Instant Game Number 193, 315-11A-194 Instant Game Number 194, and 315-11A-195 Instant Game Number 195.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 192, 193, 194, and 195.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

PROPOSED

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Rules Coordinator, Olympia, (360) 586-6583; Implementation and Enforcement: Merritt Long, Director, Olympia, (360) 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-192, 315-11A-193, 315-11A-194, and 315-11A-195, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and (2) the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Said section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Washington State Lottery, 5936 Corson Avenue South, Suite 106, Seattle, WA 98108, on May 2, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Michael Aoki-Kramer by April 23, 1997, (360) 586-6583.

Submit Written Comments to: Michael Aoki-Kramer, Lottery, FAX (360) 586-6586, by May 1, 1997.

Date of Intended Adoption: May 2, 1997.

March 13, 1997
Merritt D. Long
Director

NEW SECTION

WAC 315-11A-192 Instant Game Number 192. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 192, on file at the lottery headquarters office.

(2) **Price per ticket:** One dollar.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$8, \$10, \$20, \$50, \$100, \$200, and \$1,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match any of the "Your Symbols" to the "Winning Symbol." Uncover a fish symbol to win instantly.

NEW SECTION

WAC 315-11A-193 Instant Game Number 193. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 193, on file at the lottery headquarters office.

(2) **Price per ticket:** Two dollars.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$6, \$7, \$8, \$10, \$15, \$50, \$100, \$200, \$250, \$500, \$1,000, \$2,000, \$4,000, and \$6,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match either of the "Your Numbers" to any of the "Winning Numbers." Uncover a movie tickets symbol to double the prize instantly.

NEW SECTION

WAC 315-11A-194 Instant Game Number 194. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 194, on file at the lottery headquarters office.

(2) **Price per ticket:** Two dollars.

(3) **Prizes available:** \$2, \$4, \$6, \$12, \$24, \$48, \$100, \$500, \$1,000, and \$10,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match three or more consecutive "Game Cards" within a game hand to the "Draw Cards" to win the corresponding amount shown in the legend on the ticket.

NEW SECTION

WAC 315-11A-195 Instant Game Number 195. (1) **Essential game elements** shall appear as set forth in the executed working papers for Instant Game Number 195, on file at the lottery headquarters office.

(2) **Price per ticket:** One dollar.

(3) **Prizes available:** \$1, \$2, \$3, \$4, \$5, \$6, \$7, \$8, \$9, \$10, \$20, \$60, \$400, and \$1,000. Players may win more than one prize per ticket.

(4) **Manner of selecting winning tickets:** Match "Your Numbers" to the "Winning Number."

WSR 97-07-064
PROPOSED RULES
OFFICE OF
MARINE SAFETY
[Filed March 19, 1997, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-048.

Title of Rule: Proposing new chapter 317-50 WAC, establishing financial responsibility requirements for small tank barges, and exempting oil spill response barges from complying with RCW 88.40.020.

Purpose: To implement RCW 88.40.020 (2)(b) to establish lower financial responsibility requirements for tank barges 300 gross tons or less; and to implement RCW 88.40.020(5) to exempt oil spill response barges.

Other Identifying Information: See Emergency Rule WSR.

Statutory Authority for Adoption: RCW 88.40.020 (2)(b), (5), and 88.40.030.

Statute Being Implemented: RCW 88.40.020 (2)(b) for all proposed sections except WAC 317-50-060. RCW 88.40.020(5) for WAC 317-50-060.

Summary: The proposed rule reduces required financial responsibility for tank barges 300 gross tons or less and describes acceptable evidence of financial responsibility.

Reasons Supporting Proposal: The cost of meeting the \$500 million financial responsibility requirement is unduly burdensome for small tank barge owners and operators.

Name of Agency Personnel Responsible for Drafting and Implementation: Jeff Fishel, Olympia, Washington, 664-9110; and Enforcement: Nina Carter, Olympia, Washington, 664-9110.

Name of Proponent: Office of Marine Safety, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule allows owners and operators of small tank barges to purchase pollution liability coverage less than \$500 million as currently required under RCW 88.40.020. Financial responsibility limits for small tank barges is proposed to be the greater of \$2 million or \$3,000 per barrel total capacity for persistent oil, or \$1,500 per barrel total capacity for nonpersistent oil. Small tank barge owners and operators may meet the lower limits if they have an oil spill prevention plan on file with the office that has not been disapproved or voluntarily withdrawn. Acceptable evidence of financial responsibility is also described.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule reduces the cost of doing business in Washington state and therefore, a small business economic impact statement does not need to be done under RCW 19.85.030 (1)(a).

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

Hearing Location: Office of Marine Safety, Conference Room, 711 State Avenue N.E., 2nd Floor, Olympia, WA 98506, on April 23, 1997, at 9:00 - 12:00 p.m.

Assistance for Persons with Disabilities: Contact Teresa Hedblum by April 21, 1997, (360) 664-9110.

Submit Written Comments to: Jeff Fishel, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407, FAX (360) 664-9184, by April 25, 1997.

Date of Intended Adoption: May 7, 1997.

March 17, 1997
Barbara Herman
Director

**Chapter 317-50 WAC
Financial Responsibility for Small Tank Barges and Oil
Spill Response Barges**

NEW SECTION

WAC 317-50-010 Purpose. This chapter allows owners and operators of small tank barges to reduce their financial responsibility under RCW 88.40.020 (2)(b) without compromising protection of the state's marine environments and public health and safety. This chapter also exempts tank barges solely used to carry oil recovered during an oil spill cleanup operation from the requirement to possess financial responsibility under RCW 88.40.020.

NEW SECTION

WAC 317-50-020 Application. This chapter applies to any tank barge in state waters that is 300 gross tons or less or that is an oil spill response barge.

NEW SECTION

WAC 317-50-030 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this section:

(a) "Financial responsibility" means demonstrated capability to meet state and federal financial liability requirements for actual costs of oil spill removal, natural resource damages, and necessary expenses.

(b) "Oil spill response barge" means a tank barge solely used to carry recovered oil during an oil spill cleanup operation.

(c) "Nonpersistent oil" means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions where:

(i) At least 50 percent by volume distill at a temperature of 340 degrees Celsius (645 degrees Fahrenheit); and

(ii) At least 95 percent by volume distill at a temperature of 370 degrees Celsius (700 degrees Fahrenheit).

(d) "Persistent oil" means a petroleum-based oil that does not meet the distillation criteria for nonpersistent oil.

(e) "Small tank barge" means a tank barge three hundred gross tons or less.

(f) "State waters" means the navigable waters of the state as defined in WAC 317-05-020(10).

(g) "Tank barge" means a tank vessel without a means of self-propulsion or a self-propelled tank vessel less than forty meters (one hundred and thirty feet) in overall length.

(h) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(i) Operates on the waters of the state; or

(ii) Transfers oil in a port or place subject to the jurisdiction of this state.

A ship is constructed or adapted to carry oil in bulk as cargo or cargo residue if authorized to do so under the ship's certification or classification. A vessel carries oil as cargo or cargo residue if the oil is carried for dispensing to other vessels or equipment off the vessel, or for delivery from point to point, regardless of whether direct compensation for carriage is involved. A vessel being used to collect spilled oil from the water, and that may have some recovered oil storage capacity, does not carry oil as cargo.

NEW SECTION

WAC 317-50-040 Financial responsibility for small tank barges. (1) An owner or operator of a small tank barge covered by an oil spill prevention plan on file with the office in compliance with chapter 317-21 WAC shall possess financial responsibility in the amount determined under subsection (2) of this section. If the owner's or operator's oil spill prevention plan is disapproved by the office or voluntarily withdrawn, the owner or operator shall possess financial responsibility in the amount of at least five hundred million dollars (\$500,000,000).

(2) Financial responsibility for a small tank barge is the greater of two million dollars (\$2,000,000) or:

(a) For tank barges certified to carry persistent oil, \$3000 per barrel of the barge's total capacity, or if assigned a load line under 46 CFR Parts 42 or 44, per barrel of allowed capacity; or

(b) For tank barges certified to carry nonpersistent oil, \$1,500 per barrel of the barge's total capacity, or if assigned a load line under 46 CFR Parts 42 or 44, per barrel of allowed capacity.

NEW SECTION

WAC 317-50-050 Evidence of financial responsibility for small tank barges. Evidence of financial responsibility for a small tank barge may be one or combination of the following:

(1) A current and valid certificate of enrollment in a Protection and Indemnity Mutual Association.

(2) A current and valid Master Certificate of Financial Responsibility issued by the US Coast Guard under 33 CFR § 138.110 and a copy of the letter of insurance, enrollment or other summary of coverage provided by the guarantor for which the Master Certificate is issued.

(3) Evidence of insurance from an insurance provider that is a member of the Water Quality Insurance Syndicate that includes at a minimum:

(a) The term of the policy;

(b) The amount of deductible or similar retention of liability; and

(c) A description of the coverage limits in relation to a vessel oil spill.

(4) The office may consider other evidence of financial responsibility if the owner or operator demonstrates the financial ability to meet state and federal financial liability for the actual costs for removal of oil spills, for natural resource damages, and necessary expenses. Acceptable evidence is a written opinion, based on Generally Accepted Accounting Principles in the United States (GAAP), signed by an independent certified public accountant licensed to practice in the United States that the coverage meets the standards of 33 CFR § 138.80 for the amount required by WAC 317-50-040(2).

NEW SECTION

WAC 317-50-060 Submitting evidence of financial responsibility. (1) A small tank barge owner or operator shall submit evidence that demonstrates financial responsibility under WAC 317-50-040 for each barge entering or operating in Washington waters. The evidence must be

included in the oil spill prevention plan submitted under chapter 317-21 WAC and on file with the office twenty-four hours before the barge enters Washington waters.

(2) The following are considered significant changes for the purpose of updating a barge's oil spill prevention plan under WAC 317-21-530:

(a) A change in the term or amount of coverage;

(b) A change in the type of coverage;

(c) Termination of coverage;

(d) A new coverage provider; and

(e) A change that may affect the opinion of the independent certified public accountant submitted to the office under WAC 317-50-050(4).

NEW SECTION

WAC 317-50-070 Enforcement. A small tank barge owner or operator who fails to comply with the provisions of this chapter and any order or directive issued by the office requiring compliance with this chapter may be subject to any or all of the following:

(1) Assessment of a civil penalty of up to \$100,000 per day for each day the owner or operator's barge is found without evidence of financial responsibility required under this chapter;

(2) Disapproval of the owner's or operator's oil spill prevention plan under chapter 317-21 WAC;

(3) Referral for prosecution under RCW 88.46.080;

(4) Denial of entry into state waters.

NEW SECTION

WAC 317-50-080 Financial responsibility for oil spill response barges. (1) A tank barge used solely as an oil spill response barge is not required to possess evidence of financial responsibility under RCW 88.40.020 if the owner or operator submits to the office a letter certifying that:

(a) The barge is used exclusively for oil spill response activities and will not be used to carry oil in bulk as cargo;

(b) The owner or operator is an approved response contractor under WAC 317-10-090; and

(c) The owner or operator is indemnified by plan holders for whom the owner or operator is a primary response contractor for liabilities that may arise under state and federal law.

(2) The letter must be in writing, on letterhead and signed by the chief executive officer of the owner or operator, or authorized representative. Identifying information for each tank barge covered by the letter must be provided and include at least the vessel's name, Lloyd's number or official number, country of registry, and gross tonnage.

(3) Any change in status of ownership, charter arrangement, classification, or use must be reported to the office within 10 working days of the change.

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

NEW SECTION

WAC 317-50-900 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

March 17, 1997
Barbara Herman
Director

**WSR 97-07-065
PROPOSED RULES
OFFICE OF
MARINE SAFETY**

[Filed March 19, 1997, 8:59 a.m.]

Original Notice.

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

Title of Rule: Proposing corrections of technical errors in WAC 317-31-200, 317-31-220, and 317-31-230.

Purpose: To correct technical errors.

Other Identifying Information: See emergency rule, WSR 96-18-022.

Statutory Authority for Adoption: RCW 43.211.030.

Statute Being Implemented: RCW 88.46.050.

Summary: The rule corrects citations to federal and state authorities.

Name of Agency Personnel Responsible for Drafting: Jeff Fishel, Olympia, Washington, 664-9110; Implementation: Stan Norman, Olympia, Washington, 664-9110; and Enforcement: Nina Carter, Olympia, Washington, 664-9110.

Name of Proponent: Office of Marine Safety, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule corrects the citation in 33 CFR Subchapter Q to Subchapter O in WAC 317-31-200 (5)(g); provides the Washington State Register cite missing from WAC 317-31-220(1); and provides the Washington State Register cite missing in WAC 317-31-230(6). These changes will not affect compliance or enforcement of chapter 317-31 WAC.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under RCW 19.85.030 (1)(a).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Exempt under RCW 34.05.328 (5)(b)(iv).

Hearing Location: Office of Marine Safety, 711 State Avenue N.E., 2nd Floor, Conference Room, Olympia, WA 98506, on April 23, 1997, at 9:00 - 12:00 p.m.

Assistance for Persons with Disabilities: Contact Teresa Hedblum by April 21, 1997, (360) 664-9110.

Submit Written Comments to: Stan Norman, P.O. Box 42407, Olympia, WA 98504-2407, FAX (360) 664-9184, by April 25, 1997.

Date of Intended Adoption: May 7, 1997.

AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)

WAC 317-31-200 Accepted industry standards. Accepted industry standards are those standards established under WAC 317-31-220 for cargo and passenger vessels, or WAC 317-31-230 for fishing vessels, and applicable requirements of the following international conventions and federal regulations:

(1) The International Convention for the Safety of Life at Sea, 1974 (SOLAS);

(2) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW);

(3) The International Convention for Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);

(4) The International Labor Organization, Convention Concerning Minimum Standards in Merchant Ships, convention number 147 (ILO 147);

(5) Provisions of chapter 33 of the Code of Federal Regulations including:

(a) Part 26 (Vessel bridge-to-bridge radiotelephone regulations);

(b) Part 70 (Interference with or damage to aids to navigation);

(c) Subchapter D (International Navigation Rules);

(d) Subchapter E (Inland Navigation Rules);

(e) Part 95 (Operating a vessel while intoxicated);

(f) Subchapter M (Marine Pollution Financial Responsibility and Compensation);

(g) Subchapter ((Q)) Q (Pollution);

(h) Subchapter P (Ports and Waterways Safety); and

(6) Provisions of chapter 46 of the Code of Federal Regulations including:

(a) Part 4 (Marine Casualties and Investigations);

(b) Subchapter B (Merchant Marine Officers and Seamen);

(c) Subchapter C (Uninspected Vessels);

(d) Subchapter D (Tank Vessels);

(e) Subchapter E (Load Lines);

(f) Subchapter F (Marine Engineering);

(g) Subchapter G (Documentation and Measurement of Vessels);

(h) Subchapter H (Passenger Vessels);

(i) Subchapter I (Cargo and Miscellaneous Vessels);

(j) Subchapter J (Electrical Engineering);

(k) Subchapter N (Dangerous Cargoes);

(l) Subchapter O (Certain Bulk Dangerous Cargoes);

(m) Subchapter Q (Equipment, Construction and Materials: Specification and Approval);

(n) Subchapter S (Subdivision and Stability); and

(o) Part 197, subpart C (Benzene).

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

PROPOSED

AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)

WAC 317-31-220 Modification of accepted industry standards. (1) This section establishes a process for modifying accepted industry standards as established by the advisory group on cargo and passenger vessel substantial risk criteria and noticed in the *Washington State Register*, No.((---)) 96-03-082. The purpose of this section is to establish a process that results in enforceable standards while affording vessel owners and operators substantial input and notice.

(2) The vessel inspection advisory council is hereby established. The council's mission is to make recommendations to the office every two years, if necessary, concerning accepted industry standards for cargo and passenger vessels. The office shall review the council's recommendations and publish in the state register proposed standards. After the date of publication, the office shall allow thirty days for public comment. After consideration of council recommendations and public comment, the office shall adopt the proposed industry standards by publication of a notice of adoption and availability of the standards in the state register.

(3) Council members and their replacements shall be appointed by the office and serve a term of two years. The council chair shall be appointed by the office. Each council member may designate one alternate who may exercise that member's vote. The office shall invite the U.S. Coast Guard to participate as a nonvoting advisor to the council. The council shall comprise at least fifteen members who represent the following interests:

- (a) Classification societies;
- (b) Commercial fishing vessels;
- (c) Environmental organizations;
- (d) Maritime labor organizations;
- (e) Maritime trade associations;
- (f) Oregon State Department of Environmental Quality;
- (g) Native American tribes;
- (h) Cargo vessel owners;
- (i) Cargo vessel operators;
- (j) Cruise ship owners;
- (k) Cruise ship operators;
- (l) Washington State Ferry System;
- (m) Washington State Department of Ecology;
- (n) Washington State Office of Marine Safety;
- (o) Washington state pilots;
- (p) Oregon state pilots;
- (q) Washington state public ports;
- (r) Public agencies responsible for regulating natural resources;
- (s) Marine education and training; and
- (t) The public at large.

(4) A meeting of the council may be held fourteen days after the notice of the meeting is published in the state register. The meeting notice shall state the date, time, and place of the meeting, and the names of the organizations represented. Meetings of the council may be convened either by the office or the council's chair. At the first meeting of the council, the office shall present a compilation of boarding results under the boarding checklist for the council's review.

(5) The office shall provide staff and administrative support for the council. The office shall also maintain minutes, public comments, boarding results, and other council records in a file available to the public.

AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)

WAC 317-31-230 Modification of accepted industry standards for fishing vessels. (1) This provision establishes a process for establishing and modifying accepted industry standards for fishing vessels. The purpose of this section is to establish a process that results in enforceable standards while affording vessels owners and operators substantial input and notice.

(2) The fishing vessel inspection advisory council is hereby established. The council shall make recommendations based on international and federal laws and regulations applicable to fishing vessels, and on the actual practices of the Washington-based fishing industry as revealed in the boarding results presented by the office. The council may recommend higher standards than the actual practices of the Washington-based fishing industry and those in applicable international and federal laws and regulations only where reasonably necessary to protect public health and safety, and the environment. The office shall review the council's recommendations and publish in the state register proposed standards. After the date of publication, the office shall allow thirty days for public comment. After consideration of council recommendations and public comment, the office shall adopt the proposed industry standards by publication of a notice of adoption and availability of the standards in the state register.

(3) Council members and their replacements shall be appointed by the office and serve a term of two years. The council chair shall be appointed by the office. Each council member may designate one alternate who may exercise that member's vote. The office shall invite the U.S. Coast Guard to participate as a nonvoting advisor to the council. The council shall comprise at least six members who represent the following interests:

- (a) Commercial fishing vessels;
- (b) Commercial fish processing vessels;
- (c) Environmental organizations;
- (d) Native American tribes;
- (e) Washington State Department of Ecology;
- (f) Washington State Office of Marine Safety; and
- (g) The public at large.

(4) A meeting of the council may be held fourteen days after the notice of the meeting is published in the state register. The meeting notice shall state the date, time, and place of the meeting, and the names of the organizations represented. Meetings of the council may be convened either by the office or the council's chair. At the first meeting of the council, the office shall present a compilation of boarding results under the boarding checklist for the council's review.

(5) The office shall provide staff and administrative support for the council. The office shall also maintain council minutes, public comment, boarding results, and other council records in a file available to the public.

(6) Until the council has established accepted industry standards under this section, the office shall use an interim standard to determine substantial risk for fishing vessels under WAC 317-31-210. The office will board fishing vessels as provided in WAC 317-31-210(2) using a boarding checklist developed through agreement with a representative of the fishing industry as published in the *Washington State Register*, No((---)) 95-06-063.

WSR 97-07-069
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed March 19, 1997, 10:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-104.

Title of Rule: Chapter 308-57 WAC, Motor vehicle excise tax.

Purpose: Maintenance of rules pertaining to motor vehicle excise tax.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: Chapters 82.44 and 82.50 RCW.

Summary: Amend rules to be compatible with amendments enacted to motor vehicle excise tax laws.

Reasons Supporting Proposal: A review of the WAC chapter indicated the rules needed to be amended to be compatible with present language contained in chapters 82.44 and 82.50 RCW.

Name of Agency Personnel Responsible for Drafting: Marlene Epp, 1125 Washington Street S.E., Olympia, WA, (360) 902-3823; Implementation: Eric Anderson, 1125 Washington Street S.E., Olympia, WA, (360) 902-4045; and Enforcement: Nancy Kelly, 1125 Washington Street S.E., Olympia, WA, (360) 902-3754.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New section WAC 308-57-135, establishing excise tax fee schedule four for use on combination power units.

Proposal Changes the Following Existing Rules: Repealing WAC 308-57-220, effective date of rule has expired; WAC 308-57-250, rule is based on an RCW provision that has been repealed; WAC 308-57-310 and 308-57-320, rule is no longer applicable; WAC 308-57-410 and 308-57-440, rule is not applicable; and WAC 308-57-420 and 308-57-430, duplication of RCW provision.

Amending WAC 308-57-005, adding definitions for excise tax fee schedule four, five and six and making administrative amendments; WAC 308-57-010, adding excise tax fee schedules four and six; WAC 308-57-110, adding excise tax fee schedule five. Deleting vehicle classes not applicable to fee schedules one and five; WAC 308-57-120, adding excise tax fee schedule six. Deleting vehicle classes not applicable to fee schedules two and six; WAC 308-57-140, adding vehicle use classes exempt from motor vehicle excise tax. Making administrative amendments; and WAC

308-57-020, 308-57-030, 308-57-130, 308-57-210, 308-57-230 and 308-57-240, making administrative amendments.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.939 [19.85.030]. The proposed rule making does not impose more than minor cost on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA, on May 7, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jack Lince by May 6, 1997, TDD (360) 664-8885.

Submit Written Comments to: Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by May 6, 1997.

Date of Intended Adoption: May 14, 1997.

March 18, 1997

Nancy Kelly, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-005 Definitions. The following definitions apply to the terminology used in this chapter:

(1) (~~"Department"~~) means the department of licensing.
(2) "Excise tax (~~depreciation~~) fee schedule one" means the (~~statutory~~) depreciation table (~~as~~) described in RCW 82.44.041 (3)(b).

(~~(3)~~) (2) "Excise tax (~~depreciation~~) fee schedule two" means the (~~statutory~~) depreciation table (~~as~~) described in RCW 82.44.041(1).

(~~(4)~~) (3) "Excise tax (~~depreciation~~) fee schedule three" means the (~~statutory~~) depreciation table (~~as~~) described in RCW 82.50.425(2).

(~~(5)~~) (4) "Excise tax fee schedule four" means the depreciation table established for power units towing trailers with permanent plates issued in accordance with RCW 46.16.068.

(5) "RTA excise tax fee schedule five" means the depreciation table described in RCW 82.44.041 (3)(b) for use in the Central Puget Sound Regional Transit Authority area.

(6) "RTA excise tax fee schedule six" means the depreciation table described in RCW 82.44.041(1) for use in the Central Puget Sound Regional Transit Authority area.

(7) "Fleet" means any person (~~or any type of business entity who is a registered owner of~~) with fifteen or more vehicles registered in the same name.

(~~(6)~~) (8) "Light duty truck" means a truck which is smaller than a truck type power unit. The empty scale weight is six thousand pounds or less. It includes vehicles such as pickup trucks, vans, and utility vehicles.

(~~(7)~~) (9) "MSRP" means the base manufacturer's suggested retail price as defined in RCW 82.44.041(3) and 82.50.425.

(~~(8)~~) "One hundred ten percent rule" means the limit of excise tax increase pursuant to RCW 82.44.041.

PROPOSED

~~(9))~~ (10) "Purchase price" means the selling price of the vehicle before deducting for trade-in value or adding sales/use tax.

~~((10))~~ (11) "Registered within a county" means the county ~~(that)~~ which the vehicle registered owner indicates as ~~((it's))~~ their resident address.

~~((11))~~ (12) "Tax code" means a two-digit alpha, numeric, or alpha-numeric representation of a value assigned by the department of revenue to passenger vehicles, ~~((motorhomes,))~~ light duty trucks, and ~~((motorhomes))~~ motor homes prior to vehicle model year 1986. This value represents the value of the vehicle when first offered for sale. In 1986 and thereafter, the MSRP is used to represent the value of the vehicle.

~~((12))~~ (13) "Truck type power unit" means trucks as ~~((described))~~ defined in RCW ~~((82.44.041(1)))~~ 82.44.010(3). This includes vehicles with ~~((CIR (circus,))~~ FIX (fixed load), or TOW (tow truck) use classes, regardless of scale weight; CMB (combination), COM (commercial), FAR (farm), FCB (farm combination), F/H (for hire), LOG (logging trucks), STA (stage), and ~~((other))~~ TRK (trucks whose empty scale weights exceed six thousand pounds and whose declared gross weight does not exceed twelve thousand pounds) use class. ~~((This also includes vehicles which would normally be considered light duty trucks but weigh more than six thousand pounds empty.~~

~~(13))~~ (14) "Truck type trailing unit" means trailers as ~~((described))~~ defined in RCW ~~((82.44.041(1)))~~ 82.44.010(3). This includes trailers with ~~((CIR (circus), FIX (fixed load), C/G (converter gear))~~ CMB (combination), LOG (logging), and COM (commercial) use classes.

~~((14))~~ (15) "Value code" means the value which is used to calculate the excise tax. In determining the value code, it may be a tax code, purchase price, assessor's appraisal, or MSRP.

(16) "Regional Transit Authority" or "(RTA)" means the Central Puget Sound Regional Transit Authority.

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-010 Premise for assessing excise tax. Truck type power units and trailing units are taxed according to the most recent purchase price and purchase year and the depreciation rates in excise tax ~~((depreciation))~~ fee schedules two, four or six. All other vehicles are taxed using the value of the vehicle when it was first offered for sale and the ~~((statutory depreciation rates))~~ appropriate excise tax fee schedule. Current physical condition, mileage, or monetary value of a particular vehicle is not used to determine excise tax.

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-020 Modified vehicles. All new or unused vehicles modified by a licensed ~~((primary or secondary))~~ manufacturer, ~~((such as a))~~ including but not limited to, van conversions ~~((of)),~~ sport utility vehicles, and limousines, ~~((for example,))~~ shall be taxed according to the MSRP provided by the ~~((primary or secondary))~~ modifying manufacturer ~~((of the modified vehicle))~~. If the vehicle is modified by someone other than a licensed manufacturer,

~~((the department shall use))~~ the original MSRP ~~((of))~~ issued for the vehicle prior to the modifications plus the costs of the modifications shall be used.

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-030 Declaration of value. If there is no tax code for a model year 1985 or older model vehicle ~~((s))~~ and there is no MSRP information available for a model year 1986 or newer model vehicle ~~((s))~~, ~~((the department may require))~~ the owner may be required to provide a certified declaration of original value and supporting documentation to be used as the basis for assessing the excise tax. ~~((Documentation supporting this valuation may also be required as deemed necessary by the department.))~~

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-110 Excise tax ~~((depreciation))~~ fee schedules one and five. ~~((The following))~~ Vehicles with the following use classes ~~((shall be))~~ are taxed according to excise tax ~~((depreciation))~~ fee schedule one and when applicable, schedule five:

CAB (taxicab)

COM (commercial) (if powered and the scale weight is six thousand pounds or less)

CYC (motorcycle)

FAR (farm) (if powered and the scale weight is six thousand pounds or less)

F/H (for hire) (if six or fewer seats or if more than six seats and the scale weight is six thousand pounds or less)

~~((H/C (horseless carriage) (if the license fee is not based on gross weight or if the license fee is based on gross weight and the scale weight is six thousand pounds or less)))~~

MH ~~((motorhome))~~ (motor home)

PAS (passenger)

PER (nonpowered personal use trailer)

~~((RES (restored) (if the license fee is not based on gross weight or if the license fee is based on gross weight and the scale weight is six thousand pounds or less)))~~

STA (stage) (if six or fewer seats or if more than six seats and the scale weight is six thousand pounds or less)

TLR (nonpowered trailer)

TRK (if the scale weight is six thousand pounds or less)

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-120 Excise tax ~~((depreciation))~~ fee schedules two and six. ~~((The following))~~ Vehicles with the following use classes ~~((will be))~~ are taxed according to excise tax ~~((depreciation))~~ fee schedule two and when appropriate, schedule six:

~~((CIR (circus))~~

FIX (fixed load)

~~((C/G (converter gear))~~

COM (commercial) (if powered and the scale weight exceeds six thousand pounds or if nonpowered regardless of the scale weight)

F/H (for hire) (if more than six seats and the scale weight exceeds six thousand pounds)

FAR (farm) (if scale weight exceeds six thousand pounds)

~~((H/C (horseless carriage) (if the license fee is based on gross weight and the scale weight exceeds six thousand pounds)))~~

STA (stage) (if more than six seats and the scale weight exceeds six thousand pounds)

TRK (truck) (if the scale weight exceeds six thousand pounds),

TOW (powered tow truck)

LOG (powered logging truck)

LOG (nonpowered logging trailer/bunker)

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-130 Excise tax ((~~depreciation~~) fee schedule three. ((~~A~~)) Vehicles with ((~~a~~) the following use ((class of CMP (camper) or TVL (nonpowered travel trailer) shall be) classes are taxed ((from)) according to excise tax ((~~depreciation~~) fee schedule three((-):

CMP (camper)

TVL (travel trailer, including tent trailers)

NEW SECTION

WAC 308-57-135 Excise tax fee schedule four. Powered vehicles with the following use classes are taxed according to excise tax fee schedule four:

CMB (combination power units, if the declared combined gross weight is greater than forty thousand pounds)

FCB (farm combination power units, if the declared combined gross weight is greater than forty thousand pounds)

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-140 Excise tax exemptions. The following vehicles are exempt from ((~~payment of~~) excise ((~~tax~~)) taxes imposed in chapters 82.44 and 82.50 RCW:

(1) ((~~Any~~)) Vehicles with ((~~a~~) tax code ((~~of~~)) 95 (vehicles taxed as personal property, such as ((~~a~~) mobile homes);

(2) ((~~Any~~)) Vehicles with the following use classes: EX (exempt), FED (federally owned), FEX (farm exempt), H/D (house moving dolly), PED (moped), ORV (off road vehicle), SCH (private school), SNO (snowmobile), or SNX (exempt snowmobile);

(3) ((~~Any~~)) Vehicles registered ((in accordance with) pursuant to WAC 308-96A-050, ((~~for~~)) (nonresident members of the armed forces);

(4) ((~~Any~~)) Vehicles registered ((in accordance with) pursuant to WAC 308-96A-400, ((~~for members of Washington~~)) (Indian tribes and ((reservations recognized by the United States Department of the Interior)) tribal members);

(5) ((~~Any~~)) Vehicles registered ((in accordance with) pursuant to WAC 308-96A-046, ((~~for disabled American veterans, former prisoners of war or their spouses~~)) (veteran's free license);

(6) Vehicles registered pursuant to WAC 308-96A-180, (rental cars);

(7) Passenger motor vehicles registered pursuant to WAC 308-96A-175 and 308-96A-176, ride-sharing and transportation needs ride-sharing vehicles; and

(8) Vehicles registered pursuant to WAC 308-96A-063, Foreign organization special license plate.

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-210 Excise tax in even dollars. ((The)) Individual vehicle excise ((~~tax shall be~~)) taxes are rounded to the nearest whole dollar ((~~for a twelve month period~~)).

AMENDATORY SECTION (Amending WSR 92-15-024, filed 7/6/92, effective 8/6/92)

WAC 308-57-230 Fleet abatement. A fleet vehicle, which is required to have a December registration expiration date, shall be charged excise tax based on the current depreciation rate for the number of months required to license through December 31 of the current year. If the ((~~vehicle is registered for the following year at the same time~~)) number of months to December 31 is fewer than four, an additional twelve months excise tax ((~~shall~~)) will be charged at the ((~~following year's~~)) current depreciation rate.

AMENDATORY SECTION (Amending WSR 91-04-026, filed 1/29/91, effective 3/1/91)

WAC 308-57-240 Nonfleet abatement. With department approval, the owner of a nonfleet vehicle may change the vehicle's registration expiration date. The owner shall be ((~~charged~~)) assessed excise tax based on the current depreciation rate for ((~~twelve months plus~~)) the number of months ((in excess of twelve to extend the registration period to the desired)) from the current expiration to the requested expiration date. ((~~Those months in excess of twelve shall be charged at the next year's depreciation rate. This option requires that~~)) The new expiration date must be greater than twelve months but not more than eighteen months from the current registration expiration date. New expiration dates may only be granted when validation tabs for the desired month and year are available ((~~and the total number of months may not exceed eighteen~~)).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-57-220	13-month leases.
WAC 308-57-250	Rental car abatement.
WAC 308-57-310	Use class and one hundred ten percent rule.
WAC 308-57-320	Trucks and one hundred ten percent rule.
WAC 308-57-410	Appeal process.
WAC 308-57-420	Taxes to be paid before appeal.
WAC 308-57-430	Effective date for appeals.
WAC 308-57-440	Hearings officer.

WSR 97-07-073
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed March 19, 1997, 10:13 a.m.]

Original Notice.

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

Title of Rule: WAC 246-290-990 Water system evaluation and project review and approval fees.

Purpose: This rule establishes fees for several types of services provided to water systems by the Division of Drinking Water.

Statutory Authority for Adoption: RCW 43.20B.020.

Statute Being Implemented: RCW 43.20.050.

Summary: The proposed rule will adjust the fee-for-service schedule for public water systems.

Reasons Supporting Proposal: The additional revenue is needed to fund staff that provide review and approval services.

Name of Agency Personnel Responsible for Drafting and Implementation: Peggy Johnson, Tumwater, (360) 753-3528; and Enforcement: Linda Chapman, Tumwater, (360) 586-8946.

Name of Proponent: Department of Health, Division of Drinking Water, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Department of Health must perform several different types of activities to ensure safe drinking water and protect the health of water consumers served by the systems. This rule describes the fees for the department's activities including the review and approval of water system plans, engineering reports, construction documents, monitoring waivers and special reports and plans. The Division of Drinking Water must periodically adjust the fees that support the services in order to guarantee it has sufficient revenue to fulfill its obligation to protect public health.

Proposal Changes the Following Existing Rules: The fees paid by public water systems for services rendered by the Division of Drinking Water will increase by 4.45%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for rules described in RCW 34.05.310(4), including "Rules that set or adjust fees or rates pursuant to legislative standards."

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, contains various rule-making criteria. According to subsection (5)(b)(vi), the section does not apply to "Rules that set or adjust fees or rates pursuant to legislative standards."

Hearing Location: Building 5, Thurston Airdustrial Center, 7171 Cleanwater Lane, Tumwater, WA, on April 22, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Johnson by April 15, 1997, TDD (800) 833-6388, or FAX (360) 586-5529.

Submit Written Comments to: Peggy Johnson, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, FAX (360) 586-5529, by April 15, 1997.

Date of Intended Adoption: May 30, 1997.

March 18, 1997
 Mimi Fields, MD
 for Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending WSR 95-20-079, filed 10/4/95, effective 11/4/95)

WAC 246-290-990 Water system evaluation and project review and approval fees. (1) The fees for the review and approval of water system plans, project reports, construction documents, existing systems, and related evaluations required under chapters 246-290, 246-291, 246-293, and 246-295 WAC shall be as follows:

(a) Water system plans required under WAC 246-290-100, 246-293-220, and 246-293-230.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Water system plan (New and Updated)	((105.00 <u>109.00</u>	365.00 <u>381.00</u>	890.00 <u>929.00</u>	1,680.00 <u>1,754.00</u>	2,730.00 <u>2,851.00</u>	4,040.00 <u>4,219.00</u>
Minor water system plan alteration	((26.00 <u>27.00</u>	89.00 <u>92.00</u>	220.00 <u>229.00</u>	420.00 <u>438.00</u>	680.00 <u>710.00</u>	995.00 <u>1,039.00</u>

(b) Satellite management agency (SMA) plans required under WAC 246-295-040.

Project Type	Group B	Group A					
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services	
SMA plan for ownership (New and Updated)	No plan required	((365.00 <u>381.00</u>	890.00 <u>929.00</u>	1,680.00 <u>1,754.00</u>	2,730.00 <u>2,851.00</u>	4,040.00 <u>4,219.00</u>	
SMA approval amendment	No amendment required	((78.00) <u>81.00</u>	per hour or appropriate fee from category above, whichever is less				

PROPOSED

SMA plan for operation only (New and Updated)	No plan required	((890.00	890.00	890.00	890.00	890.00))
		<u>929.00</u>	<u>929.00</u>	<u>929.00</u>	<u>929.00</u>	<u>929.00</u>

Note: SMAs owning water systems and submitting planning documents to the department for review shall be charged only the SMA fee.

(c) New plan elements required under WAC 246-290-100, 246-290-135, and 246-291-140 including:

- (i) Conservation; and
- (ii) Wellhead protection,

shall be reviewed separately by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ~~((seventy-eight))~~ eighty-one dollars per hour. After the initial submittal, updated information shall be reviewed as part of the updated water system plan and the review fee shall be included in the applicable updated plan review fee listed under (a) or (b) of this subsection.

(d) Project reports required under WAC 246-290-110.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	((260.00	525.00	815.00	1,180.00	1,625.00	2,155.00))
	<u>271.00</u>	<u>548.00</u>	<u>851.00</u>	<u>1,232.00</u>	<u>1,697.00</u>	<u>2,250.00</u>
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	((78.00	155.00	260.00	390.00	550.00	735.00))
	<u>81.00</u>	<u>161.00</u>	<u>271.00</u>	<u>407.00</u>	<u>574.00</u>	<u>767.00</u>
Complete water system (an additional fee shall be assessed for review of treatment facility, if any)	((155.00	365.00	575.00	840.00	1,155.00	1,520.00))
	<u>161.00</u>	<u>381.00</u>	<u>600.00</u>	<u>877.00</u>	<u>1,206.00</u>	<u>1,587.00</u>
System modifications requiring a detailed evaluation to determine whether the system, as modified, will comply with regulations (an additional fee shall be assessed for review of treatment facility, if any)	((105.00	260.00	420.00	630.00	890.00	1,200.00))
	<u>109.00</u>	<u>271.00</u>	<u>438.00</u>	<u>658.00</u>	<u>929.00</u>	<u>1,253.00</u>

(e) Special reports or plans required under WAC 246-290-115, 246-290-230, 246-291-230, 246-290-250, 246-290-470, 246-290-636, 246-290-654, and 246-290-676 including:

- (i) Corrosion control recommendation report;
- (ii) Corrosion control study;
- (iii) Plan to cover uncovered reservoirs;
- (iv) Predesign study;
- (v) Uncovered reservoir plan of operation;
- (vi) Tracer study plan;
- (vii) Surface water or GWI treatment facility operations plan; or
- (viii) Filtration pilot study,

shall be reviewed by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ~~((seventy-eight))~~ eighty-one dollars per hour.

(f) Construction documents required under WAC 246-290-120.

PROPOSED

PROPOSED

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	((260.00 <u>271.00</u>	525.00 <u>548.00</u>	815.00 <u>851.00</u>	1,180.00 <u>1,232.00</u>	1,625.00 <u>1,697.00</u>	2,155.00)) <u>2,250.00</u>
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	((78.00 <u>81.00</u>	155.00 <u>161.00</u>	260.00 <u>271.00</u>	390.00 <u>407.00</u>	550.00 <u>574.00</u>	735.00)) <u>767.00</u>
Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any)	((210.00 <u>219.00</u>	470.00 <u>490.00</u>	680.00 <u>710.00</u>	945.00 <u>987.00</u>	1,260.00 <u>1,316.00</u>	1,625.00)) <u>1,697.00</u>
New source only (an additional fee shall be assessed for review of treatment facility, if any)	((155.00 <u>161.00</u>	285.00 <u>297.00</u>	390.00 <u>407.00</u>	525.00 <u>548.00</u>	680.00 <u>710.00</u>	865.00)) <u>903.00</u>
One or more of the following submitted as a package and not requiring a detailed evaluation as determined by the department: Water line installation, booster pump station, modifications to source pumping, piping-valving, controls or storage reservoir (an additional fee shall be assessed for review of treatment facility, if any)	((105.00 <u>109.00</u>	180.00 <u>188.00</u>	285.00 <u>297.00</u>	420.00 <u>438.00</u>	575.00 <u>600.00</u>	760.00)) <u>793.00</u>
Documents submitted for projects such as water line installation, booster pump stations, modifications to source pumping, piping/valving, controls or storage reservoirs as determined by the department where such projects: Comply with design standards established by the department; Are prepared by a professional engineer in accordance with WAC 246-290-040; and Do not require a detailed evaluation by the department.	((50.00 <u>52.00</u>	90.00 <u>94.00</u>	150.00 <u>156.00</u>	210.00 <u>219.00</u>	290.00 <u>302.00</u>	380.00)) <u>396.00</u>

(g) Existing system approval required under WAC 246-290-140. For the purpose of this subsection the department shall determine whether a system is expanding or nonexpanding.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
NONEXPANDING system not requiring a detailed evaluation by the department	((200.00 <u>400.00</u>	400.00 <u>417.00</u>	600.00 <u>626.00</u>	800.00 <u>835.00</u>	1,000.00 <u>1,044.00</u>	1,200.00)) <u>1,253.00</u>
NONEXPANDING system requiring a detailed evaluation as determined by the department	((300.00 <u>600.00</u>	600.00 <u>626.00</u>	900.00 <u>940.00</u>	1,200.00 <u>1,253.00</u>	1,500.00 <u>1,566.00</u>	1,800.00)) <u>1,880.00</u>
EXPANDING system not requiring a detailed evaluation by the department	((400.00 <u>800.00</u>	800.00 <u>835.00</u>	1,200.00 <u>1,253.00</u>	1,600.00 <u>1,671.00</u>	2,000.00 <u>2,089.00</u>	2,400.00)) <u>2,506.00</u>
EXPANDING system requiring a detailed evaluation as determined by the department	((500.00 <u>1,000.00</u>	1,000.00 <u>1,044.00</u>	1,500.00 <u>1,566.00</u>	2,000.00 <u>2,089.00</u>	2,500.00 <u>2,611.00</u>	3,000.00)) <u>3,133.00</u>

(h) Monitoring waivers requested under WAC 246-290-300.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Inorganic chemical monitoring waiver	Not applicable	((70.00 per <u>73.00 per</u> source	95.00 per <u>99.00 per</u> source	120.00 per <u>125.00 per</u> source	145.00 per <u>151.00 per</u> source	170.00 per)) <u>177.00 per</u> source
Organic chemical monitoring waiver	Not applicable	((125.00 per <u>130.00 per</u> source	175.00 per <u>182.00 per</u> source	225.00 per <u>235.00 per</u> source	275.00 per <u>287.00 per</u> source	325.00 per)) <u>339.00 per</u> source
Use waiver	Not applicable	((150.00 per <u>156.00 per</u> source	200.00 per <u>208.00 per</u> source	255.00 per <u>266.00 per</u> source	300.00 per <u>313.00 per</u> source	350.00 per)) <u>365.00 per</u> source
Area wide waiver renewal	Not applicable	((200.00 per <u>208.00 per</u> source	275.00 per <u>287.00 per</u> source	350.00 per <u>365.00 per</u> source	425.00 per <u>443.00 per</u> source	500.00 per)) <u>522.00 per</u> source
Inorganic chemical monitoring waiver renewal	Not applicable	((40.00 per <u>41.00 per</u> source	50.00 per <u>52.00 per</u> source	60.00 per <u>62.00 per</u> source	70.00 per <u>73.00 per</u> source	80.00 per)) <u>83.00 per</u> source
Organic chemical monitoring waiver renewal	Not applicable	((75.00 per <u>78.00 per</u> source	105.00 per <u>109.00 per</u> source	135.00 per <u>141.00 per</u> source	165.00 per <u>172.00 per</u> source	195.00 per)) <u>203.00 per</u> source
Use waiver renewal	Not applicable	((105.00 per <u>109.00 per</u> source	140.00 per <u>146.00 per</u> source	175.00 per <u>182.00 per</u> source	210.00 per <u>219.00 per</u> source	245.00 per)) <u>255.00 per</u> source
Coliform monitoring waiver including departmental inspection requested by purveyor	Not applicable	((315.00 <u>329.00</u>	390.00 <u>407.00</u>	495.00 <u>517.00</u>	630.00)) <u>658.00</u>	Not applicable
Coliform monitoring waiver with third-party inspection report	Not applicable	((100.00 <u>104.00</u>	100.00 <u>104.00</u>	100.00 <u>104.00</u>	100.00)) <u>104.00</u>	Not applicable

PROPOSED

(i) Other evaluations and approvals. As applicable, these fees will be charged in addition to the basic fees assessed under (a) through (h) of this subsection.

Project Type	Group B	Group A					
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services	
Well-site evaluation and approval including the site inspection and hydrogeologic information review.		(155.00)	230.00	270.00	335.00	420.00	525.00
		<u>161.00</u>	<u>240.00</u>	<u>282.00</u>	<u>349.00</u>	<u>438.00</u>	<u>548.00</u>
Regulatory monitoring plan ¹	No plan required	(150.00)	200.00	250.00	300.00	350.00	
		<u>156.00</u>	<u>208.00</u>	<u>261.00</u>	<u>313.00</u>	<u>365.00</u>	
Unfiltered system annual comprehensive report	Not applicable	(300.00)	500.00	700.00	900.00	1,100.00	
		<u>313.00</u>	<u>522.00</u>	<u>731.00</u>	<u>940.00</u>	<u>1,148.00</u>	
Water system compliance report		(52.00)	89.00	89.00	89.00	89.00	
		<u>54.00</u>	<u>92.00</u>	<u>92.00</u>	<u>92.00</u>	<u>92.00</u>	

¹ A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300 (2)(b), (3)(f), and (7)(e).

(2) To determine the appropriate fee for a noncommunity system, calculate the service equivalent by taking the average population served each day of operation and dividing by twenty-five for a transient noncommunity (TNC) system and two and one-half for nontransient noncommunity (NTNC) system. Use the number of service equivalents to find out what Group A size category to look under and submit the appropriate fee. (All noncommunity systems are Group A systems as described in WAC 246-290-020.)

(3) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers an evaluation, or the review of an initial submittal and one resubmittal if required. If additional resubmittals are required, an additional twenty-five percent of the original fee will be assessed for each additional resubmittal. For water system plan and SMA plan preparation the basic fee also covers a preplanning conference. When the department is asked to participate in other meetings involving the plan such as community meetings, public hearings, or meetings with elected officials, the department is authorized to charge additional fees at the rate of ~~(seventy-eight)~~ eighty-one dollars per hour;

(b) Fees for department project approval based on local technical review will be determined on a case-by-case basis as outlined in the applicable memorandum of understanding between the department and the respective local agency;

(c) Fees for services which the department determines are not described under subsection (1) of this section, will be calculated based on a rate of ~~(seventy-eight)~~ eighty-one dollars per hour.

Examples of these services include, but are not limited to:

- (i) Review and inspection of water reuse projects;
- (ii) Collection of water quality samples requested by purveyor; or

(iii) Review of alternate technologies requested by purveyor, manufacturer or authorized representative;

(d) Additional fees assessed by the department shall be billed to the purveyor using an itemized invoice.

(4) If the legislature revises the water system operating permit fee under RCW 70.119A.110 to incorporate into it one or more fees for service currently assessed separately under this section, and the purveyor has paid that consolidated fee, the department shall not assess or collect a separate fee under this section for any such service.

(5) All fees required under this section except as noted in subsection (3) of this section, shall be submitted prior to the department's approval. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health. Payment of a fee shall not guarantee approval of the submitted document or evaluation request.

~~((5))~~ (6) Purveyors unable to determine the appropriate fee payment to submit should contact the department.

WSR 97-07-074
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed March 19, 1997, 10:17 a.m.]

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

Purpose: In July 1994 the RN and LPN boards were combined into a single commission. The new commission decided they would combine the two sets of WACs, chapters 246-838 and 246-839 WAC, into chapter 246-840 WAC. Staff and public have found that it is very confusing to have our WACs spread throughout two WAC chapters.

Statutory Authority for Adoption: Chapter 18.79 RCW.

PROPOSED

Statute Being Implemented: Chapter 18.79 RCW.

Summary: The combination of the RN and LPN WACs will make it easier for public and staff to understand.

Reasons Supporting Proposal: To avoid confusion of three separate WAC chapters, LPN chapter 246-838 WAC, RN chapter 246-839 WAC, and new chapters, combined RN and LPN, which have been adopted is chapter 246-840 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patty Hayes, 1300 S.E. Quince, (360) 664-4100.

Name of Proponent: Washington State Nursing Care Quality Assurance, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: At this time we are using RN WACs, LPN WACs and new WACs which have been combined. When the Registered Nurse Board and the Licensed Practical Nurse Board combined to form the Nursing Commission it was decided by the commission to combine the two sets of WACs. It has been very confusing for both staff and public to have our WACs separated. By combining the WACs it will simplify the WACs which will make it easier for staff and the public to understand.

Proposal does not change existing rules. The licensed practical nursing chapter is chapter 246-838 WAC and the registered nurse chapter is chapter 246-839 WAC. We would like to combine the two existing chapters to chapter 246-840 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exception rule.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for nursing licensure; and does not make significant amendment to a policy or regulatory program. This rule will combine the registered nurse, chapter 246-839 WAC, and licensed practical nurse, chapter 246-838 WAC, with the combined WAC chapter 246-840 WAC.

Hearing Location: Spokane Red Lion Hotel, North 322 Spokane Falls Court, Spokane, WA 99201, on April 25, 1997, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Nursing Commission by April 18, 1997, TDD (360) 664-0064, or FAX (360) 586-1355.

Submit Written Comments to: Kris McLaughlin, Department of Health, Mailstop 7864, Olympia, 98504, FAX (360) 586-5935, by April 18, 1997.

Date of Intended Adoption: April 25, 1997.

March 17, 1997

Patty Hayes

Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-838-010 Definitions.

- WAC 246-838-020 Functions of a licensed practical nurse.
- WAC 246-838-026 Mandatory reporting.
- WAC 246-838-030 Standards of conduct for discipline.
- WAC 246-838-040 Licensure qualifications.
- WAC 246-838-050 Licensure examination.
- WAC 246-838-060 Release of results of examination.
- WAC 246-838-070 Filing of application for licensing examination.
- WAC 246-838-080 Failures—Repeat examination.
- WAC 246-838-090 Licensure of graduates of foreign schools of nursing.
- WAC 246-838-100 Licensure by interstate endorsement.
- WAC 246-838-110 Documents which indicate authorization to practice.
- WAC 246-838-120 Renewal of licenses.
- WAC 246-838-121 Responsibility for maintaining mailing address.
- WAC 246-838-130 Return to active status from inactive or lapsed status.
- WAC 246-838-250 AIDS education and training.
- WAC 246-838-260 Standards/competencies.
- WAC 246-838-270 Criteria for approved refresher course.
- WAC 246-838-280 Scope of practice—Advisory opinions.
- WAC 246-838-290 Terms used in WAC 246-838-290 through 246-838-310.
- WAC 246-838-300 Approval of substance abuse monitoring programs.
- WAC 246-838-310 Participation in approved monitoring program.
- WAC 246-838-330 Impaired practical nurse program—Content—License surcharge.
- WAC 246-838-340 Executive secretary qualifications.
- WAC 246-838-350 Appearance and practice before agency—Standards of ethical conduct.
- WAC 246-838-360 Adjudicative proceedings procedural rules.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-839-010 Definitions.
- WAC 246-839-020 Documents which indicate authorization to practice registered nursing in Washington.
- WAC 246-839-040 Filing of application for licensing examination.
- WAC 246-839-050 Licensure examination.
- WAC 246-839-060 Release of results of examination.
- WAC 246-839-070 Failures—Repeat examination.

PROPOSED

WAC 246-839-080	Applicants previously licensed in a foreign country.	WAC 246-839-740	Violations considered for disciplinary purposes only.
WAC 246-839-090	Licensure by interstate endorsement.	WAC 246-839-745	Adjudicative proceedings.
WAC 246-839-100	AIDS education and training.	WAC 246-839-750	Philosophy governing voluntary substance abuse monitoring programs.
WAC 246-839-105	Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure.	WAC 246-839-760	Terms used in WAC 246-839-750 through 246-839-780.
WAC 246-839-110	Renewal of licenses.	WAC 246-839-770	Approval of substance abuse monitoring programs.
WAC 246-839-115	Responsibility for maintaining mailing address on file with the board.	WAC 246-839-780	Participation in approved substance abuse monitoring program.
WAC 246-839-120	Return to active status from inactive or lapsed status.	WAC 246-839-800	Scope of practice—Advisory opinions.
WAC 246-839-130	Criteria for approved refresher course.	WAC 246-839-810	Provision for continuity of drug therapy for residents.
WAC 246-839-300	Advanced registered nurse practitioner.	WAC 246-839-820	Provision for clean, intermittent catheterization in schools.
WAC 246-839-305	Criteria for formal advanced nursing education meeting the requirement for ARNP licensure.	WAC 246-839-830	Determination and pronouncement of death.
WAC 246-839-310	Use of nomenclature.	WAC 246-839-840	Nursing technician.
WAC 246-839-315	Clinical specialist in psychiatric/mental health nursing.	WAC 246-839-850	Use of nomenclature.
WAC 246-839-320	Certification and certification program.	WAC 246-839-860	Nursing technician criteria.
WAC 246-839-330	Board approval of certification programs.	WAC 246-839-870	Functions of the nursing technician.
WAC 246-839-340	Application requirements for ARNP.	WAC 246-839-880	Functions of the registered nurse supervising the nursing technician.
WAC 246-839-345	ARNP designation in more than one area of specialty.	WAC 246-839-890	Responsibilities of the employing facility.
WAC 246-839-350	Application requirements for ARNP interim permit.	WAC 246-839-900	Responsibilities of the nurse administrator.
WAC 246-839-360	Renewal of ARNP designation.		
WAC 246-839-365	Return to active ARNP status from inactive or lapsed status.		
WAC 246-839-370	Termination of ARNP designation by the board.		
WAC 246-839-400	ARNP with prescriptive authorization.		
WAC 246-839-410	Application requirements for ARNP with prescriptive authority.		
WAC 246-839-420	Authorized prescriptions by the ARNP with prescriptive authority.		
WAC 246-839-430	Termination of ARNP prescriptive authorization.		
WAC 246-839-440	Prescriptive authorization period.		
WAC 246-839-450	Renewal.		
WAC 246-839-700	Standards of nursing conduct or practice.		
WAC 246-839-710	Violations of standards of nursing conduct or practice.		
WAC 246-839-720	Mitigating circumstances.		
WAC 246-839-730	Mandatory reporting defined.		

NEW SECTION

WAC 246-840-010 Definitions. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illnesses as defined by the commission of health by rule.

(2) "Auxiliary services" are all nursing services provided to patients by persons other than the licensed practical nurse, the registered nurse and the nursing student.

(3) "Beginning practitioner" means a newly licensed nurse beginning to function in the nurse role.

(4) "Behavioral objectives" means the measurable outcomes of specific content.

(5) "Client" means the person who receives the services of the practical nurse or registered nurse.

(6) "Client advocate" means a supporter of client rights and choices.

(7) "Commission" means the Washington state nursing care quality assurance commission.

(8) "Competencies" means the tasks necessary to perform the standards.

(9) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(10) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the commission, and it specifies conditions that must be met within a designated time to rectify the failure.

(11) "Delegation" means the licensed practical nurse or registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed practical nurse or registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client. The licensed practical nurse or registered nurse delegating the task supervises the performance of the unlicensed person;

(a) Nursing acts delegated by the licensed practical nurse or registered nurse shall:

(i) Be within the area of responsibility of the licensed practical nurse or registered nurse delegating the act;

(ii) Be such that, in the opinion of the licensed practical nurse or registered nurse, it can be properly and safely performed by the person without jeopardizing the patient welfare;

(iii) Be acts that a reasonable and prudent licensed practical nurse or registered nurse would find are within the scope of sound nursing judgment.

(b) Nursing acts delegated by the licensed practical nurse or registered nurse shall not require the unlicensed person to exercise nursing judgment nor perform acts which must only be performed by a licensed practical nurse or registered nurse, except in an emergency situation (RCW 18.79.240 (1)(b) and (2)(b)).

(c) When delegating a nursing act to an unlicensed person it is the registered nurse who shall:

(i) Make an assessment of the patient's nursing care need before delegating the task;

(ii) Instruct the unlicensed person in the delegated task or verify competency to perform or be assured that the person is competent to perform the nursing task as a result of the systems in place by the health care agency;

(iii) Recognize that some nursing interventions require nursing knowledge, judgment, and skill and therefore may not lawfully be delegated to unlicensed persons.

(12) Direction and Supervision:

(a) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(b) "Consulting capacity" shall mean the recommendations to a professional entity, employed at that facility, which may be accepted, rejected, or modified. These recommendations shall not be held out as providing nursing services by the consulting nurse to the patient or public.

(c) "Direct supervision" shall mean the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any caregiver.

(d) "Immediate supervision" shall mean the registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(e) "Indirect supervision" shall mean the registered nurse is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties to any caregiver.

(13) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(14) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(15) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the commission.

(16) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(17) "Minimum standards of competency" means the functions that are expected of the beginning level nurse.

(18) "Nurse administrator" is an individual who meets the qualifications contained in WAC 246-840-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(19) The phrase "nursing aide" used in RCW 18.79.240 (1)(c) shall mean a "nursing technician." "Nursing technician" is a nursing student currently enrolled in a commission or state board of nursing approved nursing education program and employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing. The nursing student shall use the title "nursing technician" while employed.

(20) "Nursing student" is a person currently enrolled in an approved school of nursing.

(21) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(22) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(23) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(24) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(25) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.79.030(1).

(26) "School" means an educational unit charged with the responsibility of preparing persons to practice as practical nurses or registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(27) "Standards" means the overall behavior which is the desired outcome.

(28) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(29) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the commission or a school that has never been approved by the commission.

NEW SECTION

WAC 246-840-020 Documents which indicate authorization to practice nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a licensed practical nurse or registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure, confers the right to use the title licensed practical nurse or licensed registered nurse and the use of its abbreviation, L.P.N. or R.N., and to practice as a licensed practical nurse or registered nurse in the state of Washington.

A student who has graduated from a basic professional nursing course and who is pursuing a baccalaureate degree in nursing, an advanced degree in nursing or an advanced certification in nursing shall hold an active Washington RN license before participating in the practice of nursing as required to fulfill the learning objectives in a clinical course.

Exception to this requirement may be granted by the commission on an individual basis upon a petition submitted by the dean or director of a school of nursing, on a case-by-case basis.

(a) The exception allows the student to practice in a clinical setting only under the direct supervision of an RN faculty member. The commission requires that any RN faculty member supervising these students meet the requirements of direct supervision as defined in WAC 246-840-010 (13)(c)(ii) and, in addition, that supervising faculty document that all clients under the care of the student be assessed by the RN faculty each clinical day.

(b) The dean or director of the school of nursing shall ensure that each faculty member who supervises these students be provided a copy of these rules and be assigned in a manner that allows for direct supervision.

(c) Nursing students who participate in clinical courses under this section are not eligible for the nursing technician role.

(2) Inactive license. A license issued to a person previously holding an active license in this state who desires to retire temporarily from the practice of nursing in this state. The holder of an inactive license shall not practice nursing in this state.

(3) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status.

(4) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may be issued to any person who meets the requirements of the commission as contained in WAC 246-840-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner"

or the abbreviation "ARNP" or any title or abbreviation which may indicate that the person is entitled to practice at an advanced and specialized level as a nurse practitioner, a specialized nurse practitioner, a nurse midwife, or a nurse anesthetist. This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(6) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the commission as contained in WAC 246-840-410. This authorizes the ARNP to prescribe drugs within his or her scope of practice and is valid only with a current registered nurse license.

NEW SECTION

WAC 246-840-030 Examination and licensure. (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements of the statute and regulations shall be met. Every applicant must have satisfactorily completed an approved nursing program within two years of the date of the first examination taken or the applicant must meet other requirements of the nursing commission to determine current theoretical and clinical knowledge of nursing practice.

(2) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board.

(3) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to take the examination provided that:

(a) The nursing school meets the minimum standards approved for commission or state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate has completed all institutional requirements for the degree/diploma in nursing education per attestation from the administrator of the approved nursing education program;

(c) All other requirements of the statute and regulations shall be met.

NEW SECTION

WAC 246-840-040 Filing of application for licensing examination. (1) All applicants shall file with the Washington state nursing commission a completed application, with the required fee sixty days prior to the anticipated date of examination. The fee is not refundable.

(2) Applicants shall request the school of nursing to send an official transcript directly to the Washington state nursing commission. The transcript shall contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(3) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(4) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(5) Applicants shall submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(6) Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the AIDS education requirements of WAC 246-840-100.

NEW SECTION

WAC 246-840-050 Licensing examination. (1) The current series of the National Council of the State Boards of Nursing Registered Nurse or Practical Nurse Licensing Examination (NCLEX-RN or NCLEX-PN) Computerized Adaptive Test (NCLEX CAT) shall be the official examinations for nurse licensure. In order to be licensed in this state, all nurse applicants shall take and pass the National Council Licensure Examination (NCLEX-RN or NCLEX-PN).

(2) The NCLEX will consist of a Computerized Adaptive Test that will be individualized with the score for the examination reported as either pass or fail. Specific parameters of the exam will be as prescribed by contract with National Council of State Boards of Nursing, Inc. (NCSBN).

(3) Examinations shall be conducted throughout the year.

(4) The executive director of the commission shall negotiate with NCSBN for the use of the NCLEX CAT.

(5) The examination shall be administered in accord with the NCSBN security measures and contract. All appeals of examination results shall be managed in accord with policies in the NCSBN contract.

NEW SECTION

WAC 246-840-060 Release of results of examination. (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive a license to practice as a licensed practical nurse or registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive a letter of notification regarding their eligibility to rewrite the examination.

(4) The candidate's examination results will be maintained in his/her application file in the health professions quality assurance division, department of health.

NEW SECTION

WAC 246-840-070 Failures—Repeat examination. (1) The retest may be scheduled no sooner than ninety days following the date of the last exam taken.

(2) Request to retake the exam must be submitted to the commission no less than forty-five days prior to the anticipated test date.

(3) Candidates who fail the examination will be permitted to retake the examination three times within the two-year period from the month of first examination taken.

(4) Candidates who fail to pass the examination within the time period specified in subsection (3) of this section shall be required to complete a program of study approved by the commission. Upon successful completion of the approved program, the candidate shall be required to take the examination.

NEW SECTION

WAC 246-840-080 Licensure of graduates of foreign schools of nursing. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program shall be equivalent to the minimum standards prevailing for commission or state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Screening exams:

FOR PRACTICAL NURSES:

Satisfactory passage of the test of English as a foreign language (TOEFL). All applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken. Exceptions may be made, in the commission's discretion and for good cause, to this requirement.

FOR REGISTERED NURSES:

Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed

the commission on graduates of foreign nursing schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing Licensing exam for Practical or Registered Nurse (NCLEX-PN or NCLEX-RN) as provided in WAC 246-840-050: Provided, That those persons meeting the requirements of WAC 246-840-090(7) are exempt from this requirement; or show evidence of having already successfully passed the state board licensing examination for practical or registered nurses in another jurisdiction or territory of the United States with the passing standard required in Washington.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) File with the nursing commission a completed license application with the required fee sixty days prior to the anticipated date of the examination. The fees are not refundable.

(b) Request the school of nursing to submit an official transcript directly to the health professions quality assurance division of department of health. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-840-100.

(e) Request the licensing agency in the country of original license to submit evidence of licensure.

(f) Submit a notarized copy of the certificate issued by the CGFNS or results of TOEFL exam.

(g) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS send notarized copies in lieu of the originals.

(h) Submit one recent passport sized photograph of the applicant unmounted and signed by the applicant across the front.

NEW SECTION

WAC 246-840-090 Licensure by interstate endorsement. A license to practice as a nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

FOR PRACTICAL NURSE PROGRAMS:

(1) The applicant has graduated and holds a credential from:

(a) A commission or state board approved program preparing candidates for licensure as a practical nurse; or

(b) Its equivalent as determined by the commission, which program must fulfill the minimum requirement for commission or state board approved practical nursing programs in Washington at the time of graduation.

(2) Applicants shall have passed a state board constructed test, the SBTPE (state board test pool examination), or NCLEX in their original state of licensure.

(3) The applicant held or currently holds a license to practice as a practical nurse in another state or territory. If the license is lapsed or inactive for three years or more, the applicant must successfully complete a commission approved refresher course before an active Washington license is issued.

(4) That grounds do not exist for denial under chapter 18.130 RCW.

(5) The applicant shall:

(a) Submit a completed application with the required fee. The fee is not refundable.

(b) Submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-840-100.

FOR REGISTERED NURSE PROGRAMS:

(6) The applicant has graduated and holds a degree/diploma from a commission or state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for commission or state board approved schools of nursing in Washington at the time of the applicant's graduation.

(a) Applicants who were licensed prior to January 1, 1953, shall have scored at least seventy-five percent on the commission or state board examination in the state of original licensure.

(i) Applicants licensed after January 1, 1953, but before June 1, 1982, shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(ii) Applicants licensed after July 1, 1982, shall have passed with a minimum standard score as established by contract with the National Council of State Boards of Nursing.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) The applicant complies with the education requirements of WAC 246-840-100.

(d) The application shall be completed and notarized, the fee must be filed with the application. The fee is not refundable. A notarized copy of a valid current license shall be filed with the application.

(e) Verification of licensure by examination shall be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(7) Applicants from countries outside the United States who were granted a license in another United States jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(a) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another United States jurisdiction or territory.

(c) The applicant shall submit to the commission:

(i) A complete notarized application. The nonrefundable fee must be filed with the application.

(ii) Verification of original licensure obtained in the United States jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state commission or territory of original United States licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(v) Evidence to show compliance with the education requirements of WAC 246-840-100.

(d) The applicant shall meet all requirements of chapter 18.79 RCW and regulations of the commission.

NEW SECTION

WAC 246-840-100 AIDS education and training. (1) Acceptable education and training. The commission will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. The requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

NEW SECTION

WAC 246-840-105 Brief adjudicative proceedings—Denials based on failure to meet education, experience, or examination prerequisites for licensure. The commission adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants, who are denied a license under chapter 18.79 RCW or chapter 246-840 WAC for failure to meet the education, experience, or examination prerequisites for licensure. The sole issue at the adjudicative proceeding shall be whether the applicant meets the education, experience, and examination prerequisites for the issuance of a license.

NEW SECTION

WAC 246-840-110 Renewal of licenses. (1) Individuals making application, and meeting all educational and testing requirements, will be issued a license, to expire on their birth anniversary date.

(2) Licensees may renew their licenses, at the current renewal fee rate. Before the expiration date of the individual's license, the secretary shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees and surcharges prior to the expiration of said license. Failure of any licensee to receive such notice shall not relieve or exempt such licensee from the requirements of this section.

(3) The late payment penalty provision will be applied as follows: Any renewal that is postmarked or presented to the department after midnight on the expiration date is late and subject to a late renewal penalty fee.

(4) A license, active or inactive, that is not renewed is considered lapsed. If the licensee fails to renew his or her license within one year from expiration thereof, such individual must apply for licensing under the statutory conditions then in force. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 246-840-120.

(5) Illegal practice: Any person practicing as a licensed practical nurse or registered nurse during the time that such individual's license is inactive or has lapsed shall be considered an illegal practitioner and shall be subjected to all the penalties provided for violators under the provisions of RCW 18.130.190.

NEW SECTION

WAC 246-840-113 Impaired practical nurse program—Content—License surcharge. (1) To implement an impaired practical nurse program as authorized by RCW 18.130.175, the nursing commission shall enter into a contract with a voluntary substance abuse monitoring program. The impaired practical nurse program may include any or all of the following:

(a) Contracting with providers of treatment programs;

(b) Receiving and evaluating reports of suspected impairment from any source;

(c) Intervening in cases of verified impairment;

(d) Referring impaired practical nurses to treatment programs;

(e) Monitoring the treatment and rehabilitation of impaired practical nurses including those ordered by the board;

(f) Providing education, prevention of impairment, posttreatment monitoring, and support of rehabilitated impaired practical nurses; and

(g) Performing other related activities as determined by the board.

(2) A contract entered into under subsection (1) of this section shall be financed by a surcharge of up to four dollars on each active license renewal to be collected by the department of health from each practical nurse licensed under chapter 18.79 RCW. These moneys shall be placed in

the health professions account to be used solely for the implementation of the impaired practical nurse program.

NEW SECTION

WAC 246-840-115 Responsibility for maintaining mailing address. It is the responsibility of each licensee to maintain a current mailing address on file with the commission. The mailing address on file with the commission shall be used for mailing of all official matters from the commission to the licensee. If charges against the licensee are mailed by certified mail to the address on file with the commission and returned unclaimed or are unable to be delivered for any reason, then the commission may proceed against the licensee by default under RCW 34.05.440.

NEW SECTION

WAC 246-840-120 Return to active status from inactive or lapsed status. Persons on inactive and/or lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a commission approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status. The limited educational license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a licensed practical or registered nurse. Upon successful completion of the course, the individual's license shall be returned to active status.

NEW SECTION

WAC 246-840-130 Criteria for approved refresher course. (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in chapter 18.79 RCW.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) All faculty shall be qualified to develop and implement the program of study.

(d) Faculty shall be sufficient in number to achieve the stated program objectives.

(e) The maximum faculty to student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the commission.

(3) Course content.

(a) The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

FOR PRACTICAL NURSE PROGRAMS:

(b) The course content shall consist of a minimum of sixty hours of theory content and one hundred twenty hours of clinical practice.

(c) The theory course content shall include, but not be limited to, a minimum of sixty hours in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Practical nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological, and social sciences necessary for practice; and

(iv) Review and updating of practical nursing knowledge and skills to include, but not be limited to, concepts of fundamentals, medical/surgical, parent/child, geriatric, and mental health nursing.

(d) The clinical course content shall include a minimum of one hundred twenty hours of clinical practice in the area(s) listed in (c) of this subsection. Exceptions shall be justified to and approved by the commission.

FOR REGISTERED NURSE PROGRAMS:

(e) The course content shall consist of a minimum of forty hours core course content, forty hours of specialty course content, and one hundred sixty hours of clinical practice in the specialty area.

(f) The core course content shall include, but not be limited to, a minimum of forty hours of theory in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Professional nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological and social sciences necessary for practice; and

(iv) Review and updating of basic nursing knowledge.

(g) The specialty course content shall include, but not be limited to, a minimum of forty hours of theory in current specialty nursing practice concepts of basic nursing related to the special area of interest such as surgical; pediatrics; obstetrics; psychiatric; acute, intensive, or extended care nursing; or community health nursing.

(h) The clinical course content shall include a minimum of one hundred sixty hours of clinical practice in the specialty area(s) listed in (c) and (d) of this subsection. Exceptions shall be justified to and approved by the commission.

FOR BOTH REGISTERED NURSE AND PRACTICAL NURSE PROGRAMS:

(4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

(b) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Any person holding an inactive practical or registered nurse license in another state may apply for a limited educational license provided that the applicant meets the requirements of WAC 246-840-120.

(b) Requirements for admission shall be available in writing.

(c) All students shall hold a current valid license or hold (apply and be eligible for) a limited educational license approved by the commission.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a certification of successful completion of the course to the commission office.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the commission prior to starting the course.

ADVANCED PRACTICE

NEW SECTION

WAC 246-840-300 Advanced registered nurse practitioner. An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. Advanced registered nurse practitioners function within the scope of practice reviewed and approved by the commission. Those scopes reviewed are the statements of scope accepted by the certifying bodies as the basis for their test plan and selection of test items. Advanced registered nurse practitioners are qualified to assume primary responsibility for the care of their patients. This practice incorporates the use of independent judgment as well as collaborative interaction with other health care professionals when indicated in the assessment and management of wellness and conditions as appropriate to the ARNP's area of specialization. An advanced registered nurse practitioner shall:

(1) Hold a current license to practice as a registered nurse in Washington; and

(2) Have completed a formal advanced nursing education meeting the requirements of WAC 246-840-305; and

(3) Present documentation of initial certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the commission, and subsequently maintain currency and competency as defined by the certifying body; and

(4) Be held accountable to scope of practice and the standards of care established for the specialty as reviewed and approved by the commission.

NEW SECTION

WAC 246-840-305 Criteria for formal advanced nursing education meeting the requirement for ARNP licensure. (1) The college or university graduate education program which prepares the registered nurse for advanced nursing practice as an ARNP shall have as its primary purpose the preparation of nurses for the expanded nursing role as an advanced registered nurse practitioner. Documentation that may be requested to substantiate preparation for the ARNP role may include, but shall not be limited to:

(a) The philosophy, purpose, and objectives of the program, which are clearly defined and available in written form.

(b) The objectives reflecting the philosophy which are written in outcomes that describe the competencies of the graduate.

(c) Administrative policies of the program, which include:

(i) Clearly stated admission criteria, available in written form.

(ii) Provision of official evidence that the student has completed the program successfully.

(iii) Documentation that the program is conducted by an accredited college or university.

(d) Evidence that faculty meet the following requirements:

(i) Inclusion of faculty who are currently authorized to assume primary responsibility for patient care in the given specialty.

(ii) Only medical faculty who are authorized to practice.

(iii) The number of qualified faculty in the specialty area available to develop and implement the program is adequate.

(iv) Preceptors participate in teaching, supervising, and evaluating students. Criteria are in place for selection and functioning of preceptors. Preceptors guide students and communicate with faculty regarding student progress.

(e) Curriculum of the advanced nursing practice program which reflects:

(i) Course content that is consistent with the philosophy and objectives of the program.

(ii) Theory and clinical experience relevant to the specialized area of advanced practice and leading to achievement of the defined outcome competencies. These shall include content in biological, behavioral, nursing, medical, pharmacological, and regulation of the advanced practice role.

(iii) Before January 1, 1995, content that requires a minimum of one academic year for completion.

(iv) After January 1, 1995, content that culminates in a graduate degree with a concentration in advanced nursing practice.

(v) If the educational program to prepare for the advanced nursing practice role is taken after completion of the graduate degree, the candidate must submit evidence that the practitioner preparation program, as stated in (e)(ii) of this subsection, is equivalent to that leading to a graduate degree in advanced practice specialty.

(f) Outlines and descriptions of curriculum content which are available in written form.

(2) The commission will review educational programs that an applicant is considering for preparation for advanced practice to assist in selection of a program that meets requirements. All requests for review must be in writing. Written response will be provided to all applicants in this category and maintained in applicant's file at the board of nursing.

NEW SECTION

WAC 246-840-310 Use of nomenclature. Any person who qualifies under WAC 246-840-300 and whose application for advanced registered nurse practitioner designation has been approved by the commission shall be designated as an advanced registered nurse practitioner and shall have the right to use the title "advanced registered nurse practitioner" or nurse practitioner and the abbreviation following the nurse's name shall read "ARNP" and the title or abbreviation designated by the approved national certifying body. No other initials or abbreviations shall legally denote advanced nursing practice. No other person shall assume such title or use such abbreviation. No other person shall use any other title, words, letters, signs or figures to indicate that the person using same is recognized as an advanced registered nurse practitioner and:

- (1) Family nurse practitioner, FNP; or
- (2) Women's health care nurse practitioner; or
- (3) Pediatric nurse practitioner/associate, PNP/PNA; or
- (4) Adult nurse practitioner, ANP; or
- (5) Geriatric nurse practitioner, GNP; or
- (6) Certified nurse midwife/nurse midwife, CNM; or
- (7) Certified registered nurse anesthetist, CRNA; or
- (8) School nurse practitioner, SNP; or
- (9) Neonatal nurse practitioner, NNP.

NEW SECTION

WAC 246-840-315 Clinical specialist in psychiatric/mental health nursing. Clinical specialist in psychiatric/mental health nursing is an advanced practice specialty which may qualify for ARNP licensure as delineated in WAC 246-840-305. Clinical specialist in psychiatric/mental health is a title which may be used by persons certified by the national credentialing body, but who are not ARNP's.

NEW SECTION

WAC 246-840-320 Certification and certification program. (1) Certification is a form of credentialing, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

(a) A scope of practice statement as identified in WAC 246-840-300 shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

(b) A formal program of study requirement in the area of certification which shall:

(i) Be based on measurable objectives that relate directly to the scope of practice;

(ii) Include theoretical and clinical content directed to the objectives; and

(iii) Be equivalent to at least one academic year. A preceptorship which is part of the formal program shall be included as part of the academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

(i) Measure the theoretical and clinical content denoted in the scope of practice;

(ii) Be developed in accordance with generally accepted standards of validity and reliability; and

(iii) Be open only to registered nurses who have successfully completed the program of study referred to in (b) of this subsection.

NEW SECTION

WAC 246-840-330 Commission approval of certification programs. (1) A licensee may request that a certification program be considered for approval and shall submit documentation showing that the program meets the requirements of WAC 246-840-320(2).

(2) The commission shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 246-840-320(2).

(3) The commission shall notify licensees of pending review and may request that further information be provided regarding continued compliance with the provisions of WAC 246-840-320(2).

NEW SECTION

WAC 246-840-340 Application requirements for ARNP. A registered nurse applicant for licensure as an ARNP shall:

(1) Submit a completed application and nonrefundable fee as specified in WAC 246-840-990.

(2) Meet the requirements of WAC 246-840-300 and 246-840-305. The following documents shall be submitted as evidence to these requirements:

(a) An official transcript received by the commission directly from the formal advanced nursing education program showing all courses, grades, degree or certificate granted, official seal and appropriate registrar or program director's signature.

(b) Program objectives and course descriptions.

(c) Documentation from program director or faculty specifying the area of specialty, unless such is clearly indicated on the official transcript.

(3) Have graduated from an advanced nursing education program, as defined in WAC 246-840-300, within five years of application; if longer than five years have practiced a minimum of one thousand five hundred hours in an expanded specialty role within five years immediately preceding application.

(4) Submit evidence of certification by a certification program approved by the commission.

(5) Persons not meeting the educational requirements in subsection (2) of this section may be licensed if:

(a) Certified prior to December 31, 1994, by a national certifying organization recognized by the commission at the time certification was granted; and

(b) Recognized as an advanced registered nurse practitioner by another jurisdiction prior to December 31, 1994; and

(c) Completed an advanced registered nurse practitioner program equivalent to one academic year.

(6) Persons not meeting the requirements in subsection (3) of this section may be licensed following successful completion of five hundred hours of clinical practice supervised by an advanced registered nurse practitioner or a physician (licensed under chapter 18.71 or 18.57 RCW) in the same specialty area. Following completion of the supervised practice, the supervisor shall submit an evaluation to the commission and verify that the applicant's knowledge and skills are at a safe and appropriate level.

NEW SECTION

WAC 246-840-345 ARNP designation in more than one area of specialty. (1) An applicant who wishes to be recognized in more than one ARNP area of specialization and title shall be required to submit separate application and nonrefundable fee for each area.

(2) All requirements in WAC 246-840-300 through 246-840-370 must be met for each area of specialization.

NEW SECTION

WAC 246-840-350 Application requirements for ARNP interim permit. A registered nurse who has completed advanced formal education and registered for a commission approved national certification examination may be issued an interim permit to practice specialized and advanced nursing pending notification of the results of the first certification examination. The holder of an ARNP permit shall use the title graduate registered nurse practitioner (GRNP).

(1) An applicant for ARNP interim permit shall:

(a) Submit a completed application on a form provided by the commission accompanied by a nonrefundable fee as specified in WAC 246-840-990; and

(b) Submit documentation of completion of advanced formal education in the area of specialty; and

(c) Submit documentation of registration for the first certification examination administered by an approved certification program following completion of advanced formal education; and

(d) Hold a current license to practice as a registered nurse in Washington.

(2) The permit expires when advanced registered nurse practitioner status is granted. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(3) An applicant who does not write the examination on the date scheduled shall immediately return the permit to the department of health.

(4) The interim permit authorizes the holder to perform the functions of advanced and specialized nursing practice as described in this section.

NEW SECTION

WAC 246-840-360 Renewal of ARNP designation. ARNP designation shall be renewed every two years on the ARNP's birthday. The applicant shall:

(1) Maintain a current registered nurse license in Washington.

(2) Submit evidence of current certification by her/his certifying body.

(3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the commission:

(a) Formal academic study;

(b) Continuing education offerings.

(4) Attest, on forms provided by the commission, to having a minimum of two hundred fifty hours of specialized and advanced nursing practice within the preceding biennium providing direct patient care services. The commission may perform random audits of licensee's attestations.

(5) Submit a nonrefundable fee as specified. If the licensee fails to renew his or her ARNP designation prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 246-840-990.

NEW SECTION

WAC 246-840-365 Return to active ARNP status from inactive or lapsed status. Persons on inactive or lapsed status who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall apply for reinstatement of ARNP licensure. This requires:

(1) Current RN license in the state of Washington.

(2) Evidence of current certification by his/her certifying body.

(3) Documentation of thirty contact hours of continuing education in the area of specialty during the last two years.

(4) Two hundred fifty hours of precepted/supervised advanced clinical practice supervised by an ARNP or physician in the same specialty within the last year.

During the time of the preceptorship, the nurse will be practicing under RN license and will not use the designation ARNP.

ARNP licensure must be reinstated before reapplying for prescriptive authority. At that time the CE requirement will be the same as if applying for prescriptive authority for the first time, as in WAC 246-840-410.

NEW SECTION

WAC 246-840-370 Termination of ARNP designation by the commission. ARNP designation may be terminated by the commission when the ARNP has:

(1) Practiced outside the scope of practice denoted for the area of certification; or

(2) Been found in violation of any provision of RCW 18.79.250 or 18.130.180.

NEW SECTION

WAC 246-840-400 ARNP with prescriptive authorization. An advanced registered nurse practitioner licensed under chapter 18.79 RCW when authorized by the nursing commission may prescribe drugs pursuant to applicable state and federal laws. The ARNP when exercising prescriptive authority is accountable for competency in:

- (1) Patient selection;
- (2) Problem identification through appropriate assessment;
- (3) Medication and/or device selection;
- (4) Patient education for use of therapeutics;
- (5) Knowledge of interactions of therapeutics, if any;
- (6) Evaluation of outcome; and
- (7) Recognition and management of complications and untoward reactions.

NEW SECTION

WAC 246-840-410 Application requirements for ARNP with prescriptive authority. An advanced registered nurse practitioner who applies for authorization to prescribe drugs shall:

- (1) Be currently designated as an advanced registered nurse practitioner in Washington.
- (2) Be designated by their national certifying body as:
 - (a) A family nurse practitioner; or
 - (b) A women's health care nurse practitioner; or
 - (c) A pediatric nurse practitioner/associate; or
 - (d) An adult nurse practitioner; or
 - (e) A geriatric nurse practitioner; or
 - (f) A nurse midwife; or
 - (g) A nurse anesthetist; or
 - (h) A school nurse practitioner; or
 - (i) A clinical specialist in psychiatric and mental health nursing; or
 - (j) A neonatal nurse practitioner.
- (3) Provide evidence of completion of thirty contact hours of education in pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and:
 - (a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.
 - (b) Are obtained within a two-year time period immediately prior to the date of application for prescriptive authority.
 - (c) Are obtained from the following:
 - (i) Study within the advanced formal educational program; and/or
 - (ii) Continuing education programs.
 Exceptions shall be justified to and approved by the commission.
- (4) Submit a completed, notarized application on a form provided by the commission accompanied by a nonrefundable fee as specified in WAC 246-840-990.

NEW SECTION

WAC 246-840-420 Authorized prescriptions by the ARNP with prescriptive authority. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall be signed by the prescriber with the initials ARNP.

(3) Prescriptions for controlled substances in Schedules I through IV are prohibited by RCW 18.79.240 (1)(r).

(4) Any ARNP with prescriptive authorization who prescribes Schedule V controlled substances shall register with the drug enforcement administration.

NEW SECTION

WAC 246-840-430 Termination of ARNP prescriptive authorization. Prescriptive authorization may be terminated by the commission when the ARNP with prescriptive authority has:

- (1) Not maintained current designation as an ARNP in the area of certification; or
- (2) Prescribed outside the ARNP scope of practice or for other than therapeutic purposes; or
- (3) Violated provisions of RCW 18.79.250; or
- (4) Violated any state or federal law or regulations applicable to prescriptions.

NEW SECTION

WAC 246-840-440 Prescriptive authorization period.

- (1) Prescriptive authorization shall be for a period of two years.
- (2) Initial authorization shall expire on the applicant's renewal date for ARNP designation.
- (3) Authorization shall be renewed after the applicant meets the requirements of WAC 246-840-450.

NEW SECTION

WAC 246-840-450 Renewal. ARNP with prescriptive authorization shall be renewed every two years. For renewal of ARNP with prescriptive authorization, the licensee shall:

- (1) Meet the requirements of WAC 246-840-360 (1), (2), and (3).
- (2) Provide documentation of fifteen additional contact hours of continuing education during the renewal period in pharmacotherapeutics related to licensee's scope of practice. This continuing education shall meet the requirements of WAC 246-840-410 (3)(a).
- (3) Submit a completed and notarized renewal application with a nonrefundable fee as specified in WAC 246-840-990. If the licensee fails to renew his or her prescriptive authorization prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 246-840-990.

AMENDATORY SECTION (Amending WSR 95-21-072, filed 10/16/95, effective 11/16/95)

WAC 246-840-540 Appeal of commission decisions. A nursing education program deeming itself aggrieved by a decision of the commission affecting its approval status shall have the right to appeal the commission's decision in accordance with the provisions of chapter ~~((18-88))~~ 18.79 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 95-21-072, filed 10/16/95, effective 11/16/95)

WAC 246-840-565 Students in approved nursing education programs. (1) The approved nursing education program shall:

(a) Provide in writing policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal. These policies shall be consistent with the policies of the governing institution. Where necessary, policies specific to nursing students may be adopted if justified by the nature and purposes of the nursing program.

(b) Maintain a system of student records.

(c) Provide a written statement of student rights and responsibilities.

(d) Require that students who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards.

(2) The nursing education program shall provide the student in an ADN or BSN program with information on the legal definition and parameters of the nursing technician role, as in WAC ((~~246-839-010(10)~~ and ~~246-839-840~~) 246-840-010(19) and 246-840-840). Such information shall be provided prior to the time of completion of the first clinical course and shall clearly advise the student of their responsibilities, should they choose to be employed as a nursing technician.

NEW SECTION

WAC 246-840-700 Standards of nursing conduct or practice. The purpose of defining standards of nursing conduct or practice through WAC 246-840-700 and 246-840-710 is to identify responsibilities of the nurse in health care settings and as provided in the Nursing Practice Act, chapter 18.79 RCW. Violation of these standards may be grounds for disciplinary action pursuant to chapter 18.130 RCW. Each individual, upon entering the practice of nursing, assumes a measure of responsibility and public trust and the corresponding obligation to adhere to the standards of nursing practice. The nurse shall be responsible and accountable for the quality of nursing care given to clients. This responsibility cannot be avoided by accepting the orders or directions of another person. The standards of nursing conduct or practice include, but are not limited to the following:

FOR REGISTERED NURSES:

(1) Nursing process:

(a) The registered nurse shall collect pertinent objective and subjective data regarding the health status of the client.

(b) The registered nurse shall plan and implement nursing care which will assist the client to maintain or return to a state of health or will support a dignified death.

(c) The registered nurse shall communicate significant changes in the client's status to appropriate members of the health care team. This communication shall take place in a time period consistent with the client's need for care.

(d) The registered nurse shall document, on essential client records, the nursing care given and the client's response to that care.

(2) Delegation and supervision: The registered nurse shall be accountable for the safety of clients receiving nursing service by:

(a) Delegating selected nursing functions to others in accordance with their education, credentials, and demonstrated competence.

(b) Supervising others to whom he/she has delegated nursing functions.

(3) Other responsibilities:

(a) The registered nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice.

(b) The registered nurse shall be responsible and accountable for practice based on and limited to the scope of her/his education, demonstrated competence, and nursing experience.

(c) The registered nurse shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or practices.

(d) The registered nurse shall be responsible for maintaining current knowledge in his/her field of practice.

(e) The registered nurse shall conduct nursing practice without discrimination.

(f) The registered nurse shall respect the client's right to privacy by protecting confidential information.

(g) The registered nurse shall report unsafe nursing acts and practices, and illegal acts as defined in WAC 246-840-730.

FOR PRACTICAL NURSES:

(4) The licensed practical nurse, functioning under the direction and supervision of other licensed health care professionals as provided in RCW 18.79.060, shall be responsible and accountable for his or her own nursing judgments, actions and competence.

(5) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.

(6) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.

(7) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

(8) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.

(9) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.

(10) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only by licensed nurses.

(11) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(12) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(13) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board or commission.

(14) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(15) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(16) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(17) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(18) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

(19) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients.

(20) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(21) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs for his or her own use or benefit nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(22) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(23) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a licensed practical nurse, would cause harm to him or herself or other persons.

(24) It is inconsistent for a licensed practical nurse to perform functions below the minimum standards of competency as expressed in WAC 246-840-715.

NEW SECTION

WAC 246-840-705 Functions of a licensed practical nurse. A licensed practical nurse is one who has met the requirements of the Washington state Nurse Practice Act, chapter 18.79 RCW. The licensed practical nurse recognizes and is able to meet the basic needs of the client, and gives nursing care under the direction and supervision of the registered nurse or licensed physician to clients in routine nursing situations. In more complex situations the licensed practical nurse functions as an assistant to the registered

nurse and carries out selected aspects of the designated nursing regimen.

A routine nursing situation is one that is relatively free of scientific complexity. The clinical and behavioral state of the client is relatively stable and requires abilities based upon a comparatively fixed and limited body of knowledge.

In complex situations, the licensed practical nurse facilitates client care by meeting specific nursing requirements to assist the registered nurse in the performance of nursing care.

The functions of the licensed practical nurse makes practical nursing a distinct occupation within the profession of nursing. The licensed practical nurse has specific roles in nursing in direct relation to the length, scope and depth of his or her formal education and experience. In the basic program of practical nursing education, the emphasis is on direct client care.

With additional preparation, through continuing education and practice, the licensed practical nurse prepares to assume progressively more complex nursing responsibilities.

NEW SECTION

WAC 246-840-710 Violations of standards of nursing conduct or practice. The following will serve as a guideline for the nurse as to the acts, practices, or omissions that are inconsistent with generally accepted standards of nursing conduct or practice. Such conduct or practice may be grounds for action with regard to the license to practice nursing pursuant to chapter 18.79 RCW and the Uniform Disciplinary Act, chapter 18.130 RCW. Such conduct or practice includes, but is not limited to the following:

(1) Failure to adhere to the standards enumerated in WAC 246-840-700(1) which may include:

(a) Failing to assess and evaluate a client's status or failing to institute nursing intervention as required by the client's condition.

(b) Willfully or repeatedly failing to report or document a client's symptoms, responses, progress, medication, or other nursing care accurately and/or intelligibly.

(c) Willfully or repeatedly failing to make entries, altering entries, destroying entries, making incorrect or illegible entries and/or making false entries in records pertaining to the giving of medication, treatments, or other nursing care.

(d) Willfully or repeatedly failing to administer medications and/or treatments in accordance with policy and procedure.

(e) Willfully or repeatedly failing to follow the policy and procedure for the wastage of medications where the nurse is employed or working.

(f) Willfully causing or contributing to physical or emotional abuse to the client.

(2) Failure to adhere to the standards enumerated in WAC 246-840-700(2) which may include:

(a) Delegating nursing care function or responsibilities to a person who the nurse knows or has reason to know lacks the ability or knowledge to perform the function or responsibility, or delegating to unlicensed persons those functions or responsibilities the nurse knows or has reason to know are to be performed only by licensed persons. This

section should not be construed as prohibiting delegation to family members and other caregivers exempted by RCW 18.79.040(3), 18.79.050, 18.79.060 or 18.79.240.

(b) Failure to supervise those to whom nursing activities have been delegated. Such supervision shall be adequate to prevent an unreasonable risk of harm to clients.

(3) Failure to adhere to the standards enumerated in WAC 246-840-700(3) which may include:

(a) Performing or attempting to perform nursing techniques and/or procedures for which the nurse lacks the appropriate knowledge, experience, and education and/or failing to obtain instruction, supervision and/or consultation for client safety.

(b) Violating the confidentiality of information or knowledge concerning the client, except where required by law or for the protection of the client.

(c) Writing prescriptions for drugs unless authorized to do so by the board.

(4) Other violations:

(a) Appropriating for personal use medication, supplies, equipment, or personal items of the client, agency, or institution.

(b) Practicing nursing while impaired by any mental, physical and/or emotional condition to the extent that the person may be unable to practice with reasonable skill and safety.

(c) Willfully abandoning clients by leaving a nursing assignment without transferring responsibilities to appropriate personnel or caregiver when continued nursing care is required by the condition of the client(s).

(d) Practicing nursing while impaired by alcohol and/or drugs.

(e) Conviction of a crime involving physical abuse or sexual abuse relating to the practice of nursing.

NEW SECTION

WAC 246-840-715 Standards/competencies. Minimum standards of competency expected of beginning licensed practical nurses include the following:

(1) **Standard I** - The practical nurse assists in implementing the nursing process. The nursing process is defined as a systematic approach to nursing care which has the goal of facilitating an optimal level of functioning for the client, recognizing cultural and religious diversity.

The components of the nursing process are assessing, planning, implementing and evaluating. Written and verbal communication is essential to the nursing process.

Competencies:

(a) **Assessment** - Makes observations, gathers data and assists in identification of needs and problems relevant to the client.

(i) Makes basic observations of clients' safety and comfort needs.

(ii) Identifies physical discomfort and environmental threats to client safety.

(iii) Identifies basic physiological, emotional, sociological, cultural, economic, and spiritual needs.

(iv) Collects specific data as directed.

(v) Identifies major deviation from normal.

(vi) Selects data from established sources relevant to client's needs or problems.

(vii) Collaborates in organizing data.

(viii) Assists in formulating the list of clients' needs or problems.

(ix) Identifies major short-term and long-term needs of clients.

(b) **Planning** - Contributes to the development of approaches to meet the needs of clients and families.

(i) Develops client care plans, utilizing a standardized nursing care plan.

(ii) Assists in setting priorities for nursing care.

(iii) Participates in client care conferences.

(c) **Implementation** - Carries out planned approaches to client care.

(i) Carries out nursing actions developed in care plan to ensure safe and effective nursing care.

(ii) Performs common therapeutic nursing techniques.

(iii) Administers medications safely and accurately, within institutional policies and procedures, and with knowledge of the medication being administered.

(d) **Evaluation** - Utilizing a standard plan for nursing care, appraises the effectiveness of client care.

(i) Collaborates in data collection relevant to outcome of care.

(ii) Assists in comparing outcome of care to formulated objective.

(iii) Assists with adjustments in care.

(iv) Reports outcome of care given.

(2) **Standard II.** The practical nurse uses communication skills effectively in order to function as a member of the nursing team. Communication is defined as a process by which information is exchanged between individuals through a common system of symbols, signs, or behaviors that serves as both a means of gathering information and of influencing the behavior and feelings of others.

Competencies:

Applies beginning skills in verbal, nonverbal and written communication, recognizing and respecting cultural diversity and respecting the spiritual beliefs of individual clients.

(a) Uses common medical terminology and abbreviations.

(b) Interprets common medical terminology and abbreviations.

(c) Reports pertinent client communications regarding his/her physical and psycho-social welfare.

(d) Develops a working relationship with the client, family, and health team members.

(e) Interviews clients to collect specific data with or without a structured tool.

(f) Identifies possible communication blocks.

(g) Recognizes that communication can be facilitated by certain responses.

(h) Interacts appropriately in a one-to-one relationship and in a group setting.

(i) Modifies own communication pattern.

(j) Documents observations and actions correctly in the chart.

(k) Demonstrates the ability to communicate effectively in the work setting.

(3) **Standard III.** In a structured setting the practical nurse demonstrates responsibility for own actions by using common techniques of problem solving and decision making to plan and organize own assignment. Problem solving and

decision making include utilization of available resources to secure a desired result.

Competencies:

- (a) Participates in self-assessment.
 - (i) Identifies own strengths and weaknesses.
 - (ii) Maintains personal health.
 - (iii) Maintains appropriate appearance.
 - (iv) Seeks assistance as needed.
 - (v) Requests recommendations for improvements.
 - (vi) Incorporates new and appropriate behaviors in nursing action.
 - (vii) Evaluates completion of assigned duties.
- (b) Seeks learning opportunities that will foster growth.
 - (i) Plans goals for self improvement of performance with help of a supervisor.
 - (ii) Seeks opportunities for personal vocational growth.
 - (iii) Utilizes new knowledge and skills.
 - (iv) Participates in staff development.
 - (v) Demonstrates knowledge of professional organization and other contributors to past and present nursing advancement.
- (c) Applies knowledge of ethical and legal principles and responsibilities pertinent to self, clients, and others.
 - (i) Identifies scope and limitations of own role.
 - (ii) Functions within the law regulating the practice of practical nursing.
 - (iii) Demonstrates ethical practice in providing client care.
 - (iv) Respects and maintains the client's privacy interests.
 - (d) Practices conservation of available resources.
 - (i) Demonstrates an understanding of hospital and client costs by economical use of supplies and equipment.
 - (ii) Participates in nursing audit.
 - (e) Follows employer rules and regulations.
 - (i) Functions according to the job description, recognizing employer/employee expectations.
 - (ii) Explains employer rules and regulations as they apply to client and family.
- (4) **Standard IV.** The practical nurse assists in the health teaching of clients recognizing individual differences. Health teaching is defined as facilitating learning and instructing clients and significant others in preventive and therapeutic measures.

Competencies:

- (a) Health teaching - Assists in the development of teaching plans for the individual client.
 - (i) Identifies major health education needs and problems of clients.
 - (ii) Communicates observation of health and learning needs.
 - (iii) Assists in individualizing the teaching plan to include others when appropriate.
- (b) Implements teaching of basic health information according to the appropriate teaching plan.
- (c) Communicates client's request for information to appropriate team member.
- (d) Documents client teaching on the appropriate records.
- (5) **Standard V.** The practical nurse demonstrates an understanding of own role in the health care delivery system. Health care delivery systems are defined as the voluntary and governmental organizations and institutions at interna-

tional, national, state, and local levels that influence health policy and encompass comprehensive services.

Competencies:

- (a) Functions as a practical nurse within the health care delivery system. (See chapter 18.79 RCW.)
 - (i) Functions within the role of the practical nurse.
 - (ii) Identifies the basic functions of members of the health care delivery team.
 - (b) Recognizes functions of health care delivery systems.
 - (i) Identifies supportive services in client care settings.
 - (ii) Identifies community resources.
 - (iii) Identifies the need for assistance from other agencies.
 - (iv) Demonstrates ability to obtain information about health care agencies.
 - (c) Acts as client advocate in health maintenance and clinical care.
 - (i) Recognizes the rights of individuals to control their own health needs and make decisions about health services.
 - (ii) Provides client education concerning health care delivery systems.
 - (6) **Standard VI.** The practical nurse recognizes the need for change in a structured health care setting and demonstrates willingness to participate in effecting change. Change is defined as a systematic process which includes careful assessment and acceptance of responsibility for own actions, resulting in a significant alteration.
- Competencies:**
- Recognizes need to adjust functions to comply with the accepted practical nurse role and assists in assessing effectiveness of current nursing practices in a given health care delivery system.
 - (a) Understands problems and the need for change in current nursing practice.
 - (b) Communicates needs for further change through appropriate channels.
 - (c) Identifies personal factors which influence response to change. Adapts own behavior.
 - (d) Accepts potential risks with instituting change.

NEW SECTION

WAC 246-840-720 Mitigating circumstances. The commission recognizes that there may be circumstances inherent to various practice settings that may affect the commission's decision whether to issue a statement of charges, to make a finding of unprofessional conduct, or to determine a sanction.

NEW SECTION

WAC 246-840-730 Mandatory reporting defined. The nursing commission does not intend to cause every nursing error to be reported or that mandatory reporting take away the disciplinary ability and responsibility from the employer of the licensed practical nurse or registered nurse.

FOR PRACTICAL NURSES:

- (1) Any person, including health care facilities and agencies and state or local government, who is aware of a conviction or has made a determination or finding that a practical nurse has committed an act constituting unprofes-

sional conduct as defined in RCW 18.130.180, including violation of chapter 246-840 WAC, shall report such conviction, determination or finding to the commission.

(2) Any person, including health care facilities and agencies and state or local government, who has information that a practical nurse may not be able to practice with reasonable skill and safety as a result of a mental or physical condition, shall report such information to the commission.

FOR REGISTERED NURSES:

(3) Any person, including nurses, health care facilities and agencies, and state or local government agencies, who has knowledge or concern that a registered nurse has committed an act which constitutes unprofessional conduct as provided in RCW 18.130.180, including violations of chapter 246-840 WAC, or failed to meet accepted standards for the level at which the registered nurse is licensed, or is unable to practice with reasonable skill or safety as the result of a physical or mental condition shall report or cause a report to be made to the commission. Failure of any nurse to comply with the reporting requirements may in itself constitute a violation of nursing standards.

(4) The decision to report a suspected violation of chapter 18.130 or 18.79 RCW or the rules adopted thereunder shall be based on, but not limited to the following:

(a) The past history of the registered nurse's performance.

(b) A demonstrated pattern of unsafe practice or conduct in violation of the standards of nursing.

(c) The magnitude of any single occurrence for actual or potential harm to the public health and safety.

(5) The following shall always be reported to the nursing commission:

(a) A nurse impostor. As used herein "nurse impostor" means an individual who is ineligible for registered nursing licensure or advanced registered nurse practitioner licensure and who practices or offers to practice registered nursing or advanced nursing or uses any title, abbreviation, card, or device to indicate that the individual is licensed to practice in Washington.

(b) A person who is practicing registered nursing when the license has become void due to nonpayment of fees.

(c) A person who is practicing registered nursing as defined in chapter 18.79 RCW unless licensed as a registered nurse or practical nurse, or a person who is practicing as a nurse practitioner as defined in WAC 246-840-300 while not licensed as an advanced registered nurse practitioner.

(d) A registered nurse who has been convicted of a crime which relates to the practice of nursing.

(e) A registered nurse who has been dismissed from employment due to unsafe practice or conduct in violation of the standards of nursing.

(f) Client abuse by a registered nurse.

(g) A demonstrated pattern of conduct in violation of the standards of nursing as defined by the rules of the commission or a single occurrence that creates serious harm or risk to the client.

(h) Any violation of a disciplinary sanction imposed on a registered nurse's license by the commission.

(i) Substance abuse as defined in RCW 18.130.180 (6) and (23). Nursing professionals counseling impaired registered nurses for substance abuse are exempt from the

reporting requirements except as provided in chapter 5.62 RCW.

(j) Any other cause for discipline as defined in RCW 18.130.170 and 18.130.180.

NEW SECTION

WAC 246-840-745 Adjudicative proceedings. The commission adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

NEW SECTION

WAC 246-840-747 Appearance and practice before agency—Standards of ethical conduct. All persons appearing in proceedings before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the commission may decline to permit such person to appear in a representative capacity in any proceeding before it.

NEW SECTION

WAC 246-840-750 Philosophy governing voluntary substance abuse monitoring programs. The commission recognizes the need to establish a means of proactively providing early recognition and treatment options for licensed practical nurses or registered nurses whose competency may be impaired due to the abuse of drugs or alcohol. The commission intends that such nurses be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the commission shall approve voluntary substance abuse monitoring programs and shall refer licensed practical nurses or registered nurses impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

NEW SECTION

WAC 246-840-760 Terms used in WAC 246-840-750 through 246-840-780. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the commission has determined meets the requirements of the law and the criteria established by the commission in WAC 246-840-770 which enters into a contract with nurses who have substance abuse problems regarding the required components of the nurse's recovery activity and oversees the nurse's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating nurses.

(2) "Contract" is a comprehensive, structured agreement between the recovering nurse and the approved monitoring program wherein the nurse consents to comply with the monitoring program and its required components of the nurse's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to chapter 70.96A RCW

or RCW 69.54.030 to provide concentrated alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under chapter 70.96A RCW or RCW 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the commission, of a nurse's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the nurse and the nurse's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Nurse support group" is a group of nurses meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced nurse facilitator in which nurses may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve-step groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested.

NEW SECTION

WAC 246-840-770 Approval of substance abuse monitoring programs. The commission will approve the monitoring program(s) which will participate in the commission's substance abuse monitoring program. A monitoring program approved by the commission may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating nurses.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of nursing as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Nurses' support groups;
- (e) The nursing work environment; and
- (f) The ability of the nurse to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the nurse and the commission to oversee the nurse's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether a nurse will be

prohibited from engaging in the practice of nursing for a period of time and restrictions, if any, or the nurse's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the nurse as to the acceptability of treatment progress.

(8) The approved monitoring program shall report to the commission any nurse who fails to comply with the requirement of the monitoring program.

(9) The approved monitoring program shall provide the commission with a statistical report on the program, including progress of participants, at least annually.

(10) The approved monitoring program shall receive from the commission guidelines on treatment, monitoring, and limitations on the practice of nursing for those participating in the program.

NEW SECTION

WAC 246-840-780 Participants entering the approved substance abuse monitoring program must agree to the following conditions. (1)(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the commission and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve-step group meetings as specified by the contract.

(vii) The nurse will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the commission if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The nurse may be subject to disciplinary action under RCW 18.130.160 if the nurse does not participate in

the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A nurse who is not being investigated by the commission or subject to current disciplinary action or currently being monitored by the commission for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the commission.

(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve-step group meetings as specified by the contract.

(vii) The nurse will comply with employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the commission if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the commission under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

NEW SECTION

WAC 246-840-800 Scope of practice—Advisory opinions. (1) The commission may issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners and consumers concerning the authority of various categories of nursing personnel to perform particular acts. Such questions must be presented in writing to the department staff.

(2) Questions may be referred to a committee of the commission. Upon such referral, the committee shall develop a draft response which shall be presented to the full commission at a public meeting for ratification, rejection or modification. The committee may, at its discretion, consult with health care practitioners for assistance in developing its draft response.

(3) If the commission issues an opinion on a given issue, such opinion shall be provided to the requesting party and shall be included in the commission minutes.

(4) Each opinion issued shall include a clear statement to the effect that:

(a) The opinion is advisory and intended for the guidance of the requesting party only; and

(b) The opinion is not legally binding and does not have the force and effect of a duly promulgated regulation or a declaratory ruling by the commission.

(5) In no event shall this section be construed to supersede the authority of the commission to adopt rules related to the scope of practice nor shall it be construed to restrict the ability of any person to propose a rule or to seek a declaratory judgment from the commission.

NEW SECTION

WAC 246-840-810 Provision for continuity of drug therapy for residents. When a resident of a long-term care facility has the opportunity for an unscheduled therapeutic leave that would be precluded by the lack of an available pharmacist to dispense drugs prescribed by an authorized practitioner, a registered nurse designated by the facility and its consultant or staff pharmacist and who agrees to such designation, may provide the resident or a responsible person with up to a seventy-two-hour supply of a prescribed drug or drugs for use during that leave from the resident's previously dispensed package of such drugs. The drugs shall only be provided in accordance with protocols developed by the pharmaceutical services committee and shall be available for inspection. These protocols shall include the following:

(1) Criteria as to what constitutes an unscheduled therapeutic leave requiring the provision of drugs by the registered nurse;

(2) Procedures for repackaging and labeling the limited supply of previously dispensed drugs by the designated registered nurse that comply with all state and federal laws concerning the packaging and labeling of drugs;

(3) Provision to assure that none of the medication provided to the resident or responsible person may be returned to the resident's previously dispensed package of such drug or to the facility's stock.

(4) Assurance that the RN informs the resident or responsible person of:

(a) The name, strength and quantity of drug provided;

(b) The proper administration of the drug;

- (c) Potential adverse responses to the drug; and
 (d) What actions to take should adverse responses occur.
 (5) Provision for documenting by the RN in the resident's health record:
 (a) Date and time of unscheduled leave;
 (b) Name, strength and quantity of drug provided;
 (c) Name of person to whom the drug was given and by whom it was given; and
 (d) Confirmation that information described in subsection (2) of this section was provided.
 See WAC 246-865-070 for related regulations regarding this practice.

NEW SECTION

WAC 246-840-820 Provision for clean, intermittent catheterization in schools. Public school districts and private schools that offer classes for any of the grades kindergarten through twelve may provide for clean, intermittent catheterization of students or assisted self-catheterization of students who are in the custody of the school district at the time in accordance with the following rules:

- (1) The student's file shall contain a written request from the parent(s) or guardian for the clean, intermittent catheterization of the student.
 (2) The student's file shall contain written permission from the parent(s) or guardian for the performance of the clean, intermittent catheterization procedure by the nonlicensed school employee.
 (3) The student's file shall contain a current written order for clean, intermittent catheterization from the student's physician and shall include written instructions for the procedure. The order shall be reviewed and/or revised each school year.
 (4) The student's file shall contain written, current, and unexpired instructions from a registered nurse licensed under chapter 18.79 RCW regarding catheterization which include:
 (a) A designation of the school district or private school employee or employees who may provide for the catheterization; and
 (b) A description of the nature and extent of any required supervision.
 (5) The service shall be offered to all handicapped students and may be offered to the nonhandicapped students, at the discretion of the school board.
 (6) The registered nurse shall develop instructions specific to the needs of the student. These shall be made available to the nonlicensed school employee and shall be updated each school year.
 (7) The supervision of the self-catheterizing student shall be based on the needs of the student and the skill of the nonlicensed school employee.
 (8) The registered nurse, designated by the school board, shall be responsible for the training of the nonlicensed school employees who are assigned to perform clean, intermittent catheterization of the students.
 (9) The training of the nonlicensed school employee shall include but not be limited to:
 (a) An initial in-service training, length determined by the registered nurse.
 (b) An update of the instructions and a review of the procedure each school year.

- (c) Anatomy, physiology, and pathophysiology of the urinary system including common anomalies for the appropriate age group served.
 (d) Techniques common to the urinary catheterization procedure.
 (e) Identification and care of the required equipment.
 (f) Common signs and symptoms of infection and recommended procedures to prevent the development of infections.
 (g) Identification of the psychosocial needs of the parent/guardian and the students with emphasis on the needs for privacy and confidentiality.
 (h) Documentation requirements.
 (i) Communication skills including the requirements for reporting to the registered nurse or the physician.
 (j) Medications commonly prescribed for the clean, intermittent catheterization patient and their side effects.
 (k) Contraindications for clean, intermittent catheterization and the procedure to be followed if the nonlicensed school employee is unable to catheterize the student.
 (l) Training in catheterization specific to the student's needs.
 (m) Developmental growth patterns of the appropriate age group served.
 (n) Utilization of a teaching model to demonstrate catheterization techniques with return demonstration performed by the nonlicensed school employee, if a model is available.
 (10) The training of the nonlicensed school employee shall be documented in the employee's permanent file.

NEW SECTION

WAC 246-840-830 Determination and pronouncement of death by a licensed registered nurse. A registered nurse may determine and pronounce death, but shall not certify death as defined in RCW 70.58.160 unless the registered nurse is an ARNP-certified nurse midwife as defined in WAC 246-840-300.

- (1) A registered nurse may assume responsibility for the determination and pronouncement of death only if there are written policies and procedures relating to the determination and pronouncement of death in the organization with which the registered nurse is associated as an employee or by contract, provided:
 (a) The decedent was under the care of a health care practitioner qualified to certify cause of death; and
 (b) The decedent was a patient of the organization with which the registered nurse is associated; and
 (c) There is a "do not resuscitate order" in the patient's record when the decedent was assisted by mechanical life support systems at the time of determination and pronouncement of death.
 (2) A registered nurse who assumes responsibility for the determination and pronouncement of death shall be knowledgeable of the laws and regulations regarding death and human remains which affect the registered nurse's practice of this responsibility.
 (3) A registered nurse who assumes responsibility for the determination and pronouncement of death shall:
 (a) Perform a physical assessment of the patient's condition;

(b) Insure that family and physician and other caregivers are notified of the death; and

(c) Document the findings of the assessment and notification in all appropriate records.

NEW SECTION

WAC 246-840-840 Nursing technician. The purpose of the role of nursing technician is to provide opportunity for students enrolled in an ADN or BSN program to gain work experience within the limits of their education, but not limited to the scope of functions of nursing assistant - certified.

(1) The nursing technician is as defined in WAC 246-840-010(19).

(2) The nursing technician shall have knowledge and understanding of the laws and rules regulating the nursing technician and shall function within the legal scope of nursing practice.

(3) The nursing technician shall be responsible and accountable for practicing within the scope and guidelines of policies defined by the employing agency.

(4) The nursing technician shall not be employed by a temporary agency.

NEW SECTION

WAC 246-840-850 Use of nomenclature. (1) Any person who meets the qualifications under WAC 246-840-010(19) and 246-840-860 shall use the title nursing technician and this title shall not be abbreviated.

(2) No other person shall assume such title.

NEW SECTION

WAC 246-840-860 Nursing technician criteria. To be eligible for employment as a nursing technician a student must meet the following criteria:

(1) Satisfactory completion of at least one academic term (quarter or semester) of a nursing program approved by a commission or board of nursing (ADN, diploma, or BSN). The term must have included a clinical component.

(2) Currently enrolled in a nursing commission approved program will be considered to include:

All periods of regularly planned educational programs and all school scheduled vacations and holidays.

(3) The period of time of notification to the commission of completion of nursing education, following graduation and application for examination, not to exceed sixty days from the date of graduation.

(4) Current enrollment will not be construed to include:

(a) Leaves of absence or withdrawal, temporary or permanent, from the nursing educational program.

(b) Students enrolled in nursing department classes who are solely enrolled in academic nonnursing supporting course work, whether or not those courses are required for the nursing degree.

(c) Students who are awaiting the opportunity to reenroll in nursing courses.

NEW SECTION

WAC 246-840-870 Functions of the nursing technician. The nursing technician:

(1) Shall function only under the supervision of the registered nurse.

(2) May gather information about patients and administer care to patients.

(3) Shall not be responsible for performing the ongoing assessment, planning, implementation, and evaluation of the care of patients.

(4) Shall never function as an independent practitioner, as a team leader, charge nurse, or in a supervisory capacity.

(5) May administer medications only under the direct supervision of a registered nurse and within the limits described in this section. "Direct supervision" means that the registered nurse is on the premises, is quickly and easily available, and that the patients have been assessed by the registered nurse prior to the delegation of the medication duties to the nursing technician. The nursing technician shall not administer chemotherapy, blood or blood products, intravenous medications, scheduled drugs, nor carry out procedures on central lines.

There shall be written documentation from the nursing education program attesting to the nursing technician's preparation in the procedures of medication administration.

NEW SECTION

WAC 246-840-880 Functions of the registered nurse supervising the nursing technician. The registered nurse:

(1) Is accountable at all times for the client's safety and well-being.

(2) Is responsible at all times for the nursing process as delineated in WAC 246-840-700 and this responsibility cannot be delegated.

(3) Shall maintain at all times an awareness of the care activities of the nursing technician and of the current assessment of the patient.

(4) Shall be available at all times to the nursing technician and shall be physically present within the health care facility.

NEW SECTION

WAC 246-840-890 Responsibilities of the employing facility. The employer of the nursing technician shall:

(1) Verify the nursing technician's enrollment in a nursing education program approved by the state board of nursing or commission in the state in which the program is located.

(2) Verify satisfactory completion of each academic term (semester or quarter) within two weeks of completion date.

(3) Obtain written documentation from the approved nursing education program of the nursing technician's current level of education preparation and his/her knowledge and skills.

(4) Assign the nursing technician to perform only to the level identified in subsection (3) of this section.

(5) Provide the nursing technician from an educational program approved by a state board of nursing or commission other than the Washington nursing commission with board

authorized information on the legal definition and parameters of the nursing technician role, as in WAC 246-840-010(19) and 246-840-840 through 246-840-870. Such information shall be provided prior to the commencement of patient care activities by the nursing technician. The facility shall obtain written verification from the nursing technician of receipt and review of this information and the facility shall retain the written verification for a minimum of three years from the last date of employment.

(6) Advise the commission of the names and addresses of the nursing technician and the name and address of the nursing education program for any and all nursing technicians employed at the facility.

(7) Identify the student nurse as a "nursing technician."

NEW SECTION

WAC 246-840-900 Responsibilities of the nurse administrator. The nursing administrator or designee shall:

(1) Ensure that the nursing technician has been thoroughly oriented to the facility.

(2) Ensure that WAC 246-840-890 (3), (4), (5), (6), and (7) are accomplished prior to patient care assignments.

(3) Observe, evaluate, and document the skill level of the nursing technician in the administration of oral, intermuscular, and subcutaneous medication and nursing care skills.

(4) Convey in writing to all facility departments the scope within which the nursing technician may practice.

(5) Provide the supervising licensed registered nurse a written job description for the nursing technician.

AMENDATORY SECTION (Amending WSR 96-05-060, filed 2/19/96, effective 3/21/96)

WAC 246-840-930 Criteria for delegation. Before delegating a nursing task, the licensed registered nurse must determine that it is appropriate to delegate based on the following criteria:

(1) Determine that the setting allows delegation because it is a certified community residential program for the developmentally disabled, a licensed adult family home, or a licensed boarding home contracted to provide assisted living services.

(2) Determine that the task to be delegated is within the nurse's area of responsibility and that it is a specific care task that has been approved for delegation.

(3) Determine that the task to be delegated can be properly and safely performed by the nursing assistant-certified or nursing assistant-registered. The registered nurse shall assess the potential risk of harm for the individual patient. Potential harm may include, but is not limited to, infection, hemorrhage, hypoxemia, nerve damage, physical injury, or psychological distress.

(4) Assess the patient's nursing care needs and determine that the patient is in a stable and predictable condition.

(5) Analyze the complexity of the nursing task and determine the required training or additional training needed by the nursing assistant to competently accomplish the task. The registered nurse shall consider the psychomotor and cognitive skills required to perform the nursing task. More complex tasks may require additional training and supervision for the nursing assistant. The nurse must identify and facilitate any additional training of the nursing assistant that

is needed prior to delegation. The nurse must ensure that the task to be delegated can be properly and safely performed by the nursing assistant.

(6) Assess the level of interaction required, considering language or cultural diversity that may affect communication or the ability to accomplish the task to be delegated, as well as methods to facilitate the interaction.

(7) Verify that the nursing assistant:

(a) Is currently registered or certified as a nursing assistant in Washington state and is in good standing without restriction;

(b) Has a certificate of completion issued by the department of social and health services indicating completion of core delegation training for nursing assistants; and

(c) Is willing to perform the task in the absence of direct or immediate nurse supervision and accept responsibility for their actions.

(8) Assess the ability of the nursing assistant to competently perform the delegated nursing task in the absence of direct or immediate nurse supervision to ensure that the nursing task can be properly and safely performed by the nursing assistant.

(9) Discuss the delegation with the patient or authorized representative, including the level of training of the nursing assistant delivering care. The patient, or authorized representative, must give written, informed consent to the delegation under chapter 7.70 RCW.

(10) Document in the patient's record the rationale for delegating or not delegating nursing tasks.

(11) Discuss the process for continuing, rescinding, or adding medications to the delegation list when the ~~((physician))~~ health care provider changes medication orders:

(a) The registered nurse must verify the change in medication or a new medication order with the ~~((physician))~~ health care provider;

(b) If a change is made in the medication dosage or if a change is made in the type of medication for the same problem (i.e., one medication is deleted by the ~~((physician))~~ health care provider and another is substituted) and the patient remains in a stable and predictable condition, delegation can continue at the registered nurse's discretion; and

(c) If a new medication is added, the registered nurse must review the criteria and process for delegation prior to delegating the administration of the new medication to the nursing assistant. The registered nurse maintains the authority to decide if the new medication can be added to the delegated task list immediately, if a site visit is warranted prior to delegation, or if delegation is no longer appropriate. If delegation is to be rescinded, the nurse must initiate and participate in developing an alternative plan to assure the needs of the patient are met.

AMENDATORY SECTION (Amending WSR 96-05-060, filed 2/19/96, effective 3/21/96)

WAC 246-840-940 Process for delegation. If the registered nurse determines delegation is appropriate, the nurse must:

(1) Obtain the written informed consent of the patient or authorized representative under chapter 7.70 RCW, the delegating nurse, and the nursing assistant.

(2) Delegation requires the nurse teach the nursing assistant how to perform the task, including return demonstration under observation. The nurse shall observe the nursing assistant performing the delegated task to verify their competency to properly perform the task safely and accurately.

(3) Provide specific, written delegation instructions to the nursing assistant with a copy maintained in the patient's record that include:

(a) The rationale for delegating the nursing task;

(b) That the delegated nursing task is specific to one patient and is not transferable to another patient;

(c) That the delegated nursing task is specific to one nursing assistant and is not transferable to another nursing assistant;

(d) The nature of the condition requiring treatment and purpose of the delegated nursing task;

(e) A clear description of the procedure or steps to follow to perform the task;

(f) The predictable outcomes of the nursing task and how to effectively deal with them;

(g) The risks of the treatment;

(h) The interactions of prescribed medications;

(i) How to observe and report side effects, complications, or unexpected outcomes and appropriate actions to deal with them, including specific parameters for notifying the delegating registered nurse, (~~(physician))~~ health care provider, or emergency services;

(j) The action to take in situations where medications are altered by (~~(physician))~~ health care provider orders, including:

(i) How to notify the registered nurse of the change;

(ii) The process the registered nurse will use to obtain verification from the (~~(physician))~~ health care provider of the medication change; and

(iii) The process to notify the nursing assistant of whether administration of the medication is delegated or not;

(k) How to document the task in the patient's record;

(l) Document what teaching was done and that a return demonstration was correctly done; and

(m) A plan of nursing supervision describing how frequently the registered nurse will supervise the performance of the delegated task by the nursing assistant and reevaluate the delegated nursing task. Supervision shall occur at least every sixty days.

(4) The administration of PRN medications may be delegated at the discretion of the registered nurse. The nurse must first assess the patient to determine that on-site patient assessment will not be required prior to the ongoing administration of each PRN medication dose. The registered nurse must provide written parameters specific to an individual patient which includes guidelines for the nursing assistant to follow in the decision-making process to administer the PRN medication and the procedure to follow for such administration.

WSR 97-07-075

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 19, 1997, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-01-125.

Title of Rule: Rules for the certification of seed potatoes.

Purpose: Revise existing rules and standards for certification of seed potatoes.

Statutory Authority for Adoption: RCW 15.14.030.

Statute Being Implemented: Chapter 15.14 RCW.

Summary: Revision of existing rule to update and modify Washington State Department of Agriculture activities and state standards for certification of seed potatoes.

Reasons Supporting Proposal: Industry request.

Name of Agency Personnel Responsible for Drafting: John Wraspir, 1000 North Forest Street, Suite 202, Bellingham, WA 98225, (360) 676-6739; Implementation and Enforcement: Diane Dolstad, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2071.

Name of Proponent: Washington Seed Potato Commission, Roger Hawley, Chairman and Washington State Department of Agriculture, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Seed potatoes is a unique crop which must be grown with specialized techniques very different from those used to produce potatoes for commercial markets, in order to produce seed stock which is sufficiently free from plant diseases and genetically true to type. Seed potato certification is necessary to ensure seed quality, without which production of commercial potatoes is much less cost effective and often impossible. Without a seed potato certification program accepted by other states and countries, the eighteen growers currently enrolled in the Washington program would not be able to market their seed potato crop effectively. The proposal is anticipated to benefit the growers by facilitating international trade, making Washington's program more consistent with other states', discarding obsolete provisions, and clarifying existing program structure.

Proposal Changes the Following Existing Rules: Adopting federal suggested standards for grading of seed potatoes, instead of the existing state standards, makes international sales of the crop easier and opens additional markets to growers. Restructuring the classification system for seed generations and other provisions such as post harvest testing discards obsolete terminology and makes Washington more consistent with other states' systems. Proposal also updates rules format, terminology, and clarifies existing practices of the program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Anticipated economic effects to the eighteen growers currently enrolled in the program are neutral or beneficial, as the proposal would result in a more cost effective program and enhanced opportunities for international and interstate trade.

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

PROPOSED

Hearing Location: Washington Cattlemen's Association, 1301 North Dolarway, Ellensburg, WA 98926, on May 9, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by May 2, 1997, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Dannie McQueen, Hearing Officer, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2092, by May 9, 1997.

Date of Intended Adoption: May 14, 1997.

March 19, 1997

Mary A. Martin Toohey
Assistant Director

NEW SECTION

WAC 16-324-361 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.

(2) "Cull" means any lot of potatoes rejected for certification for any reason. Seed lots failing to meet the minimum requirements of Washington state's rules and standards for certification shall be considered culls.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department of agriculture or his/her duly appointed representative.

(5) "Disease tested" means tested for potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll, spindle tuber viroid, *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg) and *Clavibacter michiganense* spp. *sepedonicum* (ring rot).

(6) "In vitro" means in an artificial environment outside the living organism.

(7) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(8) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(9) "Minitubers" means tubers produced under controlled greenhouse conditions.

(10) "Nematode" means a disease (infestation) of plant parasitic nematodes of potatoes including but not limited to the genus *Meloidogyne*.

(11) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from prenuclear stock, and grown in the field for the first time.

(12) "Plot" means a seed potato planting that is 0.25 acre or less in size.

(13) "Powdery scab" means the disease caused by the fungus *Spongospora subterranea*.

(14) "Prenuclear" means micropropagated plants in vitro or tubers in vitro. Also included are plants or minitubers produced in a greenhouse.

(15) "Recertification" means the process of certifying a seed lot that was certified the previous year.

(16) "Ring rot" means the disease caused by the bacterium *Clavibacter michiganense* ssp. *sepedonicum*.

(17) "Rogue" means a method of removing undesired plant specimens from a lot whereby all plant parts including vines, tubers, and seed pieces are completely removed from a field. Roguing for plant disease shall also include removing all plants and their parts immediately adjacent to the diseased suspect plant.

(18) "Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

(19) "Seed potatoes" mean vegetatively propagated tubers used for potato production that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington.

(20) "Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

(21) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

(22) "Tolerance" means the maximum acceptable percentage of potato plants or tubers exhibiting visual symptoms of disease or defect during inspection of a representative sample.

(23) "Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

AMENDATORY SECTION (Amending Order 1587, filed 11/21/78)

WAC 16-324-370 General guidance. (1) Participation in this program shall be voluntary and may be withdrawn at the option of the applicant. Farming and sanitation practices are the responsibility of the grower. Certification, approvals, determinations, and supervision mentioned herein shall be conducted by the department.

~~(2) ((All applications and department records will be maintained as public records for a period of seven years.~~

~~(3))~~ (3) Failure to comply with the requirements of these rules shall be cause for refusal or cancellation of approval of any planting or the certification of any seed as certified seed potatoes.

~~((4) Certification means that the lot of seed potatoes was inspected and meets the requirements of this order.~~

~~(5))~~ (3) The state of Washington department of agriculture makes no warranty, expressed or implied, or representation as to the freedom from disease or quality of certified seed. Certification is based solely on visual inspections of sample plants and tubers of each lot which were found to meet tolerances prescribed in this ~~((order))~~ chapter.

AMENDATORY SECTION (Amending Order 2083, filed 4/24/91, effective 5/25/91)

WAC 16-324-375 ((Certified seed potato)) Application and withdrawal. (1) Application shall be made on a form provided by the department. Applications for certification shall reach the state department of agriculture, ~~((seed branch, Yakima, Washington,))~~ on or before June 15 of each year. Late applications, without prior approval, will be assessed a late application fee of twenty dollars per application. Applications shall be accompanied by the appropriate

fee, as well as tags, certificates or other evidence of eligibility. ~~((An application shall be made for each variety.))~~

(2) Prospective growers entering the certification program for the first time shall be interviewed by the department before their applications are processed. This is in order that the applicant knows what is expected and what may be expected from the certifying agency.

(3) Separate applications shall be required for each variety, seed source, and seed lot.

(4) Separate applications shall be required for each seed source field location that is separated by more than one hundred feet.

(5) Applications shall be accompanied by a field location map so that any inspector can identify each lot and the lot location.

(6) Withdrawal of a seed lot from the certification program shall be made on a form provided by the department ~~((which shall become part of the permanent public record)).~~

NEW SECTION

WAC 16-324-381 Certified seed potato stock—Fees.

(1) Seed potato certification fees shall be twenty-nine dollars per acre or fraction thereof.

(2) The certification fee for a field plot shall be twenty dollars per application.

(3) The department may assess an additional fee charged on a time and mileage basis.

(4) Applications shall be accompanied by fifty percent of the total certification fee and payable on or before June 15 of each year. For purposes of certification fee assessment, acreage may be adjusted by no more than ten percent on or before July 15 of each year.

(5) Final payment of the certification fees is due and payable November 1 of each year: *Provided*, That fees for five acres or less must be paid in full at the time of application.

(6) Refunds of the certification fee may be made only if the withdrawal form is received by the department prior to the first field inspection.

(7) Lots rejected before the second inspection shall not be subject to the final one-half payment of the certification fee.

(8) Certification fees shall not be refunded after two field inspections have been completed.

(9) Failure to pay fees when due shall result in removing the applicant from this program.

(10) No application from any grower owing the Washington state department of agriculture for previous fees may be considered.

NEW SECTION

WAC 16-324-382 Seed potato classification. (1) All seed potatoes entered for certification shall be classified on the basis of production phases as follows:

(a) Prenuclear (PN) - Prefield seed stocks for laboratory and greenhouse production or direct field plantings.

(b) Nuclear (N) - First field production year.

(c) Generation 1 (G1) - Second field production year.

(d) Generation 2 (G2) - Third field production year.

(e) Generation 3 (G3) - Fourth field production year.

(f) Generation 4 (G4) - Fifth field production year.

(g) Generation 5 (G5) - Sixth field production year.

(2) The class of any seed lot shall be determined by its production phase as defined in subsection (1) of this section. If a seed lot fails to meet the standards established in this chapter for its production phase, then it shall be reclassified to the next later generation for which it meets established standards. If a seed lot fails to meet minimum standards established for G5, it shall be rejected from certification.

NEW SECTION

WAC 16-324-391 Eligibility requirements. (1)

Planting stocks shall be derived from seed stocks that have been disease tested, certified by an official seed certifying agency and continued identity maintained in an approved manner.

(2) To be eligible for recertification, a seed stock shall meet or exceed the minimum requirements for field inspection, latent virus testing, and post harvest testing as established in this chapter. A seed stock that has more than a trace amount of virus disease noted during any field inspection shall not be recertified, unless it has been post harvest tested and meets the minimum standards established in WAC 16-324-420.

(3) Planting stocks from other states or countries shall be eligible for current season certification if the planting stock meets or exceeds the minimum requirements of Washington standards for certification of seed potatoes and is eligible for recertification in the state or country of origin.

(4) A seed lot shall not be eligible for current season certification if it is blended from two or more different sources of seed.

(5) Tubers culled out during the grading process shall not be eligible for recertification.

(6) Seed stocks shall be eligible for current season certification for a maximum of six field production years.

(7) Generation 5 (G5), shall not be eligible for recertification.

NEW SECTION

WAC 16-324-392 Isolation requirements. (1)

Prenuclear stock shall be produced in a laboratory or greenhouse approved by the department.

(2) Nuclear and Generation 1 shall be produced only in field locations approved by the department.

(3) Generation 2 through Generation 5 shall be isolated by at least three hundred fifty feet from other potatoes except seed potatoes entered for certification.

(4) When ring rot is found in a field planted with more than one lot of seed, the entire field shall be rejected unless at least six feet between lots has been left unplanted or planted to some other crop.

NEW SECTION

WAC 16-324-393 Land requirements. (1) Any land known to be infested with parasitic potato nematode shall not be accepted.

(2) Any land planted with seed potatoes found to have ring rot shall not be eligible for certified seed potato production for at least three years. Presence of volunteer potato

plants in a field with ring rot history shall disqualify the current field crop for certification. Plants outside of the defined row shall be considered volunteers. Exceptions to this may be approved by the department when cultural practice has been proven to be successful. Cultural practices may include, but are not limited to, mechanical means (such as deep plowing) and/or chemical means (such as fumigants or other material) for seed bed preparation. Materials and methods shall be recorded with the department. Whichever method is used, it shall be approved by the department and shall be adequate to maintain variety and disease purity.

(3) Nuclear class shall be produced on land that has not been planted with potatoes for any of the previous six years. (New ground is preferred.)

(4) Generation 1 class shall be produced on land that has not been planted with potatoes for any of the previous four years.

(5) Generation 2, 3, 4, and 5 classes shall be produced on land that has not been planted with potatoes during the previous year unless the prior potato crop was certified seed potatoes of a higher class and of the same variety. Volunteer plants from a previously planted seed potato crop that are present at the time of the field inspection shall cause the designated class of the current crop to be changed to an appropriate later generation designation.

NEW SECTION

WAC 16-324-394 Production requirements—Prenuclear class. Requirements for production of pre-nuclear class of seed potatoes are as follows:

(1) Basic requirements for plant material increase:

(a) All micropropagation facilities shall be approved by the department.

(b) All material shall be documented as to source of variety and shall be a variety approved by the department.

(c) All tests required shall be conducted by a laboratory approved by the department.

(d) Entry level material shall be isolated from all other material and limited to fifty in vitro propagules per line selection. All plant material to be mass micropropagated shall be disease tested.

(2) Testing requirements for mother plants. Yearly testing of one hundred percent of the mother plants shall be required as follows:

(a) *Clavibacter michiganense* ssp. *sepedonicum* by gram stain, or immunofluorescent antibody stain, or Richardsons Media, or other methods approved by the department.

(b) *Erwinia species* by crystal violet pectate, or other methods approved by the department.

(c) Potato viruses - X, Y, S, M, A, and leafroll by ELISA.

(d) Potato spindle tuber viroid by cDNA, dot hybridization or gel electrophoresis.

(e) All plant material to be mass propagated shall test negative for the pathogens listed above in this subsection.

(3) Sampling requirements for mass propagated plants or tubers.

(a) Samples shall be taken prior to kill down or shipping plantlets. A minimum of one percent (of no less than twenty samples) of the plants or tuber population shall be tested for potato virus X, potato virus Y, potato virus S, potato leafroll

virus, *Erwinia* spp. and *Clavibacter michiganense* ssp. *sepedonicum* in the manner described for testing requirements for mother plants in subsection (2) of this section. No more than five plants or tubers shall be bulked per sample.

(b) Prenuclear class stock shall have a zero tolerance for all pathogens listed above.

(4) Private micropropagation labs shall make samples of propagation material available to the department for further testing when requested.

(5) Propagators shall select tubers or mother plants that are true-to-type. Such material shall be derived from more than a single tuber; ten to twenty tubers shall be selected to maximize the genetic base of each line and to avoid selecting a tuber or mother plant that may carry a genetic mutation uncharacteristic of the variety. Micropropagated plants shall not be derived from callus culture due to the possibility of somatic mutations or variants.

(6) Detailed records of the progress of all increases shall be maintained by the department or private labs engaged in the production of pre-nuclear material. These records shall include:

(a) A numbering code or system used to identify the explants or clones and their origins;

(b) The amount of time this material has been in tissue culture, and the dates and numbers of transfers that have occurred since initiation or selection;

(c) The testing/inspection history of all such material.

(7) Material planted for recertification at a pre-nuclear level shall have been produced either under standard aseptic microbiological techniques (i.e., in vitro micropropagation) or in an insect proofed greenhouse using sterilized potting media and water known to be free of bacterial potato pathogens. Material shall be produced under phytosanitary standards established in this chapter.

(8) The laboratory and/or greenhouses used to produce material to be accepted as pre-nuclear shall be open to inspection by department personnel on a periodic basis, and contain only material that has satisfied initial testing requirements.

(9) All greenhouse-produced material shall be inspected by the certification agency in the state of origin for disease and off-types during the growing cycle. One inspection shall be performed for transplant material and at least two inspections shall be performed for tuber-producing plants.

(10) Tubers and tuber storage facilities shall be inspected by the certification agency in the state of origin and satisfy requirements for sanitation and proper storage as approved by the department.

(11) All lines used in the production of pre-nuclear material shall be field-plot tested on at least an annual basis with particular emphasis on the evaluation of the phenotype (trueness-to-type), yield ability, and freedom from disease symptoms. Such testing shall be the responsibility of the participant and the certification agency in the state of origin.

(12) Well water shall be the source of irrigation for pre-nuclear stock.

NEW SECTION**WAC 16-324-395 Production requirements—Field grown seed potatoes.** (1) Nuclear class.

(a) Material planted for recertification at a nuclear level shall have been produced either under standard aseptic microbiological techniques or in an insect proofed greenhouse using sterilized potting media and water known to be free of bacterial potato pathogens.

(b) Each lot shall be distinctly separated in the field and in storage.

(c) If a ground rig is used for spraying, a wide enough spray row shall be allowed so that tires will not touch plants during the growing season.

(d) Cut seed and single drop seed shall be sorted and planted separately, with single drop seed identified.

(e) Access to fields shall be severely restricted. Entrance shall only be allowed in the presence of the grower.

(2) To produce nuclear, Generation 1 and Generation 2 stock, a grower shall have successfully produced certified seed potatoes the previous two years with no ring rot disease noted during this period. Exceptions to this are possible on approval by the department.

(3) Generations 1, 2, 3, 4 and 5.

(a) A distinct separation of at least six feet shall be left unplanted or planted to some other crop between lots of a different class and between different varieties of potatoes that have a similar enough tuber type, color skin or shape characteristics that varietal mixture would not be readily identifiable during the storage, sorting and grading process.

(b) No separation shall be required between lots of a red variety and another variety with obviously different skin color.

(c) When more than one lot of seed potatoes is planted in the same field, each lot shall be staked or marked so that any inspector not previously having been at the location can identify each lot, variety, single drop planting and different seed source.

NEW SECTION

WAC 16-324-396 Sanitation requirements. (1) Chemicals used in the sanitation of equipment shall be those recommended by the *Pacific Northwest Plant Disease Control Handbook*. Vector control shall be maintained throughout the growing season as recommended by the *Pacific Northwest Plant Disease Control Handbook*.

(2) Seed stocks entered for certification shall be planted and harvested prior to handling any other seed stock. The earliest generation shall be handled prior to lower classes within the program. All equipment used in the cutting, planting, digging, storage, and sorting process shall be sanitized between lots and varieties. When cutting nuclear stock, gloves and knives shall be sanitized between each tuber cut.

(3) Precautions shall be taken when roguing, irrigating, or cultivating to prevent the spread of potato pathogens. Only sanitized footwear shall be allowed in the field.

(4) Only department-approved containers shall be used during the digging, storage, and packing process.

(5) Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all

dirt and dry matter, followed by application of an approved chemical to kill bacteria.

NEW SECTION

WAC 16-324-397 Field inspection. (1) Each seed lot shall be visually inspected on a sample basis. Seed lots shall be subjected to at least two inspections. The first inspection shall be made before the rows have filled in or the vines touch in the row. The seed lots shall be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. Seed lots shall be considered ready for inspection at all times. Notification shall be given to grower or grower representative when the first inspection is to be performed. A second inspection shall be performed at a time determined by the inspector, considering the variety and the growing season. Additional inspections shall be made when deemed necessary.

(2) Seed lots not meeting minimum field inspection standards at the time of inspection shall be rejected.

(3) The grower shall be responsible for notifying the department of unusual field conditions which will cause premature dying from any cause prior to the final reading of the field.

(4) Any field condition, i.e., weeds, frost, insect, disease, premature dying from any cause, or any condition making inspection evaluation impossible will be cause for the following actions:

(a) Post harvest testing shall be required for any seed lot with any field condition preventing adequate field evaluation at the time of the first field inspection.

(b) At the discretion of the department, inability to perform the final field inspection evaluation of a seed lot for any reason may be cause for rejection from certification, and/or the seed lot shall not be eligible for recertification and shall be required to be post harvest tested.

(5) Ring rot found in a seed lot of a seed operation shall be cause for removing the lot from certification. Additional inspections shall be required on remaining seed lots. All other seed lots associated with or planted after the rejected lot shall be ineligible for recertification.

(6) In the suspected presence of ring rot disease in plants and tubers, or nematode infestation of tubers, or powdery scab disease on tubers, samples shall be submitted to a department-approved laboratory for testing. Samples may be sent to more than one laboratory to determine the presence or absence of plant disease or infestation.

(7) A certified seed production growers list shall be published annually after the final field inspection showing the inspection results.

(8) At the option of the grower, seed sources shall be represented in a seed lot source trial. The presence of ring rot in the sample shall be cause for rejection of seed lots planted from the same seed source by the grower submitting the sample.

NEW SECTION

WAC 16-324-398 Field inspection disease tolerance. (1) 0.0% tolerance is not intended, nor shall be construed, to mean that the lot inspected is free from the disease. In case

of ring rot, nematode, or powdery scab, it means that the disease was not identified during any visual inspection.

(2) First and second field inspection tolerances.

Factor	Nuclear		G 1		G 2		G 3		G 4		G 5	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.02	0.01	0.05	0.01	0.08	0.05	0.20	0.10
Mosaic	0.00	0.00	0.00	0.00	0.01	TR (*)	0.50	0.25	0.50	0.25	2.00	1.00
Leafroll	0.00	0.00	0.00	0.00	0.01	TR (*)	0.03	0.01	0.08	0.05	0.40	0.20
Total visible virus	0.00	0.00	0.10	0.00	0.50	0.50	2.00	1.00	2.00	1.00	2.00	2.00
Phytoplasmas	0.00	0.00	0.00	0.00	0.10	0.10	0.20	0.20	0.50	0.50	1.00	1.00
Black leg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00	4.00	2.00
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Powdery scab	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

*TR=Trace

NEW SECTION

WAC 16-324-401 Latent virus testing requirements.

(1) PVX testing shall be required for Nuclear, Generation 1 and Generation 2 class seed potatoes. PVX testing shall be optional for all other classes.

(2) Petiole samples shall be submitted by the grower in late August, or prior to vine kill, to a laboratory approved by the department. The cost of laboratory testing shall be borne by the applicant.

(3) The minimum number of plants per seed lot to be sampled for latent virus determination shall be one hundred. For nuclear class, a minimum of ten percent of the total number of plants per lot shall be sampled. For Generation 1, a minimum of two percent of the total number of plants per lot shall be sampled. For Generation 2, a minimum of fifty leaves per acre shall be sampled. For Generation 3, 4 and 5, a minimum of twenty leaves per acre shall be sampled. No more than five leaves shall be bulked per sample. The department may require additional testing.

NEW SECTION

WAC 16-324-402 Latent virus tolerance.

(1) Latent virus disease tolerances listed in the table that follows and shall be based on positive ELISA test results.

PVX TOLERANCE TABLE: PERCENT DISEASE

NUCLEAR	G1	G2	G3	G4	G5
0.00	0.50	1.00	3.00	4.00	5.00

NEW SECTION

WAC 16-324-409 Post harvest test requirements.

(1) Post harvest testing of all seed classes shall be optional. Seed lots which fail the minimum requirements of the field inspection standards shall not be eligible for post harvest testing.

(2) The purpose of this test is to visually detect virus and virus-like plant symptoms in seed potato samples submitted by the grower. Diseases which cannot be observed visually at the time of inspection may be present.

(3) A minimum of four hundred tubers shall be submitted for each seed lot entered for post harvest testing. Seed lots less than one acre in size shall submit four tubers per total hundred weight with a minimum of fifty tubers. The applicant shall have the option of submitting additional tubers greater than the minimum number.

(4) The cost of post harvest testing shall be borne by the applicant.

(5) Seed stocks represented in the post harvest test which fail to meet the disease tolerance requirements set forth in this chapter shall not be eligible for recertification.

(a) The applicant shall notify in writing all receivers of a seed stock or seed lot that failed to meet post harvest test requirements set forth in WAC 16-324-420.

(b) Acceptance of this seed lot shall be based on a written buyer/seller agreement. A copy of the written notice and buyer/seller agreement shall be provided to the department as soon as practicable.

(6) Upon request of the applicant, the department shall submit samples of seed potatoes to an approved laboratory for ELISA testing to confirm a finding of visual virus disease symptoms. The applicant shall bear the cost of ELISA testing.

(7) In the event of a serious malfunction of the post harvest test facility, certification eligibility shall be based on field inspection readings.

AMENDATORY SECTION (Amending Order 4014, filed 10/22/92, effective 11/22/92)

WAC 16-324-420 ((Winter)) Post harvest test tolerances. ~~((1) The unit of certification will be each lot. (2) Specific requirements. The diseases tolerated will be within the percentages listed in the table below, based on visual symptoms showing in the sample inspected. ELISA testing of samples shall be made upon request by the applicant at his or her expense.~~

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Disease or defect	Foundation	Certified
Well defined mosaic	1.5%	2.0%
Leaf roll	0.5%	2.0%

(3) Diseases which cannot be observed visually at time of inspection may be present:))

TOLERANCE TABLE: PERCENT DISEASE

Factor	NUCLEAR	G1	G2	G3	G4	G5
Leafroll	0.00	0.25	0.50	0.75	1.00	2.00
Mosaic (well defined)	0.00	0.25	0.50	1.00	1.50	2.00
Total virus	0.00	0.50	0.75	1.00	1.50	3.00

NEW SECTION

WAC 16-324-431 Digging, storage and premarketing. (1) Each seed lot shall be stored so as to maintain its identity. The storage bin or room (an area with a controlled access and enclosed by solid barriers) shall be so marked that any inspector not previously having been in the room or storage bin could identify each lot. All tubers from a unit planting method shall be numbered and stored as an identifiable unit for the next year's planting.

(2) Each storage or room containing more than one seed lot shall have a solid barrier between each lot that is not of the same seed source, variety or classification.

(a) The presence of ring rot or nematode in a seed lot that is stored with other seed lots shall be cause for rejection of all seed lots that are not isolated or separated by a solid barrier.

(b) Seed lots previously known or found to be infected with ring rot at time of storage or noncertified potatoes shall not be stored within the same storage with certified seed potatoes.

(3) The applicant shall notify in writing receivers of a seed stock or receivers of a lot associated with a seed stock that has been found to be infected with ring rot. The applicant shall provide the department with a copy of this notification when it is sent to the receiver.

(4) All seed classes shall be graded according to state of Washington standards for seed potatoes and United States Standards for Grades of Seed Potatoes.

(5) Each container or sack shall be identified with the official Washington seed potato tags which shall show the grower's name, address, seed lot number, net weight, variety and classification unless such information is printed on the sacks or containers.

(6) The department shall issue tags to the grower. The grower shall:

- (a) Tag the sack or container as the potatoes are sorted;
- (b) Allow inspection of graded seed potatoes at any time;
- (c) If seed potatoes are out-of-grade, remove the tags under the supervision of the inspector; and
- (d) Return all unused tags to the inspector.

(7) Failure to comply with any of the requirements of this chapter shall be cause for the inspector to withhold the privilege of permitting the grower to tag at the grower's convenience.

(8) Failure to comply with subsection (6)(b) and (c) of this section shall be cause to reject a grower from the certification program.

(9) In order to maintain its certification status, a bulk shipment must be identified with information required in subsection (5) of this section.

NEW SECTION

WAC 16-324-446 Grading inspection. (1) The quality of the grading of seed potatoes is the full responsibility of the grower. The department shall monitor grading activities for compliance with the United States Standards for Seed Potatoes and established state standards for seed potatoes.

(2) Upon request, shipping point inspections for seed potatoes shall be performed by the department at the established rate for time and mileage. A federal-state inspection certificate shall be issued.

(3) Three colors of tags shall be permitted for use.

(a) Blue tags shall be used for seed potatoes which meet or exceed minimum requirements of United States Standards for US Number 1 grade of seed potatoes.

(b) Yellow tags shall indicate a contract grade between buyer and seller.

(c) White tags shall be used for seed potatoes which meet or exceed minimum requirements of US Number 1 standards for grade of seed potatoes: *Provided*, That the size shall not be less than one ounce or more than three ounces in weight.

(4) Compliance with the provisions of these standards shall not relieve the applicant or grower from responsibility for conforming with compliance agreements and applicable provisions of federal and state laws.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-324-360 Definitions.
- WAC 16-324-380 Certified seed potato stock—Fees.
- WAC 16-324-390 Requirements for production of foundation and/or certified seed potato stock.
- WAC 16-324-400 Certified seed potato—Field inspection standards.
- WAC 16-324-410 Winter test.
- WAC 16-324-430 Certified seed potato—Digging, storage and premarketing.
- WAC 16-324-435 Storage restrictions.
- WAC 16-324-445 Certified seed potato—Grading inspection—Diseases and grades.
- WAC 16-324-450 Certified seed potato—Specific requirements.
- WAC 16-324-460 Washington No. 1 certified seed potatoes (blue tag stock).

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WAC 16-324-470	Washington No. 2 certified seed potatoes (red tag stock).
WAC 16-324-480	Washington single drop certified seed potatoes (white tag stock).
WAC 16-324-490	Washington buff certified seed potatoes (buff tag stock).
WAC 16-324-500	Marking requirements.
WAC 16-324-510	Certified seed potato—Tolerances.
WAC 16-324-520	Certified seed potato—Definition of terms.
WAC 16-324-530	Certified seed potato—Definition—Damage.
WAC 16-324-540	Certified seed potato—Definition—Serious damage.
WAC 16-324-600	Limited generation (L.G.) certified seed potato production.
WAC 16-324-605	Limited generation certified seed potato—Requirements for production and eligibility of prenuclear stock.
WAC 16-324-610	Limited generation certified seed potato—Land requirements.
WAC 16-324-620	Limited generation certified seed potato—Isolation requirements.
WAC 16-324-630	Limited generation certified seed potato—Field inspection tolerances.
WAC 16-324-650	Limited generation certified seed potato—Production phases.
WAC 16-324-660	Limited generation certified seed potato—Sanitation.
WAC 16-324-670	Limited generation certified seed potato—Tags.
WAC 16-324-680	Limited generation certified seed potato—Storage.

WSR 97-07-077
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Filed March 19, 1997, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-01-112.

Title of Rule: Noxious weed control and control of other aquatic plants.

Purpose: Provide general rules for noxious weed control, and control of other aquatic plants.

Statutory Authority for Adoption: RCW 75.08.080, 75.20.108.

Statute Being Implemented: RCW 75.20.108.

Summary: Establish pamphlet hydraulic project approval and provide general guidelines for removal of noxious weeds. Allows spartina removal and hand removal

of purple loose-strife without approval. Guidelines apply to all aquatic plants.

Reasons Supporting Proposal: Expedite noxious weed removal, and control of other aquatic plants.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Karen Terwilliger, 1111 Washington Street, Olympia, 902-2600; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, 902-2925.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will allow for aquatic weed removal without individual hydraulic project approval in certain cases, establish general guidelines for control and provide definitions for use of the hydraulics code. The effect will be to reduce the number of hydraulic project approvals processed by the department, and expedite noxious weed removal.

Proposal Changes the Following Existing Rules: Amends definition section. Exempts spartina control from hydraulic project approval.

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

Small Business Economic Impact Statement

1. Description of reporting, record keeping and other compliance measures required by the proposal: Permittees are required to fill out and return a simple one-page tracking form at the completion of their project. If permittees propose control methods that exceed thresholds established in the rule, prior authorization is required to be obtained from the Washington Department of Fish and Wildlife.

2. Professional services required for compliance: None.

3. Costs of compliance, including costs of equipment, supplies, labor and increased administrative costs: The minor cost of calling or mailing a letter to the Washington Department of Fish and Wildlife to request a pamphlet. The pamphlet itself will be free. Administrative costs will not be increased, and in most instances, decreased because an individual hydraulic project approval will not have to be obtained for many projects. At present all projects must obtain an individual permit.

4. Will compliance cause businesses to lose sales or revenue? No, the rules will make it easier for businesses to conduct aquatic plant control projects. Ease of compliance should reduce costs and therefore increase revenues for businesses.

5. Comparison of costs for the 10% of businesses that are the largest businesses required to comply with the proposed rule: Not applicable, based on answers to #3 and #4, above.

6. Steps taken by the agency to reduce the costs of the rule on small businesses: None needed.

7. Description of how the agency will involve small business in the development of the rule: Small businesses were represented in the advisory committee that provided input to the agency during development of the public review

draft. The input was provided at several meetings, through written comments, and phone calls. Small businesses will be notified about the public hearings and invited to provide testimony.

8. List of industries required to comply with this rule: No additional industries are required to comply.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Significant Legislative Rules Analysis

1. Clearly state in detail the general goals and specific objectives of the statute that the rule implements:

This rule implements RCW 75.20.108, the general goal of which is the removal or control of aquatic noxious weeds (other than spartina) for projects that will use, divert, obstruct or change the natural flow or bed of any of the salt or fresh waters of the state. The specific objectives are to require the Washington Department of Fish and Wildlife (WDFW) to develop and adopt rules that describe acceptable methods for removal or control. The rules also provide environmentally sound methods for limited control of aquatic plants (other than aquatic noxious weeds) around docks and shoreline areas. Following adoption of the rules the WDFW is to produce and distribute a pamphlet that describes the methods that are approved in the rules. The pamphlet serves as the hydraulic project approval (HPA) for any project that is conducted as described in the pamphlet.

2. Determine that the rule is needed to achieve the general goals and specific objectives stated above and analyze alternatives to rule making and the consequences of not adopting the rule: WDFW has been specifically directed by the legislature to adopt these rules. As a result there are no alternatives to rule making. The consequences of not adopting the rules would be a violation of delegated duty.

3. Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented: The benefits of the rules are clearly encoded practices for control of aquatic plants that follow currently accepted industry standards while being protective of fish life. This increases regulatory predictability for the public. The rules also allow for a pamphlet to serve as the HPA reducing cost of permit compliance. More importantly, the rules/pamphlet package should lead to an increased effectiveness of control of noxious aquatic plants state-wide and hence a reduction in the economic costs and ecological consequences of increased spread of the weeds.

The rules per se do not increase compliance costs to the public since they are currently required to obtain an individual HPA for the mechanical control of aquatic plants.

4. Determine, after considering alternative versions of the rule and the analysis required under 2 and 3 above that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under 1 above: The proposed final version of the rule is considered to be the least burdensome alternative because it was developed in consultation with an advisory committee that included a range of experts in aquatic plant management. These experts included representatives from

small businesses, county weed boards, lakeside residents, academic institutions, environmental organizations, and government agencies (see appended list). Several drafts were prepared and reviewed, and discussed at meetings. Each iteration incorporated practical advice on the least burdensome and yet still effective methods of achieving the goals and objectives set forth under #1, above.

5. Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law: Applicable laws have been checked, and to the best of our knowledge the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

6. Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law: The rule has the same requirements for any entity - public or private.

7. Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following:

- a) A state statute that explicitly allows the agency to differ from federal standards; or
- b) substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under 1 above: See answer to #5, above.

8. Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter: The rules were developed [in] consultation with an advisory committee that included representatives from federal, state, and local agencies. The implementation of the rule will include distribution of an informational brochure that will describe in brief the requirements and where to obtain the pamphlet HPAs. The brochures will be distributed to applicable federal, state and local agencies, including the permit assistance center at the Department of Ecology.

Rule Implementation Plan

The following describes how WDFW intends to: **1. Implement and enforce the rule, including a description of the resources the agency intends to use; 2. inform and educate affected persons about the rule; 3. promote and assist voluntary compliance; 4. evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.**

1. Implementation and enforcement of the rule: WDFW will implement the rule by publicizing its existence primarily through an informational brochure. This brochure will describe in brief rule provision and where to obtain the pamphlet HPAs. The brochures will be distributed to applicable federal, state and local agencies, including the permit assistance center at the Department of Ecology. The rules will also be publicized opportunistically through seminars, workshops, and meetings.

Enforcement will be through spot checks of projects by WDFW enforcement staff using information obtained when

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applicants obtained their pamphlet and from area habitat biologists. Area habitat biologists will also undertake spot checks.

2. Information and education: The affected public will be informed and educated about the rule using the brochure, workshops, seminars and meetings described in 1, above.

3. Promotion of voluntary compliance: Voluntary compliance of the rule will be promoted using the brochure, workshops, seminars and meetings described in 1, above. In addition, area habitat biologists will provide onsite technical assistance visits to applicants, as staff resources permit.

4. Rule evaluation: Pamphlet applicants are required to fill out and return a tracking form after their project is completed. The completed form will provide information on location, planning processes, type of plants controlled, methods employed as well as comments and suggestions. WDFW will use this information to obtain a better idea where and what type of aquatic plant problems are being addressed. The comments and suggestions will be used to find ways to further streamline the pamphlet and to include new and innovative control methods while still being protective of fish life. Staff resources permitting, a meeting of the advisory committee and other interested parties will be convened no later than two years after rule adoption to undertake a thorough analysis of the rule/pamphlet package. Updates in the rule and pamphlet will be made accordingly.

Hearing Location: The department will hold public hearings beginning at 7:00 p.m. on the following dates at the following locations: April 22, 1997, Natural Resources Building, Room 172, 1111 Washington Street, Olympia, WA; on April 24, 1997, Edmonds Community College, 20000 68th Avenue West, Room 202B, Lynnwood, WA; and on April 28, 1997, PUD Auditorium, Grant County Public Utility District, 312 West 3rd Avenue, Ephrata, WA.

Assistance for Persons with Disabilities: Contact Robin Ayers by April 8, 1997, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2930, by April 21, 1997.

Date of Intended Adoption: May 5, 1997.

March 19, 1997

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

WAC 220-110-010 Purpose. It is the intent of the department to provide protection for all fish life through the development of a state-wide system of consistent and predictable rules. The department will coordinate with other local, state, and federal regulatory agencies, and tribal governments, to minimize regulatory duplication. Pursuant to chapter 75.20 RCW, this chapter establishes regulations for the construction of hydraulic project(s) or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, and sets forth procedures for obtaining a hydraulic project approval (HPA). In addition, this chapter incorpo-

rates criteria generally used by the department (~~of fish and wildlife~~) for project review and conditioning HPAs.

The technical provisions in WAC 220-110-040 through (~~220-110-330~~) 220-110-338 represent common provisions for the protection of fish life for typical projects proposed to the department. Implementation of these provisions is necessary to minimize project specific and cumulative impacts to fish life. These regulations reflect the best available science and practices related to protection of fish life. The department will incorporate new information as it becomes available, and to allow for alternative practices that provide equal or greater protection for fish life.

The technical provisions shall apply to a hydraulic project when included as provisions on the HPA. Each application shall be reviewed on an individual basis. Common technical provisions applicable to a specific project may be modified or deleted by the department pursuant to WAC 220-110-032. HPAs may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the common technical provisions.

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

WAC 220-110-020 Definitions. As used in this chapter, unless the context clearly requires otherwise:

(1) "Aquatic beneficial plant" means native and nonnative aquatic plants not prescribed by RCW 17.10.010(10), and that are of value to fish life.

(2) "Aquatic noxious weed" means an aquatic weed on the state noxious weed list as prescribed by RCW 17.10-010(10).

(3) "Aquatic plant" means any aquatic noxious weed and aquatic beneficial plant that occurs within the ordinary high water line of waters of the state.

(4) "Beach area" means the beds between the ordinary high water line and extreme low tide.

(~~(2)~~) (5) "Bed" means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(~~(3)~~) (6) "Bed materials" means natural-occurring material, including aquatic plants, found in the beds of state waters.

(~~(4)~~) (7) "Bio-degradable" means material that is capable of being readily decomposed by biological means, such as by bacteria.

(8) "Bio-engineering" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

(~~(5)~~) (9) "Bottom barrier or screen" means synthetic or natural fiber sheets of material used to cover and kill plants growing on the bottom of a watercourse.

~~((10))~~ (10) "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

~~((6))~~ (11) "Cofferdam" means a temporary enclosure used to keep water from a work area.

~~((7))~~ (12) "Control" means level of treatment of aquatic noxious weeds as prescribed by RCW 17.10.010(5).

(13) "Department" means the department of fish and wildlife.

~~((8))~~ (14) "Diver-operated dredging" means the use of portable suction or hydraulic dredges held by SCUBA divers to remove aquatic plants.

(15) "Drawdown" means decreasing the level of standing water in a watercourse to expose bottom sediments and rooted plants.

(16) "Dredging" means removal of bed material using other than hand held tools.

~~((9))~~ (17) "Early infestation" means an aquatic noxious weed whose stage of development, life history, or area of coverage makes one hundred percent control and eradication as prescribed by RCW 17.10.010(5) likely to occur.

(18) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions, other natural conditions, or fire.

~~((10))~~ (19) "Entrained" means the entrapment of fish into a watercourse diversion without the presence of a screen, into high velocity water along the face of an improperly designed screen, or into the vegetation cut by a mechanical harvester.

(20) "Equipment" means any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

~~((11))~~ (21) "Eradication" See "control."

(22) "Established ford" means a crossing place in a watercourse that was in existence and annually used prior to 1986 or subsequently permitted by the department, and, has identifiable approaches on the streambanks.

~~((12))~~ (23) "Extreme low tide" means the lowest level reached by a receding tide.

~~((13))~~ (24) "Farm and agricultural land" means those lands identified as such in RCW 84.34.020.

~~((14))~~ (25) "Filter blanket" means a layer or combination of layers of pervious materials (organic, mineral, or synthetic) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

~~((15))~~ (26) "Fish life" means all fish species, including but not limited to food fish, shellfish, game fish, and other nonclassified fish species and all stages of development of those species.

~~((16))~~ (27) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director of the department of fish and wildlife.

~~((17))~~ (28) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

~~((18))~~ (29) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the fish and wildlife commission.

~~((19))~~ (30) "General provisions" means those provisions that are contained in every (HPA).

~~((20))~~ (31) "Hand cutting" means the removal or control of aquatic plants with the use of hand-held tools or equipment, or equipment that is carried by a person when used.

(32) "Hand-held tools" means tools that are held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Examples are shovels, rakes, hammers, etc.

~~((21))~~ (33) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish and shellfish.

~~((22))~~ (34) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic projects include forest practice activities, conducted pursuant to the forest practices rules (Title 222 WAC), that involve construction or performance of other work in or across the ordinary high water line of:

(a) Type 1-3 waters; or

(b) Type 4 and 5 waters with identifiable bed or banks where there is a hatchery water intake within two miles downstream; or

(c) Type 4 and 5 waters with identifiable bed or banks within one-fourth mile of Type 1-3 waters where any of the following conditions apply:

(i) Where the removal of timber adjacent to the stream is likely to result in entry of felled trees into flowing channels;

(ii) Where there is any felling, skidding, or ground lead yarding through flowing water, or through dry channels with identifiable bed or banks with gradient greater than twenty percent;

(iii) Where riparian or wetland leave trees are required and cable tailholds are on the opposite side of the channel;

(iv) Where road construction or placement of culverts occurs in flowing water;

(v) Where timber is yarded in or across flowing water;

(d) Type 4 and 5 waters with identifiable bed or banks that are likely to adversely affect fish life, where the HPA requirement is noted by the department in response to the forest practice application.

Hydraulic projects and associated permit requirements for specific project types are further defined in other sections of this chapter.

~~((23))~~ (35) "Hydraulic project application" means a form provided by and submitted to the department of fish and wildlife accompanied by plans and specifications of the proposed hydraulic project.

~~((24))~~ (36) "Hydraulic project approval" (HPA) means:

(a) A written approval for a hydraulic project signed by the director of the department of fish and wildlife, or the director's designates; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of fish and wildlife, or the director's designates; or

(c) A "Gold and Fish" pamphlet issued by the department which identifies and authorizes specific minor hydraulic project activities for mineral prospecting (panning); or

(d) An "Irrigation and Fish" pamphlet issued by the department which identifies and authorizes specific minor hydraulic project activities; or

(e) "Aquatic Plants and Fish" pamphlet issued by the department which identifies and authorizes specific aquatic noxious weed and aquatic beneficial plant removal and control activities.

~~((25))~~ (37) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet and rootwads, wholly or partially waterward of the ordinary high water line.

~~((26))~~ (38) "Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the MLLW = 0.0 tidal elevation.

~~((27))~~ (39) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each day's lowest tide at a particular location over a period of nineteen years. It is the tidal datum for vertical tidal references in the saltwater area.

~~((28))~~ (40) "Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with the use of aquatic mechanical harvesters which cut and collect aquatic plants, and mechanical cutters which only cut aquatic plants.

(41) "Mitigation" means actions which shall be required as provisions of the HPA to avoid or compensate for impacts to fish life resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; or

(f) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

For projects with potentially significant impacts, a mitigation agreement may be required prior to approval. Replacement mitigation may be required to be established and functional prior to project construction.

~~((29))~~ (42) "Natural conditions" means those conditions which arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

~~((30))~~ (43) "No-net-loss" means:

(a) Avoidance or mitigation of adverse impacts to fish life; or

(b) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(c) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no-net-loss should benefit those organisms being impacted.

~~((31))~~ (44) "Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland: *Provided*, That in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

~~((32))~~ (45) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

~~((33))~~ (46) "Protection of fish life" means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations.

~~((34))~~ (47) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum virgatum* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(b).

(48) "River or stream." See "watercourse."

~~((35))~~ (49) "Rotovation" means the use of aquatic rotovators which have underwater rototiller-like blades to uproot aquatic plants as a means of plant control.

(50) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

~~((36))~~ (51) "Shellfish" means those species of saltwater and freshwater invertebrates that shall not be taken except as authorized by rule of the director of the department of fish and wildlife. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((37))~~ (52) "Spartina" means *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*, and *Spartina patens* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(a).

(53) "Special provisions" means those conditions that are a part of the (HPA), but are site or project specific, and are used to supplement or amend the technical provisions.

~~((38))~~ (54) "Streambank stabilization" means those projects which prevent or limit erosion, slippage, and mass wasting; including, but not limited to bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection (physical armoring of streambanks using rock or woody material, or placement of jetties or groins), gravel removal or erosion control.

~~((39))~~ (55) "Technical provisions" means those conditions that are a part of the (HPA) and apply to most projects of that nature.

~~((40))~~ (56) "Toe of the bank" means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

~~((41))~~ (57) "Viable" means that any plant or plant part is capable of taking root or living when introduced into a body of water.

(58) "Watercourse" and "river or stream" means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.

~~((42))~~ (59) "Water right" means a certificate of water right, a vested water right or a claim to a valid vested water right, or a water permit, pursuant to Title 90 RCW.

~~((43))~~ (60) "Waters of the state" or "state waters" means all salt waters and fresh waters waterward of ordinary high water lines and within the territorial boundaries of the state.

~~((44))~~ (61) "Water type" means water categories as defined in WAC 222-16-030 of the forest practice rules and regulations (~~published and dated November 1, 1988~~).

~~((45))~~ (62) "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

(63) "Wetted perimeter" means the areas of a watercourse covered with water, flowing or nonflowing.

NEW SECTION

WAC 220-110-031 Pamphlet hydraulic project approvals—Procedures. (1) In those instances where a pamphlet is the equivalent of an HPA as defined in WAC 220-110-020(36), a person shall obtain a pamphlet HPA issued by the department which identifies and authorizes specific minor hydraulic project activities before conducting a hydraulic project.

(2) The pamphlet HPA, or clear reproduction, shall be on the project site when work is being conducted and shall be immediately available for inspection.

(3) The pamphlet HPA shall be conditioned to ensure protection of fish life.

(4) Pamphlet HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations of local, federal, and other Washington state agencies.

(5) Administration of this chapter shall be conducted in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100, and 232-19 WAC.

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

WAC 220-110-035 Miscellaneous hydraulic projects—Permit requirements and exemptions. (1) Operators of mechanical or hydraulic clam harvesters shall be required to obtain an HPA and comply with provisions of WAC 220-52-018, and shall obtain and comply with the

provisions of the department's permit to operate a clam harvesting machine.

(2) ~~((Noxious aquatic weed control by hand pulling or hand held tools does not require hydraulic project approval.))~~ An activity conducted solely for the removal or control of spartina does not require an HPA. An activity conducted solely for the removal or control of purple loosestrife and which is performed with hand-held tools, hand-held equipment, or equipment carried by a person when used does not require an HPA. Any other activity conducted solely for the removal or control of aquatic noxious weeds or aquatic beneficial plants shall require either a copy of the current *Aquatic Plants and Fish* pamphlet HPA available from the department or an individual HPA.

(3) The installation, by hand or hand-held tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require an HPA.

(4) Driving a vehicle or operating equipment on or across an established ford does not require an HPA. However, ford repair with equipment or construction work waterward of the ordinary high water lines requires an HPA. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires an HPA. HPAs for new fords issued subsequent to January 1995 shall require that the entry and exit points of the ford not exceed one hundred feet upstream or downstream of each other.

(5) A person conducting a remedial action under a consent decree, order, or agreed order, pursuant to chapter 70.105D RCW, and the department of ecology when it conducts a remedial action, are exempt from the procedural requirements of the Hydraulic Code. Compliance with the substantive provisions of the Hydraulic Code is required.

(6) The technical and special provisions of an individual or a pamphlet HPA shall be followed by the permit holder, equipment operator(s), and other individuals conducting the project.

NEW SECTION

WAC 220-110-331 Aquatic plant removal and control technical provisions. WAC 220-110-332 through 220-110-338 set forth technical provisions that shall apply to hydraulic projects that control or remove aquatic plants. Aquatic plant removal and control methods include physical, mechanical, biological and chemical control methods. Often the best approach to aquatic plant control and removal is through the development of a vegetation management plan. A vegetation management plan is a comprehensive approach to control of aquatic plants where all forms of control strategies are considered and usually some combination of techniques is selected and implemented in a planned manner. These plans are based on the idea that decisions should be centered upon an understanding of the biology and ecology of the aquatic plant to be controlled and the environmental characteristics of the site. Integrated vegetation management planning is encouraged at all times to comprehensively address aquatic plant problems for a watercourse. Certain technical provisions shall be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included, as necessary to address site-specific conditions. Those provisions, where

applicable, shall be contained in the HPA (pamphlet or individual), as necessary to protect fish life. HPAs shall have specific time limitations on project activities to protect fish life. Information concerning timing shall be included with the pamphlet HPA. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

NEW SECTION

WAC 220-110-332 Hand removal or control. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Hand removal or control of aquatic plants is useful for eradication of an aquatic noxious weed early infestation. Hand removal or control can be effective for small, confined areas. Hand removal or control of aquatic plants projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to hand removal or control of both aquatic noxious weed and aquatic beneficial plant projects except where otherwise indicated:

(1) Work shall be restricted to the use of hand-pulling, hand-held tools or equipment, or equipment that is carried when used.

(2) After prior authorization by the department, removal of aquatic beneficial plants may occur for a distance of up to fifty linear feet or one-half the length of the applicant's shoreline, whichever is less, and not to exceed two thousand five hundred square feet. Projects requiring the removal of aquatic beneficial plants covering a greater area shall require an individual, written HPA.

(3) Where possible, the entire plant shall be removed when using hand-pulling.

(4) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible. This is especially important when removing or controlling aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(5) Existing fish habitat components such as logs, stumps, and large boulders shall not be removed or disturbed.

(6) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(7) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse.

(8) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(9) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all

viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(10) After prior authorization by the department, raking may occur in fish spawning areas.

NEW SECTION

WAC 220-110-333 Bottom barriers or screens. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Bottom barriers or screens are useful for eradication of an aquatic noxious weed early infestation. Bottom barriers or screens are best used in small, confined areas where control of all plants is desirable. Bottom barrier or screen projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to bottom barrier or screen projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinalt, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(2) For removal and control of aquatic noxious weeds, bottom barrier or screen material shall not cover more than fifty percent of the length of the applicant's shoreline. Bottom barrier or screen projects covering a larger area shall require prior authorization by the department. Bottom barrier or screen and anchor material consisting of biodegradable material may be left in place. Bottom barrier or screen and anchor material that is not biodegradable shall be completely removed within two years of placement to encourage recolonization of aquatic beneficial plants unless otherwise approved by the department.

(3) To remove or control aquatic noxious weeds and aquatic beneficial plants such that an access is maintained for boating or swimming, bottom barrier or screen and anchor material that is not biodegradable may be installed along a maximum length of ten linear feet of the applicant's shoreline. Bottom barrier or screen projects for boating and swimming access which cover a larger area shall require prior authorization by the department.

(4) Bottom barrier or screen material shall be securely anchored with pea-gravel filled bags, rock or similar mechanism to prevent billowing and movement offsite.

(5) Bottom barrier or screen and anchors shall be regularly maintained while in place to ensure the barrier or screen and anchors are functioning properly. Barriers or screens that have moved or are billowing shall immediately be securely reinstalled or removed from the watercourse.

(6) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to properly install the bottom barrier or screen. These habitat components shall not be removed from the watercourse.

(7) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(8) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

NEW SECTION

WAC 220-110-334 Weed rolling. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Weed rollers are best used when control of all aquatic plants is desired. Weed rolling projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to weed rolling projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(2) Weed rollers shall not be used to remove an aquatic noxious weed early infestation.

(3) Weed rollers shall not cover an area of more than two thousand five hundred square feet. Weed roller projects covering a greater area shall require prior authorization by the department.

(4) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible. This is especially important when removing or controlling aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(5) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(6) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse.

(7) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(8) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the

watercourse if necessary to properly install the weed roller. These habitat components shall not be removed from the watercourse.

(9) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(10) After prior authorization by the department, weed rollers may be used in fish spawning areas.

NEW SECTION

WAC 220-110-335 Mechanical harvesting and cutting. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mechanical harvesting and cutting projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to mechanical harvesting and cutting projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Mechanical harvesters and cutters shall not be used to remove an aquatic noxious weed early infestation.

(2) If the intent of the project is to remove aquatic beneficial plants, prior authorization by the department shall be required.

(3) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible. This is especially important when removing or controlling aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(4) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Equipment shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.

(5) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(6) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.

(7) Mechanical harvester and cutter operations shall only be conducted in waters of sufficient depth to avoid bottom contact with the cutter blades.

(8) Mechanical harvesters and cutters shall be operated at all times to cause the least adverse impact to fish life.

(9) Fish life that may be entrained in the cut vegetation during mechanical harvester operations shall be immediately and safely returned to the watercourse.

(10) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(11) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

NEW SECTION

WAC 220-110-336 Rotovation. An individual HPA shall be required for rotovation projects. Rotovation projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to rotovation projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Rotovators shall not be used to remove an aquatic noxious weed early infestation.

(2) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible. This is especially important when removing aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(3) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Rotovators shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.

(4) If at any time, as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(5) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.

(6) Rotovators shall be operated at all times to cause the least adverse impact to fish life.

(7) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons

or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(8) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(9) Rotovation shall not occur in fish spawning areas unless approved by the department.

NEW SECTION

WAC 220-110-337 Aquatic plant dredging. A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA for diver-operated dredging only, unless otherwise indicated, and shall be on the job site at all times. All other dredging for aquatic plant control or removal shall require an individual HPA. Dredging projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to dredging projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) All aquatic plant dredging projects.

(a) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(b) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Equipment shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.

(c) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(d) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These

habitat components shall not be removed from the watercourse.

(e) Dredging shall be conducted at all times with dredge types and methods that cause the least adverse impact to fish life.

(f) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(g) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(h) Upon completion of the dredging, the bed shall not contain pits, potholes, or large depressions to avoid stranding of fish.

(i) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After prior authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(2) Diver-operated dredging only. The use of diver-operated dredging is useful to remove an aquatic noxious weed early infestation, and to assist in long-term maintenance following control or removal via other methods.

(a) Removal of plants and plant fragments from the watercourse shall be as complete as possible. This is especially important when removing or controlling aquatic noxious weeds. Plants and plant fragments shall be removed from the dredge slurry prior to its return to the watercourse. Dredged bed materials, including detached plants and plant fragments, shall be disposed of at an upland disposal site so as not to reenter state waters.

(b) After prior authorization by the department, diver-operated dredging may be conducted in fish spawning areas.

(c) An hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(3) Dredging other than diver-operated dredging. *Except* for diver-operated dredging, an individual HPA shall be required for all dredging for aquatic plant control or removal projects.

(a) Dragline and clamshell dredges shall not be used to remove an aquatic noxious weed early infestation.

(b) Removal of plants and plant fragments from the watercourse shall be as complete as possible. This is especially important when removing or controlling aquatic noxious weeds. Dredged bed materials, including detached

plants and plant fragments, shall be disposed of at an upland disposal site so as not to reenter state waters.

(c) Dredging shall not be conducted in fish spawning areas unless approved by the department.

(d) An hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(e) If a dragline or clamshell is used, it shall be operated to minimize turbidity. During excavation, each pass with the clamshell or dragline bucket shall be complete. Dredged material shall not be stockpiled waterward of the ordinary high water line.

NEW SECTION

WAC 220-110-338 Water level manipulation. An individual HPA shall be required for water level manipulation. The use of water level manipulations (drawdowns) to remove or control aquatic noxious weeds or aquatic beneficial plants by exposing plants and root systems to extreme temperature and moisture conditions may be appropriate under specific circumstances. Accurate plant identification is important to ensuring any degree of success. Water level manipulation projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to water level manipulation projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(2) Water level manipulation shall be conducted to cause the least adverse impact to fish life.

(3) Water level manipulation shall occur gradually and in a controlled manner to prevent a sudden release of impounded water or sediments which may result in downstream bed and bank degradation, sedimentation, or flooding. Water levels shall be drawdown and brought back up at rates predetermined in consultation with and approved by the department. Instream flow requirements shall be maintained as water levels are brought back up.

(4) Disturbed bank areas shall be protected from erosion. Erosion control methods may include, but are not limited to, filter fabric and immediate mulching of exposed areas. Riprap, or other bank hardening/armoring method, shall not be allowed.

WSR 97-07-079

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed March 19, 1997, 11:50 a.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 95-24-051.

Title of Rule: WAC 458-20-174 Sales of motor vehicles, trailers, and parts to motor carriers operating in interstate or foreign commerce; and 458-20-17401 Use tax liability for motor vehicles, trailers, and parts used by motor carriers operating in interstate or foreign commerce.

Purpose: WAC 458-20-174 explains the retail sales tax exemptions provided for sales of motor vehicles, trailers, and parts to motor carriers operating in interstate or foreign commerce. WAC 458-20-17401 explains the use tax exemptions provided for the use of motor vehicles, trailers, and parts by motor carriers operating in interstate or foreign commerce.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: For WAC 458-20-174 is RCW 82.08.0262 and 82.08.0263; and for WAC 458-20-17401 is RCW 82.12.0254.

Summary: These rules are being revised to implement HB 1157 (chapter 63, Laws of 1995), which removed the requirement that motor carriers obtain trip permits for the first use of vehicles as a condition for the retail sales tax exemptions. This change is reflected in the revision of WAC 458-20-174. Chapter 63, Laws of 1995, also removed the use tax exemption requirement that the first use of a motor vehicle be in interstate or foreign commerce. This is reflected in the revision of WAC 458-20-17401. The retail sales and use tax exemptions require that the purchaser/user be, or operate under contract with, a holder of a permit issued by the Interstate Commerce Commission (ICC). However, the ICC has been eliminated. The revisions to these rules explain that the Department of Revenue will construe the exemptions as if they read "Interstate Commerce Commission or successor agency."

Reasons Supporting Proposal: To incorporate 1995 law changes and to recognize the elimination of the Interstate Commerce Commission.

Name of Agency Personnel Responsible for Drafting: Alan R. Lynn, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-9040; Implementation: Claire Hesselholt, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 753-3446; and Enforcement: Russell Brubaker, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-0257.

Name of Proponent: Department of Revenue, governmental.

Rule is necessary because of federal law, Public Law 104-88, elimination of ICC.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-20-174 explains the retail sales tax exemptions for sales of motor vehicles, trailers, parts, and repair services to for-hire motor carriers operating in interstate or foreign commerce. It explains the requirements which must be met and the documents which must be preserved to substantiate a claim for a retail sales tax exemption. This rule provides sample exemption certificates for the sales tax exemption provided by RCW 82.08.0262 for motor vehicles and trailers, and the sales tax exemption provided by RCW 82.08.0263 for repairs and sales of component parts. The amendments to this rule will inform businesses of the statutory changes (chapter 63, Laws of 1995) that simplify and ease the conditions under which an exempt sale/purchase can be made.

WAC 458-20-17401 explains the use tax exemptions provided for the use of motor vehicles, trailers, and component parts by for-hire motor carriers operating in interstate or foreign commerce. It explains that a motor carrier must continue to "substantially use" motor vehicles and trailers in interstate or foreign commerce to retain the use tax exemption. This rule explains the line-crossing, mileage, and revenue methods for determining whether the twenty-five percent "substantial use" exemption threshold is maintained. It also explains what types of parts qualify for exemption as "component parts." The amendments to this rule will inform motor carriers that the use tax exemption statute no longer requires that the first use of a motor vehicle or trailer be in interstate or foreign commerce.

The retail sales and use tax exemptions require that the purchaser/user be, or operate under contract with, a holder of a permit issued by the Interstate Commerce Commission (ICC). However, Public Law 104-88 eliminated the ICC effective December 31, 1995, and the federal Department of Transportation has taken over many of the commission's duties. The amendments to WAC 458-20-174 and 458-20-17401 explain that the Department of Revenue will construe the retail sales and use tax exemptions as if they read "Interstate Commerce Commission or successor agency."

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-174 and 458-20-17401. The 1995 legislature eased the restrictions under which a motor carrier can qualify for the retail sales and use tax exemptions available for motor vehicles, trailers, component parts, and repair services. These amendments bring these rules in conformance with existing law.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendments to these rules bring the existing rule into conformance with existing law, and make taxable and nontaxable circumstances more clear. These amendments do not impose any new or additional administrative burdens or responsibilities on businesses that are not imposed by law.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is an interpretive rule to implement specific statutes.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on April 23, 1997, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Janet Schilter by April 14, 1997, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Alan R. Lynn, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by April 23, 1997.

Date of Intended Adoption: April 30, 1997.

March 19, 1997
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 94-18-003, filed 8/24/94, effective 9/24/94)

WAC 458-20-174 Sales of motor vehicles, trailers, and parts to motor carriers operating in interstate or foreign commerce ((of motor vehicles, trailers, parts, etc)). (1) Introduction. This section explains the retail

sales tax exemptions provided by RCW 82.08.0262 and 82.08.0263 for sales to for hire motor carriers operating in interstate or foreign commerce. Addressed are the requirements which must be met and the documents which must be preserved to substantiate a claim of retail sales tax exemption. Motor carriers should refer to WAC 458-20-17401 for a discussion of the use tax and use tax exemptions available to motor carriers for the purchase or use of vehicles and parts under RCW 82.12.0254.

(2) **Business and occupation tax.** Business and occupation (B&O) tax is due on all sales to motor carriers when delivery is made in Washington, notwithstanding that the retail sales tax may not apply because of the specific statutory exemptions provided by RCW 82.08.0262 and 82.08.0263.

(a) **Retailing of interstate transportation equipment.** This B&O tax classification, with respect to sales to motor carriers, applies to retail sales which are exempt from retail sales tax because of the provisions of RCW 82.08.0262 or 82.08.0263. (See RCW 82.04.250.) The retailing of interstate transportation B&O tax applies to the following, but only when the retail sales tax exemption requirements for RCW 82.08.0262 or 82.08.0263 are met:

(i) Sales of motor vehicles, trailers, and component parts thereof;

(ii) The lease of motor vehicles and trailers without operator; and

(iii) Charges for labor and services rendered in respect to constructing, cleaning, repairing, altering or improving vehicles and trailers or component parts thereof. The term "component parts" means any tangible personal property which is attached to and becomes an integral part of the motor vehicle or trailer. It includes such items as motors, motor and body parts, batteries, paint, permanently affixed decals, and tires. "Component parts" includes the axle and wheels, referred to as "converter gear" or "dollies," which is used to connect a trailer behind a tractor and trailer. "Component parts" can include tangible personal property which is attached to the vehicle and used as an integral part of the motor carrier's operation of the vehicle, even if the item is not required mechanically for the operation of the vehicle. It ~~((would))~~ includes cellular telephones, communication equipment, fire extinguishers, and other such items, whether themselves permanently attached to the vehicle or held by brackets which are permanently attached. If held by brackets, the brackets must be permanently attached to the vehicle in a definite and secure manner with these items attached to the bracket when not in use and intended to remain with that vehicle. It does not include antifreeze, oil, grease, and other lubricants which are considered as consumed at the time they are placed into the vehicle, even though required for operation of the vehicle. It does include items such as spark plugs, oil filters, air filters, hoses and belts.

(b) **Retailing.** The retailing B&O tax applies to the following:

(i) Sales and services as described in (a)(i) through (iii) of this subsection, which do not meet the exemption requirements provided in RCW 82.08.0262 or 82.08.0263;

(ii) Sales of equipment, tools, parts and accessories which do not become a component part of a motor vehicle or trailer used in transporting persons or property therein;

(iii) Sales of consumable supplies, such as oil, anti-freeze, grease, other lubricants, cleaning solvents and ice; and

(iv) Towing charges.

(c) **Interstate sales deduction for lease income.**

Persons who lease motor vehicles and trailers to motor carriers at retail (without operator) may claim an interstate sales deduction for the amount of the lease income attributable to the actual out-of-state use of the vehicles and trailers. Documentation substantiating such a claim must be retained by the lessor. This deduction may be taken even if the vehicle is not used substantially in interstate hauls for hire. The B&O tax applies to that portion of use of the vehicle while the vehicle is being used in Washington, even if the usage is in connection with interstate hauls and the vehicle is used substantially in hauling for hire in interstate commerce. See also WAC 458-20-193.

(3) **Retail sales tax.** RCW 82.08.0262 and 82.08.0263 provide ~~((exemption from the))~~ retail sales tax exemptions for certain sales to motor carriers when delivery is made in Washington.

(a) **Sales of motor vehicles and trailers.** RCW 82.08.0263 provides an exemption from the retail sales tax for sales of motor vehicles and trailers to be used for transporting therein persons or property for hire in interstate or foreign commerce. This exemption is available whether such use is by a for hire motor carrier, or by persons operating the vehicles and trailers under contract with a for hire motor carrier. ~~((The following requirements must be met to perfect any claim for exemption:~~

~~((i)))~~ The for hire carrier must hold a carrier permit issued by the Interstate Commerce Commission ~~((; and~~

~~((ii))~~ ~~The vehicle will move upon the highways of this state from the point of delivery in this state to a point outside the state under the authority of a trip permit, also known as a one transit permit, issued under the provisions of RCW 46.16.160.~~

~~In some cases the vehicle may require servicing or alterations to prepare it for use as carrier property. This may include such things as installing signs, adding accessories, changing tires, custom painting, etc. Movement of the vehicle to a Washington site where the servicing or alterations will take place will not result in a loss of the exemption when all conditions for exemption are met. Nor shall the exemption be lost simply because the motor carrier first moves the vehicle to a Washington site for the purposes of obtaining a payload which is immediately hauled to an out-of-state destination by the same vehicle.~~

~~((iii)))~~ or its successor agency to qualify for this exemption. The seller, at the time of the sale; must retain as a part of its records ~~((a copy of the trip permit, or other satisfactory evidence that a trip permit was obtained, and))~~ an exemption certificate ~~((; both of))~~ which must be completed in ~~((their))~~ its entirety. The exemption certificate must be in substantially the following form:

Exemption Certificate

The undersigned hereby certifies that it is, or has contracted to operate for, the holder of carrier permit No., issued by the Interstate Commerce Commission ~~((; or its successor agency, and~~ that the vehicle this date purchased from you being a _____ (specify truck or trailer and make) _____,

Motor No., Serial No. (~~(, will move on the highways of this state from (point of origin in state) to (out of state destination) or to (location) for servicing or alteration in preparation for use as carrier property, under the authority of a trip permit dated, issued under the provisions of RCW 46.16.160; and that the sale of this vehicle))~~) is entitled to exemption from the Retail Sales Tax under the provisions of RCW 82.08.0263. This certificate is given with full knowledge of, and subject to, the legally prescribed penalties for fraud and tax evasion.

Dated
.....
(name of carrier-purchaser)

By
(title)
.....
(address)

((Certificate of Dealer

~~I hereby certify that upon the delivery of the above described vehicle to said purchaser there was affixed thereto trip permit No., and that the same authorized the transit of this vehicle between the points of origin and destination as hereinabove set forth.~~

.....
(name of dealer)
.....
(title)

~~(iv))~~ The lease of motor vehicles and trailers to motor carriers, without operator, must satisfy all conditions and requirements provided by RCW 82.08.0263 to qualify for the retail sales tax exemption. Failure to meet these requirements will require the lessor to collect the retail sales tax on the lease. However, where the exemption from retail sales tax has not been met, a retail sales tax exemption may continue to apply to that portion of the lease while the vehicle is being used outside Washington, provided the lessor can substantiate the usage outside Washington. (See WAC 458-20-193.)

(b) **Sales of component parts of motor vehicles and trailers and charges for repairs, etc.** RCW 82.08.0262 provides an exemption from the retail sales tax for sales of component parts and repairs of motor vehicles and trailers. This exemption is available only if the user of the motor vehicle or trailer is the holder of a carrier permit issued by the Interstate Commerce Commission or its successor agency which authorizes transportation by motor vehicle across the boundaries of Washington. Since ~~((the Interstate Commerce Commission requires))~~ carriers are required to obtain these permits only when the carrier is hauling for hire, the exemption applies only to parts and repairs purchased for vehicles which are used in hauling for hire. The exemption includes labor and services rendered in constructing, repairing, cleaning, altering, or improving such motor vehicles and trailers.

(i) This exemption is available whether the motor vehicles or trailers are owned by, or operated under contract with, persons holding the carrier permit. This exemption applies even if the motor vehicle or trailer to which the parts

are attached will not be used substantially in interstate hauls, provided the vehicles are used in hauling for hire.

(ii) The seller must retain as a part of its records a completed exemption certificate. This certificate may be:

- (A) Issued for each purchase;
- (B) Incorporated in or stamped upon the purchase order;

or

(C) In blanket form certifying all future purchases as being exempt from sales tax. Blanket forms must be renewed every four years.

(iii) This certificate (~~should~~) must be in substantially the following form:

Exemption Certificate

The undersigned hereby certifies that it is, or has contracted to operate for, the holder of a carrier permit, No., issued by the Interstate Commerce Commission or its successor agency authorizing transportation by motor vehicle across the boundaries of this state. The undersigned further certifies that the motor truck or trailer to be constructed, repaired, cleaned, altered, or improved by you, or to which the subject matter of this purchase is to become a component part, will be used in direct connection with the business of transporting therein persons or property for hire; and that such sale and/or charges are exempt from the Retail Sales Tax under the provisions of RCW 82.08.0262. This certificate is given with full knowledge of, and subject to, the legally prescribed penalties for fraud and tax evasion.

Dated
.....
(name of carrier-purchaser)

.....
(address)

By
(title)

(c) **Taxable sales.** The following sales do not qualify for exemption under the provisions of RCW 82.08.0262 or 82.08.0263, and are subject to the retail sales tax when delivery is made in Washington.

(i) Sales of equipment, tools, parts and accessories which do not become a component part of a motor vehicle or trailer used in transporting persons or property for hire. This includes items such as tire chains and tarps which are not custom made for a specific vehicle.

(ii) Sales of consumable supplies, such as oil, antifreeze, grease, other lubricants, cleaning solvents and ice.

(iii) Towing charges.

AMENDATORY SECTION (Amending WSR 94-18-004, filed 8/24/94, effective 9/24/94)

WAC 458-20-17401 Use tax ((of) liability for motor vehicles, trailers, and parts used by motor carriers operating in interstate or foreign commerce ((for motor vehicles, trailers, parts, etc)). (1) **Introduction.** This section explains the use tax and the use tax exemptions provided by RCW 82.12.0254 which apply to for hire motor carriers operating in interstate or foreign commerce. For hire motor carriers should refer to WAC 458-20-174 for a discussion of the retail sales tax and retail sales tax exemp-

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tions which apply to motor carriers for the purchase of vehicles and parts under RCW 82.08.0262 and 82.08.0263.

(2) **Use tax.** The use tax ~~((supplements))~~ complements the retail sales tax by imposing a tax of like amount upon the use within this state as a consumer of any tangible personal property purchased at retail, where the user has not paid retail sales tax with respect to the purchase of the property used. (See also WAC 458-20-178.) If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the ~~((deferred))~~ retail sales or use tax directly to the department unless the purchase and/or use is exempt from the retail sales and/or use tax.

(3) **Motor vehicles and trailers.** Purchasers of motor vehicles and trailers should note the differences in the conditions and requirements for the retail sales and use tax exemptions provided by RCW 82.08.0263 and 82.12.0254, respectively. The purchaser of a motor vehicle or trailer may qualify for the retail sales tax exemption at the time of purchase, yet incur a use tax liability for the subsequent use of the same vehicle or trailer.

(a) For vehicles purchased in Washington, RCW 82.12.0254 provides a use tax exemption for the use of any motor vehicle or trailer while being operated under the authority of a trip permit and moving from the point of delivery in this state to a point outside this state. ~~((However, any subsequent use in Washington of the vehicle by a Washington-based carrier could be subject to use tax unless the first use was in actual transportation for hire across the state boundaries. Carriers who purchase a vehicle outside of Washington are not required to obtain a trip permit on the first trip into Washington as a condition for use tax exemption, but the first use must be in an interstate haul for hire.))~~

(b) RCW 82.12.0254 also provides a use tax exemption for the use of any motor vehicle or trailer owned by, or operated under contract with, a for hire motor carrier engaged in the business of transporting persons or property in interstate or foreign commerce ~~((—All))~~ if both of the following conditions ~~((must be))~~ are met ~~((for the exemption to apply))~~:

(i) The user is, or operates under contract with, a holder of ~~((an ICC))~~ a carrier permit issued by the Interstate Commerce Commission (ICC) or its successor agency; and

(ii) The vehicle is used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of the state ~~((; and~~

~~((iii))~~ The first use in Washington is actual use in conducting interstate or foreign commerce. Notwithstanding this requirement, the use tax exemption will not be lost simply because a motor carrier holding an ICC permit moves the vehicle to a Washington site for servicing or modification in preparation for use as a carrier vehicle. Nor shall the exemption be lost simply because the motor carrier first moves the vehicle to a Washington site for the purposes of obtaining a payload which is immediately hauled to an out-of-state destination by the same vehicle.

~~((iv))~~ "In substantial part" means that the motor vehicle or trailer for which exemption is claimed actually crosses Washington boundaries and is used a minimum of twenty-five percent in interstate hauling for hire.

(c) ~~((The following examples show how the exemption from use tax on motor vehicles and trailers would apply to~~

~~specific situations. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.~~

~~(i) ABC Trucking, a carrier with ICC authority, purchased a used truck from XYZ Truck Sales. The required exemption certificate was completed and a trip permit was obtained. ABC Trucking moved the vehicle from the seller's lot in Washington to its maintenance shop located at its terminal in Seattle where ICC identification numbers were painted on the doors and new tires were installed by the purchaser's employees. Ten days later the truck was placed in service with the first haul being a laden haul destined for an out-of-state location with movement under the authority of a second trip permit.~~

~~This purchase and first use is exempt of retail sales and use tax. Since the first movement of the truck to the purchaser's maintenance shop was solely for the purpose of preparing the truck for use, the exemption was not lost. All other requirements for exemption were met. A reasonable interruption in the direct out-of-state movement of the vehicle will be allowed to permit such activities as the painting of belt lines and bumpers, the installation of signs, the inspection of the vehicle, the installation of tires, and installation of accessory items. The purchase of the vehicle was exempt from retail sales tax by meeting the trip permit requirements. However, any subsequent use of the vehicle in Washington would have been subject to use tax if the vehicle's first use in Washington had not been in hauling for hire in interstate or foreign commerce. Since that requirement was met, the use of this vehicle will continue to be exempt of use tax as long as it continues to be used substantially in interstate hauls for hire.~~

~~(ii) HB Company is a for hire carrier which maintains tractor/trailer fleets at terminals located in Montana and Washington. HB Company holds a carrier permit issued by the Interstate Commerce Commission. HB reassigned a truck to its Washington terminal which previously had been used at HB's Montana terminal. This truck had been used exclusively in Montana and previously had never been brought into Washington. The truck is brought into Washington unladen, but immediately picks up a load for delivery outside Washington.~~

~~The movement of the truck into Washington is treated as being part of the subsequent haul outside Washington and the requirement that the first use be in a laden interstate haul has been met. Use tax would have been due on the truck if the first use was in transporting goods from a Washington location to a Washington location.~~

~~(d))~~ The motor carrier must continue to substantially use the motor vehicle or trailer in interstate for hire hauls ~~((for hire))~~ during each calendar year to retain the exemption from use tax. This requires that at the start of each calendar year the carrier review the usage of each vehicle and trailer for a "view period" consisting of the previous calendar year. If a particular vehicle was purchased or sold during the year so that the vehicle was not available for use during the entire calendar year, the taxpayer at its option may elect to review the usage during the portion of the year during which the vehicle was owned or may use a twelve-month period beginning with the date of purchase of a vehicle or ending with the date of sale of a vehicle. For example, if a vehicle

is traded-in on May 30, ~~((1994))~~ 1996, the taxpayer must meet the substantial use test for this vehicle for either the period January through May ~~((1994))~~ 1996 or for the period June 1, ~~((1993))~~ 1995, through May 30, ~~((1994))~~ 1996. Use tax is due for those vehicles which have not been used substantially in interstate commerce and on which retail sales or use tax has not been paid.

~~((e))~~ (d) Carriers who maintain their records on a fiscal year basis may, at their option, elect to review the usage of their vehicles using their fiscal year rather than the calendar year. If a fiscal year is used, it must be used for the entire fleet of vehicles. These carriers may not change to a calendar year basis without first obtaining prior approval from the department.

~~((f))~~ (e) Usage will be reviewed on a calendar or fiscal year basis and not on a "moving" twelve-month period. For example, a tractor purchased on August 1, ~~((1992))~~ 1996, will need to have met the substantial use test for the period August ~~((1, 1992,))~~ through December ~~((31, 1992))~~ 1996, or for the period August 1, ~~((1992))~~ 1996, through July 31, ~~((1993))~~ 1997, ~~((f))~~ the period selected being at the taxpayer's option ~~((g))~~, and for the calendar year ~~((1993))~~ 1997 and each calendar year thereafter in order to retain the use tax exemption.

~~((g))~~ (f) The motor carrier may select one of the methods from those listed below to determine if its motor vehicles and trailers satisfy the substantial use threshold for exemption under RCW 82.12.0254. The particular method must be applied to all trucks, tractors, and trailers within the fleet. Regardless of the method selected, a vehicle will not be considered as used in interstate hauls unless the vehicle actually crosses the boundaries of the state and is used in part outside Washington. The motor carrier may change the method with the prior written consent of the department of revenue. The methods are:

(i) Line crossing. The line crossing method compares the number of interstate for hire hauls made by a particular motor vehicle or trailer to the total number of for hire hauls. The motor vehicle or trailer must actually cross the boundaries of this state or be used for hauls which begin and end outside this state, for the haul to be considered an interstate haul.

(ii) Mileage. The mileage method compares the interstate mileage associated with the for hire hauls made by a particular motor vehicle or trailer, to the total mileage associated with its for hire hauls. All mileage associated with a specific haul which requires the motor vehicle or trailer to actually cross the boundaries of this state, or haul exclusively outside this state, is considered to be interstate mileage. Where a vehicle is returning empty after having delivered an interstate load or is empty on its way to pickup an interstate load, the empty mileage will be considered to be part of the mileage from an interstate haul.

(iii) Revenue. The revenue method compares the interstate for hire revenue generated by the particular motor vehicle or trailer to the total for hire revenue generated. The revenue generated by the motor vehicle or trailer actually crossing the boundaries of this state, or hauling exclusively outside this state, is considered to be interstate revenue for the purposes of determining use tax liability. If the motor carrier uses more than one motor vehicle or trailer to transport the cargo, the revenue generated from hauling this

cargo must be allocated between the motor vehicles and/or trailers used. For the purposes of determining use tax liability, a vehicle will not be considered as having interstate revenue even if the haul originates or ends outside Washington unless the vehicle actually crosses the boundaries of the state.

(iv) Other. Any other method may be used when approved in advance and in writing by the department of revenue.

~~((h))~~ (g) The following examples show how the methods of determining substantial interstate use would be applied to various situations. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) ARC Trucking picks up a load of cargo in Spokane, Washington and delivers it to the dock in Seattle, Washington, for subsequent shipment to Japan. While ARC may claim an interstate and foreign sales deduction on its excise tax return for the income attributable to this haul if all of the requirements of RCW 82.16.050(8) are met, the haul itself is considered to be intrastate for the purposes of determining whether the tractor/trailer rig meets the substantial use threshold discussed in RCW 82.12.0254. Both the pickup and delivery points are within the state of Washington.

(ii) DMG Express picks up a load of cargo in Yakima, Washington for ultimate delivery in Billings, Montana. The cargo is initially hauled from the Yakima location to DMG's hub terminal in Spokane, Washington by truck A. It is unloaded from truck A at the hub terminal, reloaded on truck B, and delivered to Billings. For the purposes of determining qualification for the use tax exemption provided by RCW 82.12.0254, two hauls have taken place. The haul performed by truck A is considered to be an intrastate haul since truck A did not cross the borders of Washington, while the haul performed by truck B is considered interstate for purposes of determining continued exemption from use tax on the trucks, even though the entire hauling income may be deductible from the motor transportation tax.

(iii) AA Express operates one tractor/trailer rig, which has previously met the retail sales and use tax exemption requirements. AA verifies compliance with the twenty-five percent substantial use threshold on a calendar year basis, using the line crossing method. AA makes one hundred for hire hauls within the calendar year ~~((of 1992))~~. Of these hauls, seventy-one are entirely in Washington, ten are performed entirely outside Washington, and nineteen require AA to cross the borders of Washington. AA Express has not incurred a use tax liability on the tractor/trailer rig as twenty-nine percent of the for hire hauls were interstate in nature.

(iv) BDC Hauling operates one tractor/trailer rig which has previously met the retail sales and use tax exemption requirements. BDC verifies compliance with the twenty-five percent substantial use threshold on a calendar year basis, using the mileage method. BDC makes one hundred for hire hauls within the calendar year ~~((of 1992))~~, for a total of one hundred thousand miles. Included in this mileage figure are the unladen or "empty" miles BDC incurs from delivery points to its terminal. Fifteen of these hauls were interstate in nature and involved laden travel of twenty thousand miles, including the Washington miles of the interstate hauls where

the rig made border crossings. BDC's rig also incurred an additional eight thousand miles as a result of having to drive unladen from the delivery point of an interstate haul to its Washington terminal. BDC Hauling has not incurred a use tax liability for its use of the tractor/trailer rig. Under the mileage method, twenty-eight percent of the tractor/trailer's usage was in interstate hauling.

(v) GV Trucking operates one tractor/trailer rig which has previously met the retail sales and use tax exemption requirements. GV verifies compliance with the twenty-five percent substantial use threshold on a calendar year basis, using the revenue method. GV makes one hundred for hire hauls within the calendar year (~~(of 1992)~~), for which GV earns eighty thousand dollars. Fifteen of these hauls were interstate in nature, for which GV earned twenty thousand dollars. GV Trucking has not incurred a use tax liability for its use of the tractor/trailer rig. Under the revenue method, twenty-five percent of GV's usage of the tractor/trailer rig was in interstate hauling.

(vi) XYZ Trucking operates a single tractor/trailer rig which has previously met the retail sales and use tax exemption requirements. XYZ picks up two loads of cargo in Seattle, one load for delivery to Kent, Washington and another for delivery to Portland, Oregon. Upon delivery of the cargo to Kent, XYZ picks up another load for delivery to Portland, Oregon. XYZ has performed three separate hauls, even if the loads are combined on the same rig. The Seattle to Portland and Kent to Portland hauls are considered interstate hauls, the Seattle to Kent haul intrastate. If using the mileage method the mileage associated with the Seattle to Portland and Kent to Portland hauls would be combined to determine total interstate miles, even though the rig made only one trip to Portland. If using the revenue method, the revenue generated by the Seattle to Portland and Kent to Portland hauls would be considered interstate. The mileage and/or revenue associated with the Seattle to Kent haul would be considered intrastate.

(4) **Special application to trailers.** Motor carriers must keep appropriate records and determine qualification for the use tax exemption provided by RCW 82.12.0254 for each individual truck and tractor. Motor carriers are encouraged to keep similar records for each individual trailer. Where records are maintained to document the use of individual trailers, use tax liability for trailers must be determined on the basis of those records. However, it is recognized that some motor carriers have no system of tracking or documenting the travel of their trailers and it would be an undue burden to require such recordkeeping, particularly where a tractor may be used to pull multiple trailers and the trailers are not assigned to a specific tractor. These motor carriers may elect to determine the use tax liability attributable to their use of trailers on the basis of their actual use of the tractors.

(a) Under this method, it is assumed that there is a direct correlation between the use of tractors and the use of trailers. Whenever use tax is incurred on a tractor because of the failure to maintain the twenty-five percent interstate usage, use tax will also be due on one or more trailers. The number of trailers subject to the use tax under this method shall correspond to the fleetwide trailer to tractor ratio. Any trailer to tractor ratio resulting in a fraction shall be rounded up when determining the number of trailers subject to the

use tax. For example, if the fleetwide ratio of trailers to tractors is two and one quarter to one, and one tractor fails to maintain the substantial use threshold in a given year, the motor carrier shall incur a use tax liability on three trailers. However, if two tractors fail to maintain the substantial use threshold in a given year, the motor carrier shall incur a use tax liability on five trailers.

(b) The trailer or trailers subject to use tax under this method shall be those acquired nearest to the purchase date of the tractor triggering the use tax liability for those trailers meeting the following conditions:

(i) The trailer or trailers are compatible for towing with the tractor upon which use tax is incurred; and

(ii) The trailer or trailers have not previously incurred a retail sales or use tax liability; and

(iii) The trailer or trailers have been actively used in hauling for hire in the year tax liability is incurred.

(c) Under this method of reporting, use tax liability is generally incurred on one or more trailers whenever a tractor is subject to the use tax. If a tractor is purchased with the intent that less than twenty-five percent of the hauls will be across state borders, it will be presumed the tractor will also be pulling a trailer or trailers on which use tax is also due. ~~((However, the motor carrier will not incur use tax on a trailer simply because the initial use of the tractor was not a laden for hire haul across the borders of this state, provided the tractor would meet the substantial interstate use for future hauls under RCW 82.12.0254.~~

~~(d) In any event and irrespective of the method of reporting, carriers must document that the first use of each trailer was in interstate hauling for the use tax exemption to apply to the first use. If the trailer was purchased in Washington, the carrier must retain evidence of having obtained a trip permit to document that retail sales tax was not due at the time of purchase. (See also WAC 458-20-174.)~~

~~(e) The following examples show how this method would be applied to typical situations. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.~~

~~(i)) For example, ABC Trucking has eight tractors and fifteen trailers in its fleet. The tractors and trailers met the exemption from retail sales tax and use tax at the time they were purchased, and it was determined during previous annual reviews that the tractors continued to be substantially used on interstate hauls. However, at the time of the annual review ~~((which was made in January 1993,))~~ for the just-completed calendar year it was determined that ~~((a Kenworth))~~ one tractor ~~((which had been purchased in June 1985))~~ was not used at least twenty-five percent in interstate hauls ~~((during 1992))~~. Use tax is due on this tractor. Under this method, use tax is also due on two trailers. The two trailers on which use tax must be reported are the two purchased most nearly to ~~((June 1985,))~~ the purchase date of the ~~((Kenworth purchase))~~ tractor.~~

~~((ii)) DC Hauling has no system of tracking or documenting the travel of its trailers and has elected to determine its trailer use tax liability on the basis of its actual use of tractors. DC Hauling has a fleetwide ratio of two trailers to one tractor. DC purchases a tractor, the initial use of which is a laden for hire haul entirely within the borders of this~~

PROPOSED

~~state. DC Hauling must pay retail sales tax upon the purchase of the tractor or, if retail sales tax is not paid, use tax upon the first use within this state. Unless DC Hauling elects to document that the tractor otherwise continues to satisfy the substantial interstate use provision of RCW 82.12.0254 for future hauls, use tax is also due on two trailers.))~~

(5) **Valuation.** The value of the motor vehicle or trailer subject to the use tax is its fair market value at the time of first use within the review period for which the exemption cannot be maintained. However, because the taxpayer will not know until the close of the period whether the usage met the exemption requirements, the use tax is due and should be reported on the last excise tax return for that review period. For example, a motor carrier who has previously met the exemption requirements for a particular truck determines this truck no longer was substantially used in interstate hauls during calendar year ~~((1992))~~ 1996. Use tax should be reported on the last tax return filed for ~~((1992))~~ 1996 with the taxable value based on the value of the truck at January 1, ~~((1992))~~ 1996.

(a) The department of revenue will accept independent publications containing values of comparable vehicles if those values are generally accepted in the industry as accurately reflecting the value of used vehicles. The department will also consider notarized valuation opinions signed by qualified appraisers and/or dealers as evidence of the fair market value. In the absence of a readily available fair market value, the department will accept a value based on depreciation schedules used by the department of licensing to determine the value of vehicles for licensing purposes.

(b) The following examples show how use tax liability would be determined in typical situations. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) ABC Trucking purchased five trailers for use in both interstate and intrastate for hire hauls on January 1, ~~((1990))~~ 1996. All the necessary conditions for exemption under RCW 82.08.0263 were met; delivery was made in Washington, and the trailers were purchased without payment of the retail sales tax. The taxpayer uses the "line crossing" method for determining interstate use.

ABC Trucking keeps a journal showing the origin and destination for each haul which identifies each truck/tractor and trailer used on a per unit basis. This journal is reviewed at the end of each calendar year to verify compliance with the statutory provision that motor vehicles and trailers be substantially used for transporting therein persons or property for hire across the boundaries of the state. During the first year of use, all five of the trailers met the "substantial use" threshold. However, in reviewing this journal for the ~~((period of January 1991 through December 1991))~~ 1997 calendar year, ABC Trucking determines that two of the trailers ~~((purchased on January 1, 1990,))~~ failed to meet the twenty-five percent "substantial use" threshold ~~((during 1991))~~. ABC Trucking must remit use tax directly to the department on its December ~~((1991))~~ 1997 excise tax return, based on the fair market values of the two trailers as of January 1, ~~((1991))~~ 1997. Since the taxpayer maintained specific usage records for each trailer, the "substantial use" in interstate hauling must be met by each trailer for which

exemption is claimed. If detailed records for usage of trailers had not been kept, use tax liability of the trailers would have been based on the tractors. In any event, use tax liability may not be determined based on the overall experience of a fleet of vehicles. If a vehicle is used both in hauling for hire and in hauling the carrier's own products, the "substantial use" is determined solely on the usage in hauling for hire.

(ii) DB Carriers is a motor carrier which is engaged in both intrastate and interstate for hire hauls. DB purchases and first uses a truck in Washington on January 1, ~~((1992))~~ 1997. All the necessary conditions for exemption under RCW 82.08.0263 were met; delivery was made in Washington, and the truck was purchased without payment of the retail sales tax. DB Carriers uses the "line crossing" method for determining interstate use.

DB Carriers keeps a journal showing the origin and destination for each haul which identifies each truck used on a per unit basis. This journal is reviewed at the end of the ~~((1992))~~ 1997 calendar year, and DB determines that the truck failed to meet the twenty-five percent "substantial use" threshold. DB Carriers must remit use tax directly to the department on its December ~~((1992))~~ 1997 excise tax return, based on the fair market value of the truck as of January 1, ~~((1992))~~ 1997. DB Carriers may not compute the use tax liability based upon the December 31, ~~((1992))~~ 1997, fair market value as the vehicle never satisfied the substantial interstate use provision of RCW 82.12.0254.

(6) **Leased vehicles.** The use tax exemption requirements are the same for leased vehicles as for purchased vehicles. Motor vehicles and trailers, leased without operator are exempt from the use tax ~~((when all the conditions and requirements expressed in subsection (3)(b) of this section are satisfied. This includes meeting the requirement that first use be in hauling across the boundaries of the state. As a condition for retail sales tax exemption, a trip permit must be obtained if the vehicle is first used in Washington. For continued use tax exemption, the vehicle must also meet the twenty five percent "substantial use" threshold. For leased vehicles.))~~ if the user is, or operates under contract with, a holder of a permit issued by the ICC or its successor agency and the vehicle is used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of the state. This requires that the leased vehicle be used a minimum of twenty-five percent in interstate hauls. The taxpayer may elect to use either the fiscal year of the business or a calendar year to determine if the leased vehicle was used substantially in interstate hauls for hire. Where the vehicle lease does not begin or end at the start of the calendar year (or fiscal year if the business uses a fiscal year view period), the same requirements apply to leased vehicles as to purchased vehicles (see subsection (3)~~((d))~~ (c) of this section). ~~((The carrier will be required to obtain a trip permit and have a laden interstate haul on only the first haul at the start of the lease and not each month, each year, or the start of each lease period, provided there is no change in the vehicle being leased.))~~

(a) If the leased vehicle does not meet the substantial use requirement during the "view period," the use tax applies only to the portion of the lease payment which is for use in Washington during the "view period." See the examples in

subsection (6)(b) of this section. Mileage is an acceptable basis for determining in-state and out-of-state use. For the purposes of determining in-state and out-of-state use of leased vehicles or trailers where use tax is determined to be due, all miles traveled in Washington by the leased vehicle are in-state miles, notwithstanding that they may be associated with an interstate haul. The motor carrier must maintain accurate records of actual in-state and out-of-state use to substantiate any claim that a portion of any lease payment was exempt of use tax because of out-of-state use. Use tax will be determined for each "view period." For example, if a truck was leased for the years ~~((1992 and 1993))~~ 1996 and 1997 and failed to meet the substantial use requirement in ~~((1992))~~ 1996, but met the requirement in ~~((1993))~~ 1997, use tax would only be due for the usage in Washington which occurred in ~~((1992))~~ 1996.

(b) The following examples show how this method would be applied to typical situations. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(i) BG Hauling is a for hire carrier which on January 1, ~~((1994))~~ 1996, enters into a lease agreement for a truck without operator. All the necessary conditions for the retail sales and use tax exemptions for the first year of the lease were met. BG Hauling verifies compliance with the twenty-five percent substantial use threshold on a calendar year basis.

BG determines that this truck failed to meet the twenty-five percent substantial use threshold for calendar year ~~((1992))~~ 1997. Use tax will be due beginning with the period for which the exemption was not met, in this case beginning with January ~~((1992))~~ 1997. However, BG Hauling may report use tax only on that portion of each lease payment attributable to actual in-state use, provided it maintains accurate records substantiating the truck's in-state and out-of-state activity. Only mileage incurred while actually outside Washington will be considered out-of-state mileage. If BG Hauling continues to lease this truck in ~~((1993))~~ 1998, usage will again be reviewed for that period and use tax may or may not be due for the ~~((1993))~~ 1998 lease payments, depending on whether the vehicle was used substantially in interstate hauls during that year.

(ii) MG Inc. is an equipment distributor which, in addition to hauling its own product to customers, is engaged in hauling for hire activities. MG is a holder of an ICC permit. MG enters into a lease agreement for a truck without operator on January 1, ~~((1992))~~ 1996. All conditions for retail sales and use tax exemption are satisfied for the first year of the lease.

Based upon the truck's for hire hauling activities during the ~~((1993))~~ 1997 calendar year, MG determines that the use of the truck failed to satisfy the twenty-five percent substantial use threshold. MG must remit use tax upon the amount of lease payments made during ~~((1993))~~ 1997 at the time it files its last tax return in ~~((1993))~~ 1997. Provided accurate records are maintained to substantiate in-state and of out-of-state use, MG may remit use tax only upon that portion of each lease payment attributable to actual in-state use. While only the hauling for hire activities are reviewed when determining whether the truck satisfies the substantial interstate use threshold, once it is established the exemption

cannot be maintained, the use tax liability is based upon all in-state activity, including the motor carrier's hauling of its own product.

(7) **Component parts.** RCW 82.12.0254 also provides a use tax exemption for the use of tangible personal property which becomes a component part of any motor vehicle or trailer used for transporting therein persons or property for hire. This exemption is available ~~((whether the))~~ for motor vehicles or trailers ~~((is))~~ owned by, or operated under contract with, a person holding a carrier permit issued by the Interstate Commerce Commission or its successor agency authorizing transportation by motor vehicle across the boundaries of this state. Since ~~((the Interstate Commerce Commission requires))~~ carriers are required to obtain these permits only when the carrier is hauling for hire, the exemption applies only to tangible personal property purchased for vehicles which are used in hauling for hire. The exemption for component parts will apply even if the parts are for use on a motor vehicle or trailer which is used less than twenty-five percent in interstate hauls for hire, provided the vehicle is used in hauling for hire.

(a) For the purposes of this section, the term "component parts" means any tangible personal property which is attached to and becomes an integral part of the motor vehicle or trailer. It includes such items as motors, motor and body parts, batteries, paint, permanently affixed decals, and tires. "Component parts" includes the axle and wheels, referred to as "converter gear" or "dollies," which is used to connect a trailer behind a tractor and trailer. "Component parts" can include tangible personal property which is attached to the vehicle and used as an integral part of the motor carrier's operation of the vehicle, even if the item is not required mechanically for the operation of the vehicle. It ~~((would))~~ includes cellular telephones, communication equipment, fire extinguishers, and other such items, whether themselves permanently attached to the vehicle or held by brackets which are permanently attached. If held by brackets, the brackets must be permanently attached to the vehicle in a definite and secure manner with these items attached to the bracket when not in use and intended to remain with that vehicle. It does not include antifreeze, oil, grease, and other lubricants which are considered as consumed at the time they are placed into the vehicle, even though required for operation of the vehicle. It does include items such as spark plugs, oil filters, air filters, hoses and belts.

(b) The following items do not qualify for exemption from the use tax under the provisions of RCW 82.12.0254:

(i) Equipment, tools, parts and accessories which do not become a component part of a motor vehicle or trailer used in transporting persons or property for hire; and

(ii) Consumable supplies, such as oil, grease, other lubricants, cleaning solvents and ice.



WSR 97-07-008
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed March 10, 1997, 3:00 p.m.]

Date of Adoption: March 10, 1997.

Purpose: To be in compliance with federal laws regarding temporary assistance to needy families (TANF) to provide the address of a recipient to a law officer if the recipient is fleeing prosecution or confinement, a fugitive felon or probation or parole violator or has information that is necessary for the officer to conduct the official duties of the office.

Citation of Existing Rules Affected by this Order: Amending WAC 388-320-225.

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

Other Authority: Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193, Section 103).

Adopted under notice filed as WSR 97-03-053 on January 10, 1997.

Changes Other than Editing from Proposed to Adopted Version: Revised wording to include recipients who are fleeing prosecution, custody or confinement. This is referenced in the federal law, but was inadvertently omitted from this rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

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

March 10, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 1609, filed 2/19/81)

WAC 388-320-225 Qualifications on nondisclosure.

(1) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.

(2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

(3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order

of the superior court enforcing a subpoena in accordance with the provisions of RCW 42.17.310(3), or an order of the office of hearings enforcing a subpoena.

(4) Upon written request of a person who has been properly identified as an officer of the law with a felony arrest warrant or a properly identified United States immigration official with a warrant for an illegal alien the department shall disclose to such officer or official the current address and location of the person described in the warrant, as required by RCW 74.04.062.

(5) The department shall furnish a federal, state, or local law enforcement officer, upon the request of the officer, with the current address of any recipient of temporary assistance for needy families if the officer furnishes the agency with the name of the recipient and notifies the agency that:

(a) The recipient:

(i) Is fleeing prosecution, or custody or confinement after conviction;

(ii) Is a fugitive felon or probation or parole violator as described in WAC 388-215-1550; or

(iii) Has information that is necessary for the officer to conduct the official duties of the officer; and

(b) The location or apprehension of the recipient is within such official duties.

(6) Any person may inquire of the department whether a named individual is a recipient of welfare assistance in accordance with RCW 74.04.060.

((6)) (7) Any records of the department may be made accessible for research purposes provided that the research complies with the guidelines published by the department in response to 45 C.F.R. 46 or other applicable state and federal law.

NEW SECTION

WAC 388-200-1400 Application of rules—Temporary assistance to needy families. Unless otherwise specified, references in Title 388 WAC to the aid to families with dependent children (AFDC) program shall include the temporary assistance to needy families (TANF) program.

WSR 97-07-013
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed March 11, 1997, 1:18 p.m.]

Date of Adoption: March 11, 1997.

Purpose: Update and clarify instructions for application for veteran's free license, Pearl Harbor survivor license plates, Purple Heart license plates, and moped license plates.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-046, 308-96A-056, 308-96A-057, 308-96A-072, and 308-96A-136.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 97-03-028 on January 9, 1997.

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.

PERMANENT

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 5, repealed 0.

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

March 5, 1997

Evelyn P. Yenson
Director

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

WAC 308-96A-046 Veteran's free license. (1) ~~((Any))~~ Disabled American veterans, former prisoners of war, ~~((or the))~~ surviving spouses of ~~((a))~~ deceased former prisoners of war ~~((who qualifies under chapter 73.04 RCW is entitled to))~~ qualified pursuant to RCW 73.04.110 may register and receive regular or special license plates ~~((and))~~ for one personal use vehicle. The personal use vehicle is exempt from ~~((paying any))~~ annual licensing fees ~~((or))~~ and motor vehicle excise tax.

~~((Permanent registration and permanent license plate tabs will be issued to qualified persons for use on one))~~ (2) For purposes of this section, "personal use ~~((passenger))~~ vehicle" ~~((which includes))~~ means passenger vehicles, motor homes, motorcycles, and trucks rated at less than twelve thousand pounds gross weight.

(3) ~~Emission inspections are required ~~((in alternate years in the designated inspection areas))~~ pursuant to chapter 70.120 RCW.~~

~~((For))~~ (4) When personalized license plates are issued, the ~~((annual renewal))~~ personalized license plate fee pursuant to RCW 46.16.585 is required to be paid.

(5) ~~Propane, butane, and natural gas powered vehicles ~~((are))~~ subject to annual liquefied petroleum gas (LPG) fees pursuant to RCW 82.38.075 is required to be paid.~~

~~((2))~~ ~~For a~~ (6) Disabled American veterans ~~((r))~~ must provide confirmation of eligibility ~~((from the Veterans Administration or the military service from which the veteran was discharged must accompany))~~ pursuant to RCW 73.04.110 with the initial application. ~~((The confirmation of eligibility shall be certification of a service-connected disability rating and certification of one or more of the following conditions of eligibility:~~

~~((a))~~ Has lost the use of both hands or one foot;

~~((b))~~ Has become blind in both eyes as the result of military service; or

~~((c))~~ Is rated by the Veterans Administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year. Verification of vision acuity may be provided by an ophthalmologist or optometrist. Verification that the disabled veteran is receiving compensation at the one hundred percent rate, which may include unemployment

~~expected to exist for more than one year, must be provided by the Veterans Administration or the military service from which the veteran was discharged.~~

~~((3))~~ ~~For a former prisoner of war, certification of the following fact from the Veteran's Administration or the military service from which the veteran was discharged must accompany the initial application: That the person was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States.~~

~~((4))~~ (7) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate pursuant to chapter 73.04 RCW. In addition to confirming eligibility for the deceased, the spouse must furnish the following:

(a) A certified copy of the death certificate of the deceased former prisoner of war; and

~~((b))~~ ~~(A copy of the marriage certificate indicating the union of the applicant and the former prisoner of war; and~~

~~((e))~~ An affidavit that the applicant is not currently married or remarried after the death of the former prisoner of war.

~~((5))~~ (8) When the special license plate or free veteran license is transferred to another vehicle, ~~((a replacement plate fee, full license fees and the excise tax for twelve months will be collected on the vehicle from which the exemption is being removed. A new license expiration date will be established beginning with the day and the month on which the exemption is transferred))~~ the registration period for the vehicle, from which the exemption is removed, is expired. The disabled veteran, former prisoner of war or surviving spouse of a former prisoner of war must notify the department of the transfer and pay the transfer fees in effect.

~~((6))~~ (9) The disabled veteran, former prisoner of war or surviving spouse of a former prisoner of war must be a registered or co-registered owner or lessee or co-lessee of the vehicle for which ~~((licensure))~~ a free veteran license is granted.

~~((7))~~ (10) When a vehicle with a free veteran ~~((s))~~ license is sold or otherwise disposed of, the special license plate must be removed and ~~((the excise tax and license fees for a twelve-month period must be paid by the new registered owner at time of title transfer))~~ the registration period for the vehicle is expired.

AMENDATORY SECTION (Amending WSR 91-04-025, filed 1/29/91, effective 3/1/91)

WAC 308-96A-056 Pearl Harbor survivor license plates. Any Washington resident who served in the United States armed forces and is a survivor of the attack on Pearl Harbor ~~((as defined in RCW 46.16.305(4))~~) may receive a set of special license plates ~~((designed by the department to indicate that the recipient is a survivor of the Japanese attack on Pearl Harbor))~~ pursuant to RCW 46.16.305.

(1) Applications for the special license plates shall ~~((be upon forms provided by the department. Supplemental qualifying documentation shall))~~ include:

(a) A certification of eligibility from a Washington state chapter of the Pearl Harbor Survivors Association; and

(b) ~~((A current vehicle registration for the vehicle for which the special license plates are issued;~~

~~(e))~~ An armed forces document showing date of induction and date of honorable discharge from the United States Armed Forces.

(2) If the applicant is the surviving spouse of a deceased Pearl Harbor survivor, in addition to the documentation furnished in subsection (1) of this section, the ~~((surviving spouse))~~ applicant shall include:

(a) A certified copy of the Pearl Harbor survivor's death certificate; and

~~(b) ((A copy of the marriage license indicating the union of the applicant and the Pearl Harbor survivor; and~~

~~(e))~~ An affidavit that the applicant is not currently married.

(3) An applicant must be a registered owner, co-owner or lessee, or co-lessee of the vehicle ~~((for))~~ on which the special license plates ~~((are issued))~~ will be used.

AMENDATORY SECTION (Amending WSR 93-14-083, filed 6/30/93, effective 7/31/93)

WAC 308-96A-057 Purple Heart license plates. Any military person that has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots may be issued a set of special vehicle license plates indicating the recipient was wounded during one of this nations' wars or conflicts identified in RCW 41.04.005(2).

(1) Applicants for a special Purple Heart vehicle license plate shall satisfy the following conditions:

(a) Be a resident of the state of Washington;

(b) Have been wounded in combat;

(c) Been awarded a Purple Heart medal by any branch of the United States Armed Forces; and

(d) Be an owner, co-owner, lessee, or co-lessee of the vehicle ~~((to))~~ on which the Purple Heart special license plate will be ~~((issued))~~ used.

(2) Applications for the special license plates ~~((shall be upon forms provided by the department and sent to Specialized Licensing, Department of Licensing, P.O. Box 9043, Olympia, Washington 98507 9043. The application))~~ shall include the following supplemental documents:

(a) A photocopy of the applicant's form DD-214 or similar document issued by a branch of the United States Armed Forces which awarded the Purple Heart medal to the applicant and the date of award; and

~~(b) ((A photocopy of the current registration of the vehicle for which the special license plate is to be issued showing the applicants ownership status in the vehicle; and~~

~~(e))~~ A replacement license plate fee then in effect. Veterans who qualify for free vehicle licensing may be issued the Purple Heart special license plate without paying the replacement plate fee.

(3) Purple Heart special license plates may be issued for display on any two plated motor vehicle ~~((that is otherwise authorized to display a regular motor vehicle license plate, except)).~~ The plates may not be issued for motorcycles ~~((Purple Heart special license plates may not be displayed on))~~ or nonmotor vehicles including campers and travel trailers.

(4) Purple Heart special license plates issued to any qualifying person may be retained by the surviving spouse

of the demised qualifying person. The surviving spouse shall be afforded all rights and privileges of the qualified person so long as the surviving spouse:

(a) Was the legally recognized spouse of the qualifying person at the time of the demise of the qualifying person;

(b) Is a resident of the state of Washington;

(c) Is an owner, co-owner, lessee, or co-lessee of the vehicle ~~((to))~~ on which the Purple Heart special license plate is ~~((issued or may be issued;))~~ or will be used; and

(d) Doesn't ~~((become a legally recognized spouse to another person))~~ remarry. If the surviving spouse ~~((becomes a legally recognized spouse to another person))~~ remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle ~~((and surrendered to the department)).~~

AMENDATORY SECTION (Amending WSR 93-14-083, filed 6/30/93, effective 7/31/93)

WAC 308-96A-072 Square dancer license plates. (1) ~~((Any Washington state resident is entitled to))~~ The registered owner or lessee of a vehicle may apply to the department and ((upon satisfactory showing, to)) receive, in lieu of regular vehicle license plates, ((similar)) special square dancer license plates bearing a symbol of a ~~((square))~~ dancer.

(2) Square dancer license plates may be issued as provided in RCW ~~((46.16.010))~~ 46.16.301 (1)(b) for vehicles required to display two license plates. Vehicles licensed under the provisions of chapter 46.87 RCW are not eligible for square dancer license plates.

(3) A special license plate fee of thirty-five dollars, in addition to all other appropriate fees and taxes, ~~((will be))~~ is collected for each ~~((original))~~ set of square dancer license plates issued.

~~((4))~~ A special dancer license plate may be transferred as provided in RCW 46.16.590 to another eligible vehicle owned by the same registered owner.

~~(5) Replacement square dancer license plates may be obtained as provided in RCW 46.16.270. Replacement license plates shall be the next available license number plates in the square dancer plate series.)~~

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

WAC 308-96A-136 Mopeds—License plates. ~~((The decal or other identifying device for))~~ (1) Applicants registering a moped ((specified by)) pursuant to RCW 46.16.630 shall be ((the same as the)) issued motorcycle series license plates. The number on the license plates shall ~~((be))~~ serve as the moped's registration number.

(2) License plates issued for mopeds shall be displayed as provided in RCW 46.16.240 for motorcycles.

(3) Moped registrations shall be renewed annually as provided in chapter 46.16 RCW for motor vehicles. Upon renewal of registration, the applicant shall be issued license number tabs which shall be displayed on the license plates in the manner provided in WAC 308-96A-295 for motorcycles.

(4) Upon the loss, defacement, or destruction of a license plate issued for the moped, the owner shall make application for replacement license plates and pay a fee as

provided in RCW 46.16.630 for an original decal or other identifying device.

WSR 97-07-014
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed March 11, 1997, 1:20 p.m.]

Date of Adoption: March 11, 1997.

Purpose: Implementation of chapter 225, Laws of 1996 (SSB 5250).

Citation of Existing Rules Affected by this Order: Repealing WAC 308-96A-075; and amending WAC 308-56A-150, 308-56A-160, 308-56A-470, 308-96A-073, and 308-96A-074.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 97-01-030 on December 10, 1996.

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 5, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, 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 5, repealed 1.

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

March 5, 1997
Evelyn P. Yenson
Director

AMENDATORY SECTION (Amending WSR 91-04-024, filed 1/29/91, effective 3/1/91)

WAC 308-56A-150 Certificate of inspection. (1) An application for ~~((the))~~ certificate of ownership must be accompanied by a certificate of inspection signed by an authorized inspector and must include the applicable statutory inspection fee whenever the applicant's vehicle is:

(a) From a state, jurisdiction or province other than Washington;

(b) ~~((One that has been))~~ Reported destroyed since the last certificate of ownership was issued;

(c) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or is missing;

(e) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record; ~~((or))~~

(f) A used vehicle and no Washington record can be found;

(g) A kit vehicle not previously titled as such; or

(h) A street rod not previously titled as such.

(2) No fee will be charged when a vehicle has been referred for inspection for any other reason; provided that the request for inspection shall have been made by a commissioned law enforcement officer, an employee of the department of licensing, or a vehicle license agent.

(3) Inspections will normally be accomplished by the Washington state patrol.

(4) The director may ~~((, at his discretion,))~~ designate other competent inspecting agencies to perform ~~((the))~~ inspections required under ~~((items))~~ subsection (1)(a) ~~((and (b) above))~~ of this section if the vehicle is located in a foreign state or province and the requirement for inspection by the Washington state patrol will cause undue hardship.

(5) When the inspection is done by the Washington state patrol, the certificate of inspection will be valid for the following periods of time after the inspection date:

(a) Vehicles from a state or province other than Washington: Sixty days;

(b) ~~((One that has been))~~ Vehicles reported destroyed: Ten days;

(c) ~~((A))~~ Homemade, assembled, ~~((or))~~ rebuilt vehicles, street rods, and kit vehicles: Ten days;

(d) ~~((One whose))~~ Vehicles with identification number ~~((has been))~~ removed, defaced, altered, destroyed, ~~((or has become))~~ illegible or ~~((is))~~ missing: Ten days;

(e) ~~((One))~~ Vehicles with ~~((a))~~ structural change in, or modification of, body or frame changing the class designation or body type: Ten days;

(f) ~~((A))~~ Used vehicles ~~((and))~~ with no Washington record ~~((can be found))~~: Sixty days;

(g) ~~((A))~~ Vehicles required ~~((inspection))~~ to be inspected under subsection (1)(a) through ~~((1)(f) above))~~ (h) of this section and held for sale by a licensed dealer: One year; and

(h) ~~((One that has been))~~ Vehicles referred for inspection for any reason not listed above: Ten days.

AMENDATORY SECTION (Amending WSR 94-17-044, filed 8/10/94, effective 9/10/94)

WAC 308-56A-160 Model year—How determined. Model year is the year used to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced so long as the actual production period is less than two years.

(1) The model year for a vehicle, including kit vehicles defined in RCW 46.04.251, is the model year assigned by the manufacturer. The manufacturer shall adopt a standard for assigning model year based on either the date of manufacture or features of the vehicle. The standard must be such that all vehicles assigned a model year which are manufactured on the same date with the same features are assigned the same model year. The model year shall be designated on the manufacturer's certificate of origin (MCO) or similar documents provided by the ~~((completed))~~ completing vehicle manufacturer. The model year of a kit vehicle shall not be the model year of the vehicle the kit replicates.

(2) Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles

shall assign the model years as provided in subsection (1) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the ~~((final stage))~~ completing manufacturer, the ~~((final stage))~~ completing manufacturer assigned model year shall be used on the certificates of ownership and registration.

(3) In the event an original manufacturer has not assigned a model year or the vehicle is rebuilt, home made, street rod assembled, or is a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections will use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for ~~((title))~~ certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer shall be used.

(c) The model year for assembled vehicles ~~((, kit vehicles, and replicas without an MCO))~~ will be determined by the Washington state patrol based on the date of manufacture of the vehicle which the ~~((assembled))~~ vehicle most closely resembles.

(4) For purposes of this section the following terms shall have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles. Manufacture shall include the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO or similar document.

(b) "Incomplete vehicle" means an assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operation, other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name which a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

AMENDATORY SECTION (Amending WSR 92-03-077, filed 1/14/92, effective 2/14/92)

WAC 308-56A-470 Issuance of certificates—Contents. Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, in addition to all other vehicle and owner identification, a description of any facts or brands pertaining to previous license or operations of the vehicle. Facts pertaining to the vehicle may include but are not limited to:

(1) The vehicle having been rebuilt;
(2) Brands or special certificates previously issued by ~~((previous))~~ other states or jurisdictions;

(3) Previous use of the vehicle such as: A taxicab or for hire vehicle with six seats or less; ~~((or))~~

(4) The vehicle being previously owned and operated by a government agency; or

(5) The vehicle is a street rod vehicle.

AMENDATORY SECTION (Amending WSR 91-04-025, filed 1/29/91, effective 3/1/91)

WAC 308-96A-073 Vehicles over forty years old—Horseless carriage plates. (1) Any motor vehicle which is at least forty years old ~~((or older,))~~ and is owned and operated primarily as a collector ~~((s item))~~ vehicle shall, upon application and acceptance by the department, be issued one special horseless carriage commemorative license plate in lieu of a regular license plate. Any vehicle to be so licensed must be capable of being operated upon the highway.

(2) In addition to paying all other license fees required by law, each applicant for a horseless carriage commemorative license plate shall pay an additional license fee of thirty-five dollars.

(3) The special license plate shall be issued for the life of the vehicle and shall be transferred with the vehicle. The single plate shall be displayed on the rear of the vehicle.

(4) Horseless carriage commemorative license plates shall be assigned a separate ~~((numerical))~~ "horseless carriage" series ~~((commencing with "HORSELESS CARRIAGE 1-"))~~.

AMENDATORY SECTION (Amending WSR 91-04-025, filed 1/29/91, effective 3/1/91)

WAC 308-96A-074 Vehicles over thirty years old—Collector vehicle license plates. (1) Any motor vehicle which is at least thirty years old ~~((or older,))~~ and is owned and operated primarily as a collector ~~((s item))~~ vehicle shall, upon application and acceptance by the department, be issued one special collector vehicle license plate in lieu of a regular license plate. Any vehicle so licensed must be capable of being operated upon the highway.

(2) In lieu of a collector vehicle license plate the applicant may be authorized to display a Washington state issued vehicle license plate designated for use in the year of the vehicle's manufacture.

(3) In addition to paying all other license fees required by law, each applicant for a collector vehicle license plate shall pay an additional license fee of thirty-five dollars.

(4) Collector vehicle license plates are valid for the life of the vehicle and shall be transferred with the vehicle. The license plate shall be displayed on the rear of the vehicle.

(5) Collector vehicle license plates shall be assigned a separate ~~((numerical))~~ "collector vehicle" series ~~((commencing with "Collector Vehicle 0001-"))~~.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-075 Collector cars—Use limitations.

WSR 97-07-024
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed March 12, 1997, 3:10 p.m.]

Date of Adoption: March 12, 1997.

Purpose: To comply with federal requirement that temporary assistance for needy families (TANF) be denied to: (1) Fugitive felons and violators of probation and parole, and (2) unmarried minor parents who have not completed a high school education and are not participating in activities leading to the attainment of a high school diploma or equivalent.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1000 Summary of eligibility conditions.

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

Other Authority: Public Law 104-193, Section 103 (a)(1) (1996).

Adopted under notice filed as WSR 97-04-051 on January 31, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

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

March 12, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3860, filed 6/28/95, effective 7/29/95)

WAC 388-215-1000 Summary of eligibility conditions. (1) The department shall grant AFDC on behalf of a child who:

(a) Meets the age requirements under WAC 388-215-1025; and

(b) Is living in the home of a relative of specified degree including a parent or another relative as defined under WAC 388-215-1050 through 388-215-1080. For temporary absences, see WAC 388-215-1100 through 388-215-1110; and

(c) Is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States (see WAC 388-215-1200); and

(d) Is a resident of the state of Washington, or resides with a parent or other relative who is a resident of the state of Washington (see WAC 388-215-1225); and

(e) Is in financial need (see chapters 388-216 through 388-219 WAC); and

(f) Is deprived of parental support or care because of the death (see WAC 388-215-1300), continued absence (see WAC 388-215-1320 through 388-215-1335), incapacity (see WAC 388-215-1340 through 388-215-1360), or unemployment (see WAC 388-215-1370 through 388-215-1385) of a parent. A parent is a person meeting the criteria in WAC 388-215-1060.

(2) Each client of AFDC shall:

(a) Assign to the division of child support any rights to support in his or her own behalf or in behalf of the other assistance unit members as required under WAC 388-215-1400; and

(b) Cooperate with the division of child support as required under WAC 388-215-1400 through 388-215-1490.

(3) The department shall require each applicant for, or recipient of assistance to furnish a Social Security number as specified in WAC 388-215-1500.

(4) The department shall require adult AFDC recipients or payees to cooperate in a review of eligibility as part of a quality control review as specified in WAC 388-215-1510.

(5) All AFDC applicants and recipients shall be subject to job opportunities and basic skills program (JOBS) participation requirements as specified under WAC 388-215-1520.

(6) All AFDC clients are subject to the rules regarding participation in strikes as specified under WAC 388-215-1540.

(7) Certain AFDC recipients shall return a completed monthly report to the department as required under WAC 388-215-1560.

(8) The department shall establish assistance units of children and caretaker relatives eligible for AFDC as specified under WAC 388-215-1600 through 388-215-1620.

(9) The department shall determine eligibility for a minor child applying for oneself as required under WAC 388-215-1650.

(10) The department shall deny temporary assistance to needy families (TANF) to fugitive felons and probation and parole violators as specified under WAC 388-215-1550.

(11) Under TANF, the department shall require unmarried minor parents who have not completed a high school education to participate in educational activities leading to the attainment of a high school diploma or equivalent as specified in WAC 388-215-1650.

WSR 97-07-041
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed March 14, 1997, 11:50 a.m.]

Date of Adoption: March 14, 1997.

Purpose: WAC 458-40-540 adjusts the forest land values in accordance with the statutory formula found in RCW 84.33.120. These land values are used by the county assessors in assessing property tax for 1997.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-540.

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Other Authority: RCW 84.33.120.

Adopted under notice filed as WSR 97-02-064 on December 31, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: Thirty-one days after filing,
March 14, 1997
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 96-02-055, filed 12/29/95, effective 1/1/96)

WAC 458-40-540 Forest land values—((1996)) 1997. The forest land values, per acre, for each grade of forest land for the ((1996)) 1997 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES
		ROUNDED
1	1	((\$220) <u>\$232</u>)
	2	((215) <u>226</u>)
	3	((204) <u>215</u>)
	4	((148) <u>156</u>)
2	1	((186) <u>196</u>)
	2	((179) <u>188</u>)
	3	((171) <u>180</u>)
	4	((124) <u>131</u>)
3	1	((145) <u>153</u>)
	2	((141) <u>148</u>)
	3	((139) <u>146</u>)
	4	((106) <u>112</u>)
4	1	((110) <u>116</u>)
	2	((107) <u>113</u>)
	3	((106) <u>112</u>)
	4	((81) <u>85</u>)
5	1	((80) <u>84</u>)
	2	((74) <u>78</u>)
	3	((73) <u>77</u>)
	4	((48) <u>51</u>)

6	1	((41) <u>43</u>)
	2	((37) <u>39</u>)
	3	((37) <u>39</u>)
	4	((35) <u>37</u>)
7	1	((20) <u>21</u>)
	2	((20) <u>21</u>)
	3	((19) <u>20</u>)
	4	((19) <u>20</u>)
8		1

**WSR 97-07-042
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket No. TO-960810, General Order No. R-439—Filed March 14, 1997, 2:37 p.m.]

In the matter of adopting WAC 480-75-002, 480-75-005, and 480-75-230, relating to hazardous liquid pipeline safety.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 96-21-121 filed with the code reviser on October 22, 1996. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The proposal is undertaken so that Washington state will comply with federal requirements to retain certification under the Pipeline Safety Law, 49 U.S.C. Section 60101, *et seq.*, and to participate in the federal pipeline safety program. The proposal will adopt, by reference, the federal hazardous liquids pipeline safety standards (49 CFR Part 195) and the drug and alcohol testing regulations (49 CFR Part 199) to conform state regulation of intrastate hazardous liquids pipeline companies with existing federal regulations. Furthermore, it will require that intrastate hazardous liquid pipeline companies submit an accident report or safety-related condition report to the Washington Utilities and Transportation Commission as well as to the federal Office of Pipeline Safety as required by 49 CFR Part 195, Subpart B.

The commission filed a Preproposal Statement of Inquiry (CR-101) on July 2, 1996, as WSR 96-14-097. The notice advised interested persons that the commission was considering entering a rule making on the adoption of federal (hazardous liquids pipeline safety) rules by reference with added statute provisions to bring state rules into conformity with existing federal rules. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all registered gas companies and the commission's list of common carrier

PERMANENT

pipeline companies. Pursuant to the notice, the commission did receive written comments and did engage in a preproposal workshop on August 8, 1996, involving commission staff members, representatives of the pipeline industry, and members of the public, to discuss the adoption of federal standards governing pipelines transporting hazardous liquid materials. At the workshop, Ms. Claudia Newman with the law firm of Bricklin and Gendler, LLP, representing the Cascade Columbia Alliance, recommended adopting intrastate hazardous liquid pipeline safety regulations more stringent than those set forth in 49 CFR Part 195. Industry representatives responded that more stringent regulations do not necessarily equate to safer pipelines. Commission staff stated that it was not recommending the adoption of more stringent regulations in this proceeding. Industry representatives who were present voiced no opposition to the commission's proposal to adopt the federal hazardous liquid pipeline safety standards, 49 CFR Part 195. Gary Saenz, with Chevron Pipe Line Company, left a telephone voice message offering support for the commission proposal.

The commission filed a notice of proposed rule making (CR-102) on October 22, 1996, as WSR 96-21-121. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 96-21-121 in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until November 15, 1996.

Ms. Claudia Newman submitted written comments.

The rule change proposal was considered for adoption, pursuant to the notice, at the commission's open public meeting on November 26, 1996, before Chairman Sharon L. Nelson, Commissioner Richard Hemstad, and Commissioner William R. Gillis. The commission heard oral comments from Ms. Claudia Newman, attorney, reiterating her written comments that the federal hazardous liquid pipeline safety regulations were too lax and did not provide sufficient protection for the environment within the state of Washington. Her comments emphasized her opinion that the commission should adopt hazardous liquid pipeline safety regulations more stringent than those set forth in 49 CFR Part 195.

Steve Rieger, representing commission staff, recommended the adoption of the current proposal instead of more stringent intrastate hazardous liquids pipeline safety regulations.

After considering all of the information regarding this proposal, the commission adopted the proposed rule amendment, without changes from the text noticed in WSR 96-21-121. The adoption of these rules will extend existing federal/state gas pipeline safety cooperation to hazardous liquids pipeline safety and will provide coordinated local/state standards to promote continued safe operations of pipelines within the state of Washington. The existence of common standards offers benefits to the public, to regulatory agencies, and to the regulated industry.

The commission recognizes that public health and safety within the state of Washington, and the state's environment, are of great importance and should not be subjected to degradation. However, more stringent or more prescriptive hazardous liquid pipeline safety regulations do not necessari-

ly provide additional protection for public health or safety or for the environment. The hazardous liquid pipeline safety regulations, as identified in 49 CFR Part 195, stress performance criteria. The exact mechanism for pipeline safety is left to the determination of the operator. The operator must demonstrate that the pipeline system is operated and maintained safely and does not compromise public safety or cause environmental degradation. The commission's involvement in intrastate hazardous liquid pipeline safety will promote pipeline safety through additional regulatory oversight by well trained and knowledgeable state pipeline safety personnel. The Department of Ecology has regulatory oversight of the environmental concerns pertaining to hazardous liquid pipeline operators and is in a position to assure that environmental protection is not compromised. Adopting the existing federal regulations now does not preclude the commission from adopting more stringent provisions later, when a need for them is demonstrated by experience or further study.

This rule making will not affect in any way the existing regulatory authority of the state Department of Ecology.

In reviewing the entire record, the commission determines that WAC 480-75-002, 480-75-005 and 480-75-230 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 8.04.010 [34.05.380(2)] on the 31st day after filing with the code reviser.

ORDER

THE COMMISSION ORDERS:

1. WAC 480-75-002, 480-75-005 and 480-75-230 are adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the 31st day after the date of its filing with the code reviser pursuant to RCW 8.04.010 [34.05.380(2)].

2. This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.04 and 35.05 [34.05] RCW and chapter 1-21 WAC.

3. The commission adopts the commission staff memoranda, presented when the commission considered filing a Preproposal Statement of Inquiry, when it considered filing the formal notice of proposed rule making, and when it considered adoption of this proposal in conjunction with the text of this order, as its concise explanatory statement of the reasons for adoption and for rejection of proposed changes, as required by RCW 34.05.025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 3, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

DATED at Olympia, Washington, and effective this 12th day of March 1997.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard Hemstad, Commissioner
William R. Gillis, Commissioner

APPENDIX "A"

NEW SECTION

WAC 480-75-002 Application of rules. These rules shall apply to pipeline facilities and the transportation of gasoline, oil, petroleum, or hazardous liquids. The purpose of the rules is to provide minimum safety standards and reporting requirements for the transportation of gasoline, oil, petroleum, and hazardous liquids by pipeline. These rules shall apply to the design, construction, operation, maintenance, and safety of pipeline facilities used in gathering, carrying, or transporting gasoline, oil, petroleum, or hazardous liquids in this state, except those pipeline facilities exclusively under federal jurisdiction as prescribed by the Pipeline Safety Law, 49 U.S.C. Section 60101.

NEW SECTION

WAC 480-75-005 Compliance with federal standards. Operators of pipeline facilities transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on (the date this rule is adopted), except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where "Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information Officer, Information Resources Manager, or Office of Pipeline Safety."

49 CFR, Parts 195 and 199, are available for public inspection at the commission branch of the Washington state library, located in the Olympia office of the commission. Copies are also available from the Government Printing Office Bookstore, Seattle, Washington.

NEW SECTION

WAC 480-75-230 Modification/waivers. If a gasoline, oil, petroleum, or hazardous liquids pipeline company determines that an undue hardship or an unsafe condition may result from the application of any rule in this chapter,

application may be made to the commission for a waiver of the rule. Every request for a waiver shall be accompanied by full and complete justification for such requested deviation. The petitioning company shall describe how it will meet the requirements of this chapter in the absence of the waived rule, which may include proposed amendments to this chapter. Requests for waiver will be written, properly documented, and submitted to the commission. A company shall concurrently submit to the commission all petitions for waiver of any pipeline safety rule filed with the federal government or other governmental authority.

WSR 97-07-043
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-51—Filed March 14, 1997, 3:45 p.m.]

Date of Adoption: March 11, 1997.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-20-020, 220-20-021, and 220-33-020.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 97-04-080 on February 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: Commercial retention for personal use limited to one sturgeon. No sale of sturgeon eggs taken below Bonneville Dam.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

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

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

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

March 13, 1997

Dirk Brazil

for Bern Shanks, Ph.D.

Director

AMENDATORY SECTION (Amending Order 95-166, filed 11/8/95, effective 12/9/95)

WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon. (1) It is unlawful to fish for or possess for commercial purposes any round, undressed white sturgeon less than 48 inches or greater than ((66)) 60 inches in length or any round, un-

dressed green sturgeon less than 48 inches or greater than 66 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

(7) It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San Juan Islands Marine Preserve, except that it is lawful to take herring.

(8) It is unlawful to fish for or possess food fish other than salmon taken from the Titlow Beach Marine Preserve or the Edmonds Underwater Park.

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-20-021 Sale of commercially caught sturgeon and bottomfish. (1) It ~~((shall be))~~ is unlawful for any person while engaged in commercial fishing for sturgeon or bottom fish to:

(a) Keep in excess of ~~((two))~~ one sturgeon ~~((not less than 48 inches in length nor more than 66 inches in length))~~ smaller or greater than the size limits provided for in WAC 220-20-020, or more than the equivalent of one limit of sport caught bottom fish for personal use. Any lingcod to be retained for personal use taken east of the mouth of the Sekiu River must be greater than 26 inches in length and may not exceed 40 inches in length.

(b) Sell any sturgeon or bottom fish taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of any sturgeon taken under such license prior to the time that the sturgeon is sold under subsection (1)(b) of this section.

(2) It ~~((shall be))~~ is unlawful for any wholesale dealer licensed under RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW if the sturgeon eggs have been removed

from the body cavity of the sturgeon prior to the sale of the sturgeon.

(3) It is unlawful to purchase, sell, barter or attempt to purchase, sell, or barter any sturgeon eggs taken from sturgeon caught in the Columbia River below Bonneville Dam.

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

WAC 220-33-020 Sturgeon. It is unlawful to fish for sturgeon in the lower Columbia River for commercial purposes or to possess sturgeon taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Gill net gear may be used to fish for sturgeon if it does not exceed 1,500 feet in length along the cork line ~~((and))~~ is not constructed of monofilament webbing and does not have a lead line weighing more than two pounds per fathom of net as measured on the cork line. Gill net gear includes trammel nets.

Fishing periods

(2) The lower Columbia River is closed to commercial sturgeon fishing, except as provided by emergency rule of the director. Sturgeon taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes.

General

(3) Sturgeon ~~((less than 48 inches or greater than 72 inches in length))~~ smaller or greater than the size limits provided for in WAC 220-20-020 may not be retained for commercial purposes and shall be returned immediately to the water. All sturgeon in transit must not have the head or tail removed.

(4) A person engaged in commercial fishing may retain ~~((two))~~ one sturgeon of legal commercial length for personal use.

(5) Sturgeon eggs may not be removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

(6) The head or tail may not be removed from a sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300 and delivered to a fish processing plant.

(7) A sturgeon carcass with head and tail removed and retained at a fish processing plant must be at least 28 inches in length.

**WSR 97-07-046
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY**

[Filed March 17, 1997, 10:42 a.m.]

Date of Adoption: March 13, 1997.

Purpose: To clarify fire extinguisher training rules.

Citation of Existing Rules Affected by this Order:
Amending Regulation I, Section 8.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.
 Adopted under notice filed as WSR 97-04-075 on
 February 5, 1997.

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

Number of Sections Adopted at Request of a Nongov-
 ernmental Entity: New 0, amended 0, repealed 0.

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

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

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

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

March 13, 1997

Larry Vaughn
 Engineer I

AMENDATORY SECTION

REGULATION I SECTION 8.07 FIRE EXTINGUISHER TRAINING

(a) Applicability. This section applies to small, short-
 duration fires for teaching the proper use of hand-held fire
 extinguishers.

(b) General Requirements. Hand-held fire extinguisher
 training may be conducted provided the following require-
 ments are met:

(1) Training shall not occur during any stage of an air
 pollution episode or period of impaired air quality;

(2) Flammable or combustible (~~Combustible~~) materials
 used during the fire extinguisher training shall be limited to:

(A) Less than 2 gallons of clean kerosene or diesel fuel
 oil per training exercise, provided that gasoline or gasoline
 mixed with diesel or kerosene may be used only by local fire
 departments, fire marshals, or fire districts;

(B) As much gaseous fuel (propane or natural gas) as
 required for the training exercise(=); or

(C) Less than 0.5 cubic yards of clean, solid combusti-
 ble materials per training exercise. Examples of solid
 combustible materials are seasoned wood, untreated scrap
 lumber, and unused computer paper.

(3) All training must be conducted by local fire officials
 or a qualified instructor. Instructor qualifications and a
 training plan must be available to PSAPCA upon request;

(4) Prior to the training, the person(s) conducting the
 exercise must notify the local fire department, fire marshal,
 or fire district and must meet all applicable local ordinances
 and permitting requirements; and

(5) Person(s) conducting hand-held fire extinguisher
 training shall be responsible for responding to citizen
 inquiries and resolving citizen complaints caused by the
 training activity.

WSR 97-07-048

PERMANENT RULES

TACOMA COMMUNITY COLLEGE

[Filed March 17, 1997, 12:05 p.m.]

Date of Adoption: March 7, 1997.

Purpose: Repeal chapter 132V-12 WAC in its entirety.

Citation of Existing Rules Affected by this Order:

Repealing chapter 132V-12 WAC.

Statutory Authority for Adoption: RCW 28B.50.-
 140(13).

Adopted under notice filed as WSR 97-03-128 on
 January 22, 1997.

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

Number of Sections Adopted at Request of a Nongov-
 ernmental Entity: New 0, amended 0, repealed 0.

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

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

Number of Sections Adopted using Negotiated Rule
 Making: New 0, amended 0, repealed 0; Pilot Rule Making:
 New 0, amended 0, repealed 0; or Other Alternative Rule
 Making: New 0, amended 0, repealed 124.

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

March 14, 1997

Jan Miller, Director
 Human Resources

REPEALER

The following chapter of the Washington Administrative
 Code is repealed:

- | | |
|-----------------|--|
| WAC 132V-12-003 | Purpose. |
| WAC 132V-12-006 | Positions covered by the rules. |
| WAC 132V-12-009 | Adoption of rules. |
| WAC 132V-12-012 | Amendment of rules. |
| WAC 132V-12-015 | Definitions. |
| WAC 132V-12-018 | Organization. |
| WAC 132V-12-021 | Compensation. |
| WAC 132V-12-024 | Election of officers. |
| WAC 132V-12-027 | Meetings. |
| WAC 132V-12-030 | Powers and duties. |
| WAC 132V-12-033 | Appointment. |
| WAC 132V-12-036 | Powers and duties. |
| WAC 132V-12-039 | Content. |
| WAC 132V-12-042 | Amendment. |
| WAC 132V-12-045 | Allocation. |
| WAC 132V-12-048 | Interpretation of specifications. |
| WAC 132V-12-051 | Use in allocation. |
| WAC 132V-12-054 | Use in examination. |
| WAC 132V-12-057 | Statements of general qualifica-
tions. |
| WAC 132V-12-060 | Authority. |
| WAC 132V-12-063 | Use of class titles. |
| WAC 132V-12-066 | General policies. |

PERMANENT

WAC 132V-12-069	Content.	WAC 132V-12-270	Request for employees.
WAC 132V-12-072	Amendment.	WAC 132V-12-273	Method of certification.
WAC 132V-12-075	Payroll certification.	WAC 132V-12-276	Ranked lists.
WAC 132V-12-078	Hours of work.	WAC 132V-12-279	Related lists.
WAC 132V-12-084	Rest periods.	WAC 132V-12-281	Selection.
WAC 132V-12-087	Holidays.	WAC 132V-12-284	Probationary appointments.
WAC 132V-12-096	Annual leave.	WAC 132V-12-287	Provisional appointments.
WAC 132V-12-120	Sick leave.	WAC 132V-12-290	Transfer.
WAC 132V-12-144	Military training leave with pay.	WAC 132V-12-293	Demotion.
WAC 132V-12-147	Military leave without pay.	WAC 132V-12-296	Purpose.
WAC 132V-12-150	Leave for civil duty.	WAC 132V-12-299	Duration.
WAC 132V-12-153	Leave of absence without pay.	WAC 132V-12-302	Dismissal during probationary period.
WAC 132V-12-165	Absence without authorized leave.	WAC 132V-12-305	Demotion during probationary period.
WAC 132V-12-168	Selection by examination.	WAC 132V-12-308	Separation.
WAC 132V-12-171	Content of announcements.	WAC 132V-12-311	Resignation.
WAC 132V-12-174	Distribution of announcements.	WAC 132V-12-314	Reduction in force—Layoff.
WAC 132V-12-177	Open competitive examinations.	WAC 132V-12-317	Dismissal.
WAC 132V-12-180	Promotional examinations.	WAC 132V-12-320	Abandonment of position.
WAC 132V-12-183	Forms of application.	WAC 132V-12-323	Disciplinary action.
WAC 132V-12-186	Freedom from bias.	WAC 132V-12-326	Suspension.
WAC 132V-12-189	Admission to examination.	WAC 132V-12-329	Demotion.
WAC 132V-12-192	Disqualification of applicants.	WAC 132V-12-332	Who may appeal.
WAC 132V-12-195	Original examinations.	WAC 132V-12-335	Procedures for hearing appeals.
WAC 132V-12-198	Promotional examinations.	WAC 132V-12-338	Agreements between agencies and employee organizations.
WAC 132V-12-201	Noncompetitive examinations.	WAC 132V-12-341	Notice of intent by bargaining unit.
WAC 132V-12-204	Open-continuous examinations.	WAC 132V-12-344	Determination of bargaining unit.
WAC 132V-12-207	Conduct of examinations.	WAC 132V-12-347	Bargaining factors.
WAC 132V-12-210	Anonymity of applicants.	WAC 132V-12-350	Certification by director—Notice of petition.
WAC 132V-12-213	Rating of examinations.	WAC 132V-12-353	Election of representative organization—Notice.
WAC 132V-12-216	Establishment and maintenance.	WAC 132V-12-356	Election rules—Ballots.
WAC 132V-12-219	Organizational units.	WAC 132V-12-359	Majority of votes required.
WAC 132V-12-222	Merit lists.	WAC 132V-12-362	Representation upon certification.
WAC 132V-12-225	Layoff lists.	WAC 132V-12-365	Decertification.
WAC 132V-12-228	Unranked lists.	WAC 132V-12-368	Personnel matters.
WAC 132V-12-231	Duration of eligible lists.	WAC 132V-12-371	Grievance procedure.
WAC 132V-12-234	Registers—Generally.	WAC 132V-12-374	Payroll deduction.
WAC 132V-12-237	Registers—Departmental reduction in force—Duration.	WAC 132V-12-377	One year duration.
WAC 132V-12-240	Registers—Classified service-wide reduction in force—Duration.	WAC 132V-12-380	Filing—Conflict with Civil Service Act.
WAC 132V-12-243	Registers—Intradepartmental promotion—Duration.	WAC 132V-12-383	Conferences on disputes.
WAC 132V-12-246	Registers—Interdepartmental promotion—Duration.	WAC 132V-12-386	Hearing on disputes.
WAC 132V-12-249	Registers—Departmental unranked reinstatement—Duration.	WAC 132V-12-389	Service ratings.
WAC 132V-12-252	Registers—Classified service-wide unranked reinstatement—Duration.	WAC 132V-12-392	Education and training.
WAC 132V-12-255	Registers—Unranked transfer—Duration.	WAC 132V-12-398	Classes during working hours—Compensation—Authorization.
WAC 132V-12-258	Registers—Open-competitive—Duration.	WAC 132V-12-401	Special training programs.
WAC 132V-12-261	Removal of names from eligible lists.	WAC 132V-12-404	Political activity.
WAC 132V-12-264	Comparable lists.	WAC 132V-12-407	Outside employment.
WAC 132V-12-267	Availability of eligibles.	WAC 132V-12-410	False statements—Fraud.
		WAC 132V-12-413	Bribery.
		WAC 132V-12-416	Interference by officials.
		WAC 132V-12-419	Penalties.
		WAC 132V-12-422	Discrimination.

WAC 132V-12-425	Personnel records.
WAC 132V-12-428	Roster.
WAC 132V-12-431	Reports to the personnel director.
WAC 132V-12-434	Public records.

WSR 97-07-053
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-52—Filed March 17, 1997, 3:07 p.m.]

Date of Adoption: February 1, 1997.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-48-015.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 96-21-147 on October 23, 1996.

Changes Other than Editing from Proposed to Adopted Version: Reformat proposals with no additions or deletions. Adopt option (5).

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 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.

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

March 17, 1997

Lisa Pelly, Chairperson
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 94-96, filed 9/7/94, effective 10/8/94)

WAC 220-48-015 Beam trawl and bottom trawl—Seasons. (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, and 29 the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly

Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) Areas 20A, 20B, 21A, 22A and 22B are closed to all trawl fishing in waters less than 30 feet deep.

(e) Areas 20A, 20B, 21A, 22A and 22B are closed in waters deeper than 40 fathoms from September 1 through December 31.

(f) Areas 23C and 29 are closed to otter trawl fishing the entire year in waters shallower than 50 fathoms and are closed to beam trawl fishing in waters less than 60 feet deep.

(g) Area 23C is closed to otter trawl Wednesday, Saturday and Sunday, January 1 through August 31, and closed to all otter trawl September 1 through December 31.

(2) It is lawful to fish for and possess bottomfish taken with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year with the following exceptions:

(a) All of Area 25A is closed February 1 through April 15 of each year.

(b) Those waters of Area 25A lying southerly and westerly of a line projected from Klapot Point to Gibson Spit (Sequim Bay) are closed the entire year.

(c) Areas 23A, 25A and 25B are closed to beam trawl fishing in waters less than 60 feet deep.

(3) It is unlawful to fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year.

(4) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear (~~for commercial purposes~~) in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D the entire year.

WSR 97-07-055
PERMANENT RULES
NORTHWEST AIR
POLLUTION AUTHORITY

[Filed March 18, 1997, 9:50 a.m.]

Date of Adoption: March 13, 1997.

Purpose: To amend, add, and delete sections of the NWAPA regulation to reflect changes in state and federal rules and to clarify requirements that will promote effective air pollution control.

Summary of Proposed Northwest Air Pollution Authority Regulation Changes—March 13, 1997: Subsections:

104.2 Referenced recently adopted federal rules in 40 CFR 60, 61, and 63.

114 Revised wording in confidential information subsection to be consistent with chapter 70.94 RCW.

131.21 Insert the word "business" after the word "ten" to allow ten business days for a response to a violation.

131.4 Change from two to five years after which any suspended portion of a penalty becomes null and void.

132.6 Add words "per day per violation" for consistency with federal law and other parts of subsection 132. This is necessary to receive full delegation from EPA of the Title 5 Air Operating Permit Program.

200 Add a definition for solid waste consistent with chapter 173-434 WAC, revise definition of Best Available Control Technology (BACT) to identify BACT as a technology not an emission limit, redefine standard conditions to be consistent with traditional air pollution engineering assumptions (20 degrees C. and 760 mm mercury), change correction factor in definition of standard cubic foot of gas to 68 degrees F from 60 degrees F, add a definition for solid waste consistent with the Washington state definition.

321.3 Improve language referring to sources that lose their registration status if they cease operation for more than one year in the Northwest Air Pollution Authority jurisdiction and do not pay registration fees.

342.3 Add the words "if requested by the Control Officer" after "submit a report."

360 Include air operating permit sources.

365 Include air operating permit sources.

462.1 and 2 Add word averaged before "for a sixty consecutive minute period" to make rule consistent with state requirement.

530.1 Revised wording of nuisance section for clarity.

535.3 Revised wording of nuisance odor subsection for clarity.

580.6 Modify subsection on gasoline stations to be consistent with chapter 173-491 WAC.

580.8 Revise subsection to be consistent with federal rules on leak detection and repair at petroleum refineries.

580.11 Add CARB (California Air Resources Board) as a resource for reference testing methods.

580.12 Remove all compliance dates for Section 580 because they are after the fact or Stage II requirements have changed.

Citation of Existing Rules Affected by this Order: Amending Sections 104, 114, 131, 132, 200, 321, 342, 360, 365, 462, 530, 535, and 580.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 97-03-112 on January 21, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

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

March 17, 1997

James B. Randles

Assistant Control Officer.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 97-08 issue of the Register.

**WSR 97-07-058
PERMANENT RULES
EXECUTIVE ETHICS BOARD**

[Filed March 18, 1997, 11:17 a.m.]

Date of Adoption: March 14, 1997.

Purpose: To establish criteria for imposing sanctions and monetary penalties when a violation of chapter 42.52 RCW by a state officer or state employee is found.

Statutory Authority for Adoption: RCW 42.52.360 (2)(e)-(g).

Adopted under notice filed as WSR 97-03-133 on January 22, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 292-120-040 Payment of civil penalty, the payment due date is changed from thirty to forty-five days, and language is added to allow the board to grant an extension.

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

March 18, 1997

Barbara Cook

Board Secretary

**CHAPTER 292-120 WAC
EXECUTIVE ETHICS BOARD
PENALTY RULES**

NEW SECTION

WAC 292-120-010 Purpose. The purpose of this rule is to set out the criteria that the board may consider when imposing sanctions for a violation of chapter 42.52 RCW and the rules adopted under it.

NEW SECTION

WAC 292-120-020 Board may impose sanctions. If the board finds a violation of chapter 42.52 RCW or rules adopted under it, the board may impose one or more of the following sanctions:

(1) Reprimand, either by letter of instruction or formal reprimand;

(2) Recommend to the appropriate authorities suspension, removal from the position, or prosecution or other appropriate remedy;

(3) A civil penalty of up to five thousand dollars per violation or three times the economic value of any thing sought or received in violation of chapter 42.52 RCW or rules adopted under it, whichever is greater. Payment of the civil penalty shall be reduced by the amount of costs paid pursuant to subsection 5;

(4) Payment of damages sustained by the state that were caused by the violation and were not recovered by the state auditor;

(5) Costs, including reasonable investigative costs, that do not exceed the amount of any civil penalty;

(6) Recommend to the governor and the appropriate agency that they request the attorney general bring an action to cancel or rescind action taken by the violator, upon a board finding that:

(a) The violation has substantially influenced the state action; and

(b) Interests of the state require cancellation or rescission.

NEW SECTION

WAC 292-120-030 Criteria for determining sanctions. In determining the appropriate sanction, including the amount of any civil penalty, the board may consider the nature of the violation and the extent or magnitude or severity of the violation, including:

(1) The monetary cost of the violation including:

(a) The cost of the violation to the state;

(b) The value of anything received or sought in the violation;

(c) The amount of any damages incurred by the state as a result of the violation;

(d) The costs incurred in enforcement, including reasonable investigative costs;

(2) The nature of the violation including whether the violation:

(a) Was continuing in nature;

(b) Was motivated by financial gain;

(c) Involved criminal conduct;

(d) Impaired a function of the agency;

(e) Tended to significantly reduce public respect for or confidence in state government or state government officers or employees;

(f) Involved personal gain or special privilege to the violator;

(3) Aggravating circumstances including whether the violator:

(a) Intentionally committed the violation with knowledge that the conduct constituted a violation;

(b) Attempted to conceal the violation prior to the filing of the complaint;

(c) Was untruthful or uncooperative in dealing with the board or the board's staff;

(d) Had significant official, management, or supervisory responsibility;

(e) Had committed prior violations found by the board;

(f) Incurred no other sanctions as a result of the violation;

(4) Mitigating factors including:

(a) Prior corrective action taken against the violator;

(b) Prior recovery of damages to the state;

(c) The unethical conduct was approved or required by the violator's supervisor or agency;

(d) The violation was unintentional;

(e) Other mitigating factors deemed relevant by the board.

(5) For purposes of this section, each act which violates one or more provisions of chapter 42.52 RCW, or rules adopted under it, may constitute a separate violation.

NEW SECTION

WAC 292-120-040 Payment of civil penalty. Payment of any monetary penalty assessed by the board must be made within 45 days of the date of the board's order, unless an extension is granted by the board.

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

WSR 97-07-063

PERMANENT RULES

LOTTERY COMMISSION

[Filed March 19, 1997, 8:47 a.m.]

Date of Adoption: March 7, 1997.

Purpose: Establishes game play rules and criteria for determining winners of Instant Game Nos. 187 ("\$2 Instant Quinto"), 188 ("Strike It Rich"), 189 ("Lucky 7s"), 190 ("Putt for Dough"), and 191 ("Cut the Deck"); and amends chapter 315-12 WAC to clarify the definition of "listing" or "list" and change the photocopying fee for public disclosure purposes, and amends WAC 315-11A-184 to correct a typographical error for a play symbol caption.

Citation of Existing Rules Affected by this Order: Amending WAC 315-12-020, 315-12-080, 315-12-090, and 315-11A-184.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 97-03-123 on January 22, 1997.

Changes Other than Editing from Proposed to Adopted Version: For WAC 315-11A-188, the play symbol captions were shortened from five to three characters; the number of Xs needed to win all but the \$5,000 prize was increased.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 5, amended 4, repealed 0.

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

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

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

March 14, 1997

Merritt D. Long

Director

NEW SECTION

WAC 315-11A-187 Instant Game Number 187 ("\$2 Instant Quinto"). (1) **Definitions for Instant Game Number 187.**

(a) Play symbols: The play symbols are listed below in (b) of this subsection. Ten of these play symbols shall appear in each of the four playfields on the front of the ticket. Each playfield shall be labeled "Play 1," "Play 2," "Play 3," or "Play 4." Five of the play spots in each of the playfields shall be labeled "Drawing Results," with the remaining five play spots in each of the playfields constituting the player's cards and labeled "Your Hand."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears below each of the five play symbols labeled "Drawing Results" in each playfield. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 187, the captions which correspond with and verify the play symbols are as follows:

PLAY SYMBOL	CAPTION
2♥	TWOH
3♥	THRH
4♥	FORH
5♥	FIVH
6♥	SIXH
7♥	SVNH
8♥	EGTH
9♥	NINH
10♥	TENH
J♥	JCKH
Q♥	QUEH
K♥	KNGH
A♥	ACEH
2♣	TWOC
3♣	THRC
4♣	FORC
5♣	FIVC
6♣	SIXC
7♣	SVNC
8♣	EGTC
9♣	NINC
10♣	TENC
J♣	JCKC
Q♣	QUEC
K♣	KNGC
A♣	ACEC
2♦	TWOD
3♦	THRD
4♦	FORD
5♦	FIVD
6♦	SIXD
7♦	SVND
8♦	EGTD
9♦	NIND
10♦	TEND
J♦	JCKD
Q♦	QUED
K♦	KNGD
A♦	ACED
2♠	TWOS
3♠	THRS
4♠	FORS

5♠	FIVS
6♠	SIXS
7♠	SVNS
8♠	EGTS
9♠	NINS
10♠	TENS
J♠	JCKS
Q♠	QUES
K♠	KNGS
A♠	ACES

(c) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(d) Pack-ticket number: The thirteen-digit number of the form 187000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 187 constitute the "pack number" which starts at 187000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 099 within each pack of tickets.

(e) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 187, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
TWO	\$ 2.00
FOR	\$ 4.00
SIX	\$ 6.00
EGT	\$ 8.00
TWF	\$ 25.00
FTY	\$ 50.00
SFV	\$ 75.00
OHN	\$ 100.00
TWH	\$ 200.00
TRN	\$ 300.00
FRH	\$ 400.00

(f) Pack: A set of one hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 187.

(a) The price of each instant game ticket shall be \$2.00.

(b) An instant prize winner is determined in the following manner:

(i) The bearer of a ticket that matches two, three, four or five "Your Hand" play symbols to the "Drawing Results" symbols in that same playfield shall win the prize listed in the legend (below). Each ticket shall bear a legend which lists the prize won for the number or symbols matched within each play.

Match two symbols	- win \$2
Match three symbols	- win \$25
Match four symbols	- win \$100
Match five symbols	- win \$2,500

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(ii) The bearer of a ticket that matches two, three, four or five symbols in more than one playfield shall win the sum of the prizes shown in the legend (above) for each winning play.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 187 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 187; and/or

(ii) Vary the number of tickets sold in Instant Game Number 187 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 187.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 187 all of the following validation requirements apply:

(i) Exactly ten play symbols must appear in each of the four playfields on the front of the ticket.

(ii) Each of the five play symbols labeled "Drawing Results" in each playfield must have a play symbol caption below it and each must agree with its caption.

(iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-188 Instant Game Number 188 ("Strike It Rich"). (1) Definitions for Instant Game Number 188.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the ten play spots under the latex covering on the

front of the ticket. The latex covered area shall be known as the playfield.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 188, the captions which correspond with and verify the play symbols are as follows:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
X	STK
👛	BAG
⚪	BAL
👉	SHS
👊	TRP
👉	PIN
✂️	BLR
📖	SCR
📌	POP
👑	SRT
📄	HTD

(c) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(d) Pack-ticket number: The thirteen-digit number of the form 188000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 188 constitute the "pack number" which starts at 188000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(e) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 188, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
FIV	\$ 5.00
TEN	\$ 10.00
TWY	\$ 20.00
FTY	\$ 50.00
THF	\$ 250.00

(f) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

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(2) Criteria for Instant Game Number 188.

- (a) The price of each instant game ticket shall be \$1.00.
- (b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

The bearer of a ticket having play symbols that correspond with the legend (below) shall win the prize listed. Each ticket shall bear a legend which lists each winning set of play symbols and its corresponding prize.

Three	X play symbols - Win	\$ 1
Four	X play symbols - Win	\$ 2
Five	X play symbols - Win	\$ 5
Six	X play symbols - Win	\$ 10
Seven	X play symbols - Win	\$ 20
Eight	X play symbols - Win	\$ 50
Nine	X play symbols - Win	\$ 250
Ten	X play symbols - Win	\$ 5,000

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 188 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

- (i) Vary the length of Instant Game Number 188; and/or
- (ii) Vary the number of tickets sold in Instant Game Number 188 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 188.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 188 all of the following validation requirements apply:

- (i) Exactly one play symbol must appear in each of the ten play spots in the playfield on the front of the ticket.
- (ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.
- (iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-189 Instant Game Number 189 ("Lucky 7s"). (1) Definitions for Instant Game Number 189.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the six play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 189, the captions which correspond with and verify the play symbols are as follows:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN

(c) Prize symbols: The "prize symbols" are listed below in (d) of this subsection. One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 189, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 100	ONEHUND

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\$ 150	ONEHFIF
\$ 1,000	ONETHOU
\$ 3,000	THRTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 189000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 189 constitute the "pack number" which starts at 189000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 189, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
ONE	\$ 1.00	
THR	\$ 3.00	(\$1, \$1 AND \$1; \$2 AND \$1)
FOR	\$ 4.00	(\$1, \$1, \$1 AND \$1; \$3 AND \$1)
SVN	\$ 7.00	(\$1, \$1, \$1, \$1 AND \$3; \$5 AND \$2)
FRN	\$ 14.00	(\$7 AND \$7; \$2, \$2, \$2, \$2 AND \$6)
TTN	\$ 21.00	(\$7, \$7 AND \$7; \$5, \$5, \$5, \$5 AND \$1)
SVY	\$ 70.00	(\$20, \$20, \$20 AND \$10)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 189.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the five play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Instant Game Number 189, the "7" play symbol with the caption "SVN" shall always be a winning play symbol, and the bearer of a ticket which has a "7" play symbol with the caption "SVN" shall be entitled to the prize shown below the "7" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 189 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 189; and/or

(ii) Vary the number of tickets sold in Instant Game Number 189 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 189.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 189 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-190 Instant Game Number 190 ("Putt For Dough"). (1) Definitions for Instant Game Number 190.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the nine play spots in the "your score" column and in each of the nine play spots in the "their score"

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column under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Each playfield shall have four games or rows.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears below each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 190, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN
16	SXT

(c) Prize symbols: The "prize symbols" are listed below in (d) of this subsection. One of these prize symbols appears to the right of each pair of captioned play symbols.

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 190, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 9.00	NIN DOL
\$ 10.00	TEN DOL
\$ 25.00	TWF DOL
\$ 45.00	FORTYFV
\$ 50.00	\$FIFTY\$
\$ 100	ONEHUND
\$ 500	FIVHUND
\$ 2,000	TWOTHOU

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 190000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number

190 constitute the "pack number" which starts at 190000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 190, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00 (\$1 AND \$1; \$2)
THR	\$ 3.00 (\$1, \$1 AND \$1; \$2 AND \$1)
SIX	\$ 6.00 (\$1, \$1, \$1, \$1, \$1 AND \$1)
NIN	\$ 9.00 (\$1, \$1, \$1, \$1, \$1, \$1, \$1, \$1 AND \$1; \$4, \$3, \$1 AND \$1)
EGN	\$ 18.00 (\$2, \$2, \$2, \$2, \$2, \$2, \$2, \$2 AND \$2; \$5, \$4, \$2, \$2, \$1, \$1, \$1, \$1 AND \$1)
NTY	\$ 90.00 (\$10, \$10, \$10, \$10, \$10, \$10, \$10, \$10 AND \$10; \$45, \$9, \$9, \$9, \$9, \$7 AND \$2)
FRH	\$ 400.00 (\$50, \$50, \$50, \$50, \$50, \$50, \$50, \$25 AND \$25; \$100, \$100, \$100 AND \$100)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 190.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) The bearer of a ticket having a play symbol in the "your score" column that is a larger number than the play symbol in the "their score" column in the same game (row) shall win the prize shown in the prize column for that game (row).

(ii) The bearer of a ticket having winning play symbols in more than one game (row) shall win the sum of the prizes in each winning game (row). Play symbols in different games (rows) may not be combined to win a prize.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 190 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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(e) Notwithstanding any other provisions of these rules, the director may:

- (i) Vary the length of Instant Game Number 190; and/or
- (ii) Vary the number of tickets sold in Instant Game Number 190 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 190.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 190 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the nine spots in the "your score" column and in each of the nine play spots in the "their score" column in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Exactly one prize symbol for each of the nine games must appear under the latex covering in the prize column on the front of the ticket. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-191 Instant Game Number 191 ("Cut the Deck"). (1) Definitions for Instant Game Number 191.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the four play spots in the "your card" column and in each of the four play spots in the "their card" column under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Each playfield shall have four games or rows.

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with

and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears below each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 191, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
J	JCK
Q	QUE
K	KNG
A	ACE

(c) Prize symbols: The "prize symbols" are listed below in (d) of this subsection. One of these prize symbols appears to the right of each pair of captioned play symbols.

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 191, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 50.00	\$FIFTY\$
\$ 500	FIVHUND

(e) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The thirteen-digit number of the form 191000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 191 constitute the "pack number" which starts at 191000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 191, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six

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locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2, \$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2 AND \$2; \$3, \$1, \$1 AND \$1)
TLV	\$ 12.00 (\$5, \$4 AND \$3; \$6, \$4, \$1 AND \$1)
TTF	\$ 24.00 (\$10, \$8, \$4 AND \$2; \$20, \$2, \$1 AND \$1)
TWH	\$ 200.00 (\$50, \$50, \$50 AND \$50)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 191.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) The bearer of a ticket having a play symbol in the "your card" column that is a larger number than the play symbol in the "their card" column in the same game (row) shall win the prize shown in the prize column for that game (row).

(ii) The bearer of a ticket having winning play symbols in more than one game (row) shall win the sum of the prizes in each winning game (row). Play symbols in different games (rows) may not be combined to win a prize.

(c) For purposes of this game, the "A" shall be the play symbol with the highest superiority, followed by "K," "Q," "J," "10," "9," "8," "7," "6," "5," "4," "3," and "2," in that order.

(d) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(e) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 191 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(f) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 191; and/or

(ii) Vary the number of tickets sold in Instant Game Number 191 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 191.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 191 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the four play spots in the "your card" column and in each of the

four play spots in the "their card" column in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Exactly one prize symbol for each of the four games must appear under the latex covering in the prize column on the front of the ticket. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending Order 23, filed 6/17/83)

WAC 315-12-020 Definitions. (1) Definitions set forth in chapter 315-02 WAC shall apply to this chapter.

(2) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, data processing products, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(4) "Raw data" means facts, symbols, or observations which have not been processed, edited or interpreted, and are unorganized or unevaluated.

(5) "Information" means raw data that are organized, evaluated or interpreted to impart meaning to potential users and fulfill a recognized need.

(6) "Listing (~~((list))~~)" or "list" means ~~((a series of))~~ items of any kind including names, words or numbers no matter what the arrangement or purpose. When applied to the release of records ~~((information- it)),~~ "listing" or "list"

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means (~~the names of two or more individuals~~) items obtained from one or more (~~than one~~) source documents and contained in any form of writing or other media.

(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(8) "Individual" means a natural person.

(9) "Commercial purpose" means the use of or the intent to use information contained in a listing to contact or in some way personally affect an individual identified on the list or for the purpose of facilitating the profit expectations of the person(s) who requested or obtained the list.

AMENDATORY SECTION (Amending Order 23, filed 6/17/83)

WAC 315-12-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the director which shall be available at its administrative office. The form shall be presented to any member of the director's staff designated by the responsible public records officer to receive requests, at the administrative office of the director during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The time of day and calendar date on which the request was made.

(c) The nature of the request.

(d) A reference to the requested record as it is described in the current record index.

Note: If the material is not identifiable by reference to the current index, an accurate description of the record is requested.

(e) The purpose for which a list of individuals, if so requested, will be used.

(f) The signature of the requestor.

(2) In all cases in which a member of the public makes a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Any persons authorized by law to obtain a list (~~of names~~) of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes. One or more requests from the same or associated persons for information regarding individuals shall be treated as a request for a list of individuals.

AMENDATORY SECTION (Amending Order 23, filed 6/17/83)

WAC 315-12-090 Copying. (1) There is no fee for the inspection of public records.

(2) The director will charge a fee of (~~twenty-five~~) fifteen cents per page for providing copies of public records

and for use of the director's copy equipment. This charge is to reimburse the director for costs incident to such copying. The charge for providing other public records will be at actual cost as determined by the public records officer. Postal charges will be added when applicable. No copies of records will be provided to the requestor until all such charges have been paid.

(3) Nothing contained in this section shall preclude the director from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the agency.

(4) The director or his or her designee is authorized to waive any of the foregoing copying costs.


AMENDATORY SECTION (Amending WSR 97-02-038, filed 12/26/96, effective 1/26/97)

WAC 315-11A-184 Instant Game Number 184 ("Instant Monopoly®"). (1) **Definitions for Instant Game Number 184.**

(a) Ticket and playfield: The perimeter of the ticket shall be printed to look like the perimeter of a "Monopoly®" game board. This area shall be covered with latex and shall be the playfield.

(b) Play symbols: The "play symbols" are listed below in (c) of this subsection. Eight of these play symbols shall appear under the latex covering on the front of the ticket; one of these play symbols shall also appear under the latex covered area labeled "Go."

(c) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 184, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN
16	SXT
17	SVT
18	(EGT) <u>EGN</u>
19	NIT
	HTL

(d) Prize symbols: The prize symbols are listed below in (e) of this subsection. One of these prize symbols appears adjacent to each of the play symbols, except that no prize

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symbol appears adjacent to the play symbol under the latex covered area labeled "Go."

(e) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 184, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 25.00	TWF DOL
\$ 50.00	\$FIFTY\$
\$ 100	ONEHUND
\$ 2,000	TWOTHOU

(f) Validation number: The unique twenty-five-digit number on the front of the ticket. The number is covered by latex.

(g) Pack-ticket number: The thirteen-digit number of the form 184000001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number for Instant Game Number 184 constitute the "pack number" which starts at 184000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(h) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 184, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
TWO	\$ 2.00 (\$1 AND \$1)
THR	\$ 3.00 (\$1, \$1, AND \$1; \$2 AND \$1)
FIV	\$ 5.00 (\$1, \$1, \$1, \$1 AND \$1; \$2, \$1, \$1 AND \$1)
TEN	\$ 10.00 (\$2, \$2, \$1, \$1, \$1, \$1, \$1 AND \$1; \$4, \$3, \$2 AND \$1)
TWY	\$ 20.00 (\$7, \$6, \$2, \$1, \$1, \$1, \$1 AND \$1; \$8, \$8, \$1, \$1, \$1 AND \$1)
FTY	\$ 50.00 (\$10, \$10, \$5, \$5, \$5, \$5, \$5 AND \$5)
FRH	\$ 400.00 (\$100, \$100, \$50, \$50, \$25, \$25, \$25 AND \$25)

(i) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) **Criteria for Instant Game Number 184.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the eight play symbols matches exactly the play symbol labeled "Go," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize adjacent to the winning play symbol.

(ii) In Instant Game Number 184, the "G" play symbol with the caption "HTL" shall always be a winning play symbol, and the bearer of a ticket which has a "G" play symbol with the caption "HTL" shall be entitled to the prize shown adjacent to the "G" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes adjacent to each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 184 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 184; and/or

(ii) Vary the number of tickets sold in Instant Game Number 184 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) **Ticket validation requirements for Instant Game Number 184.**

(a) In addition to meeting all other requirements in these rules, to be a valid instant game ticket for Instant Game Number 184 all of the following validation requirements apply:

(i) Exactly one play symbol must appear below each of the eight properties and under the latex area labeled "Go" in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the play symbol caption under the area labeled "Go," shall have a prize symbol adjacent to it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(c) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(d) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(e) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

WSR 97-07-076
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Order 97-50—Filed March 19, 1997, 11:38 a.m., effective May 1, 1997]

Date of Adoption: March 10, 1997.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-12-001, 232-12-018, 232-12-619, and 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 96-21-150 on October 23, 1996; and WSR 97-05-075 on February 19, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-12-001, add definitions of "fresh," "frozen," "processed," "juvenile," and "wild trout"; WAC 232-12-019 and 232-12-147, proposed amendment not adopted; WAC 232-12-619, Atlantic salmon proposal not adopted. Reference to "Exceptions - Regional Regulations" changed to "Exceptions to state-wide rules." Possession limit applies to all forms of fish; and WAC 232-28-619, reformatted. Hood Canal streams to be managed under state-wide rules not adopted.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: May 1, 1997.

March 17, 1997
Lisa Pelly, Chairperson
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 96-45, filed 5/13/96, effective 6/13/96)

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) "Snagging" means an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.

(2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(4) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(5) "Hook" means one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured, filed off, or pinched down.

(6) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(7) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(8) "Handgun" means any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(9) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater.

(10) "Bait" means any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

(11) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(12) "Daily limit" means the maximum number of game fish which a person may legally retain in a single day.

(13) "Boat fishing" means fishing while in or on a boat, raft, or any other floating device.

(14) "Catch-and-release" means a type of angling where none of the fish caught are retained by the angler.

(15) "Fish in possession" means any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.

(16) "Mouth" of stream, river, or slough means those waters upstream of a line projected between the outermost

uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

(17) Fish length means the length of a fish measured from snout to tip of tail not fork.

(18) Slough means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

(19) "In the field or in transit" means any place other than at the ordinary residence (~~(or residential equivalency)~~) of the harvester (~~(, or at a residence where the harvester is an invited guest. A residential equivalency is any temporary domicile that has sleeping, cooking and toilet facilities, and includes hotels and motels, motor homes, the living quarters of vessels so equipped, camp trailers, and enclosed areas within fishing and hunting camps where a reasonable expectation of privacy is demonstrated, but does not include cold storage lockers, charter boats, or public facilities)~~). An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(20) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from May 1st through the following April 30th.

(21) "Wild steelhead" means a steelhead trout that does not have the adipose or a ventral fin removed and a healed scar at the removal site.

(22) "Fresh" means game fish that are refrigerated, iced, salted, or surface glazed.

(23) "Frozen" means a game fish that is hard frozen throughout.

(24) "Processed" means a game fish that has been processed by heat for human consumption as kippered, smoked, boiled or canned.

(25) "Juvenile" means a person under fifteen years old.

(26) "Wild trout" means a trout with a missing adipose fin and a healed scar at the location of the missing fin.

AMENDATORY SECTION (Amending Order 95-103, filed 8/15/95, effective 9/15/95)

WAC 232-12-018 Definitions—Landlocked chinook and coho. Chinook and coho taken from the following waters are defined as landlocked. A game fish license is required to fish for these species, a food fish license is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as (~~(game fish)~~) trout rules (except lake Chelan). The angler's combined catch of landlocked salmon and trout applies toward the trout limit (~~(except Lake Chelan)~~).

- (1) Big Lake (Skagit County).
- (2) Clear Lake (Pierce County).
- (3) Cushman Reservoir (Mason County).
- (4) Mayfield Lake (reservoir) (Lewis County).
- (5) McMurray Lake (Skagit County).
- (6) Merwin (lake) Reservoir (Clark/Cowlitz County).
- (7) Riffe (lake) Reservoir (Lewis County).
- (8) Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).
- (9) Wilderness Lake (King County).

- (10) Wynoochee Reservoir (Grays Harbor County).
- (11) Chelan, Lake (Chelan County).
- (12) Roosevelt, Lake (Columbia River) (Stevens County).
- (13) Spokane River (Spokane County).
- (14) Tarboo Lake (Jefferson County).

AMENDATORY SECTION (Amending Order 96-45, filed 5/13/96, effective 6/13/96)

WAC 232-12-619 Permanent Washington state-wide game fish regulations. The following state-wide regulations apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

(2) It is unlawful to:
(a) Use a gaff hook to land steelhead in waters designated as "wild steelhead release."

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow. A hunting license is required to take bullfrogs.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

(3) Annual limit - steelhead trout only: Each adult angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead over twenty inches in length per year (May 1 to April 30).

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Selective fishery regulations: In waters designated as being under selective fishery regulations, only artificial flies with a barbless single hook or lures with a barbless single hook are lawful. It is unlawful to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.

(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

(7) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(8) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(9) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish, except that it is unlawful to fish for or possess steelhead trout

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without the required license and catch record card. During free fishing weekends only the licensing requirement is affected, and all other rules remain in effect.

(10) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(11) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to so.

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS: YEAR AROUND, unless specified otherwise under Exceptions (~~(Regional Regulations)~~) to state-wide rules.

RIVERS, STREAMS AND BEAVER PONDS: JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under Exceptions (~~(Regional Regulations)~~) to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

Waters managed under April through October seasons are listed under the Exceptions (~~(Regional Regulations)~~) to state-wide rules.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - not more than three over fifteen inches Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None
GRASS CARP...	It is unlawful to fish for or retain grass carp.	
TROUT (<u>except Eastern Brook trout</u>)	A ((combined)) total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds ((except Eastern Brook Trout)).	None in Lakes, Ponds, and Reservoirs.
	No more than two of the ((combined)) trout daily catch limit of 5 may be Steelhead. ((Wild Steelhead Release June 1 - November 30))	Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the ((combined)) trout daily catch limit.	None

(a) The following game fish species are managed as trout (~~(for purposes of the daily limit)~~):

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho

(b) (~~The daily limit for trout caught in either lakes or streams is a combined total and must not exceed five.~~) Wild steelhead release June 1 through November 30.

(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the Exceptions (~~(Regional Regulations)~~) to state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	Five, not more than one over twenty-four inches Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	Eighteen inches
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	Ten	None

(14) Seasonal wild steelhead limits.

(a) It is unlawful for any person to retain more than two wild steelhead from the following watersheds:

- (i) Clearwater River - mouth to Snahapish River.
- (ii) Hoh River - mainstem, south fork and tributaries thereto.

(b) It is unlawful for any person to retain more than five wild steelhead from all of the following rivers and tributaries thereto:

- (i) Bogachiel River.
- (ii) Calawah River.
- (iii) Dickey River.
- (iv) Sol Duc River.
- (v) Quillayute River.

(15) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(16) River mouths. The following river mouth definitions are exceptions to the general river mouth definition:

Abernathy Creek	Highway 4 Bridge.
Bear River	Highway 101 Bridge.
Bone River	Highway 101 Bridge.
Chehalis River	<u>(U.P. Railway)</u> <u>Highway 101</u> Bridge in Aberdeen.

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Cowlitz River	A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.	Sammamish River Skagit River	68th Ave. N.E. Bridge. A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
Dakota Creek	A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.	Skamokawa Creek Skookum Creek	Highway 4 Bridge. A line 400 yards below the old railroad bridge. Burlington Northern Railway Bridges crossing main river and sloughs.
Deschutes River	A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.	Snohomish River	Lynn Point 117 degrees true to the opposite shore.
Drano Lake Duwamish River	Highway 14 Bridge. First Avenue South Bridge.	South Nemah River	State Route 25 Bridge. State Highway 261 Bridge.
Elk River Entiat River Hoquiam River Humpulips River Johns River Kalama River	Highway 105 Bridge. Highway 97 Bridge. Highway 101 Bridge. Mouth of Jessie Slough. Highway 105 Bridge. Boundary markers located at the mouth.	Spokane River Tucannon Creek Wallace River	The furthest downstream railroad bridge. A straight line projected from the James River pumphouse southeasterly across the Washougal River to the east end of Highway 14 Bridge at the upper end of Lady Island.
Kennedy Creek	An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge. Napoleon Bridge.	Washougal River	A line projected approximately 14 degrees true from the flashing light to the south-westerly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond. Markers downstream of the Burlington Northern Railroad Bridge.
Kettle River Lake Washington Ship Canal	A line 400 feet west of the fish ladder at the Chittenden Locks.	Whatcom Creek	
Lewis River	Boundary markers at the mouth.		
Little White Salmon River	At boundary markers on the river bank downstream from the Little White Salmon National Fish Hatchery.		
Methow River Naselle River North Nemah River Niawiakum River North River Palix River Puyallup River Samish River	Highway 97 Bridge. Highway 101 Bridge. Highway 101 Bridge. Highway 101 Bridge. Highway 105 Bridge. Highway 101 Bridge. 11th Street Bridge. Samish Island Bridge (Bayview-Edison Road).	White Salmon River	

Wind River Boundary line/markers at mouth.
 Willapa River South Bend boat launch.
 Yakima River Highway 240 Bridge.

Green/Duwamish River mouth to Highway 164 Bridge August 1 - November 30
 McAllister Creek August 1 - November 30
 Nisqually River August 1 - November 30
 Puyallup River mouth to Carbon River August 1 - November 30
 Skykomish River August 1 - November 30 (including all forks)
 Snohomish River August 1 - November 30
 White/Stuck River October 1 - November 30

(17) Nonbuoyant lure and night closure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank and a night closure is in effect:

Area	Time period
Naselle River (including all forks)	September 1 - November 30
Willapa River	September 1 - November 30
Humtulsips River	September 1 - November 30
Satsop River (including all forks)	September 1 - November 30
North Nemah River	September 1 - November 30
Dungeness and Gray Wolf Rivers	August 1 - October 15
Kennedy Creek	October 1 - December 31
South Fork Nooksack River mouth to Skookum Creek	August 1 - ((December)) October 31
South Fork Nooksack River Upstream from Skookum Creek	June 1 - September 30
Big Quilcene River	August 1 - December 31
Samish River	August 1 - December 31
Stillaquamish River (including all forks)	August 1 - November 30
Whatcom Creek	August 1 - December 31
Cowlitz River From Mill Creek to Barrier Dam	April 1 - October 31
Kalama River From 200 feet above Modrow Trap to mouth	September 1 - October 31
North Lewis River From overhead powerlines below Ariel Dam to lower Cedar Creek Boat Ramp	April 1 - October 31
Washougal River Downstream of Salmon Falls Bridge	September 1 - October 31
Icicle River From Leavenworth Federal Fish Hatchery to mouth	May 8 - June 30
Wenatchee River From mouth of Icicle River to Highway 2 Bridge	May 8 - June 15
Skagit River (and tributaries) Upstream of Gilligan Creek	July 1 - November 30
Tokol Creek From mouth to posted cable markers	December 1 - March 31
Capitol Lake	August 1 - November 30
Deschutes River	August 1 - November 30
Elochoman River	September 1 - November 30
Grays River	September 1 - November 30

(18) Freshwater fishing hours: It is unlawful to fish during a night closure. A night closure is in effect for all waters during the period of a nonbuoyant lure restriction.

AMENDATORY SECTION (Amending Order 96-45, filed 5/13/96, effective 6/13/96)

WAC 232-28-619 Washington game fish ((seasons and daily limits—Regional regulation))—Exceptions to state-wide rules. ((Region I.

~~Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla, and Whitman counties.~~

~~When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.~~

~~When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.~~

~~Exceptions—Region I Regulations: State wide regulations apply to all waters except where modified in special regulations below.~~

~~Alkali Flat Creek (Whitman County): Year around season.~~

~~Amber Lake: Last Saturday in April through September 30 season. Trout daily limit two, minimum length fourteen inches. Selective fishery regulations, except electric motors allowed. Additional season October 1 through November 30, catch and release only, single barbless hooks, selective fishery regulations.~~

~~Alpowa Creek: Last Saturday in April through June 30 season.~~

~~Asotin Creek, mainstem and forks: Closed to fishing for steelhead.~~

~~From SR129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.~~

~~North Fork from mouth upstream to USFS boundary: Selective fishery regulations.~~

~~North Fork from USFS boundary upstream and all other tributaries: Closed waters.~~

~~B.C. Mill Pond: Last Saturday in April through October 31 season.~~

~~Badger Lake: Last Saturday in April through September 30 season.~~

PERMANENT

~~Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Trout daily limit one, minimum length fourteen inches. Fly fishing only. Use of motors prohibited.~~

~~Additional season: July 5 through October 31. Catch and release, fly fishing only. Use of motors prohibited. Inlet stream: Closed waters.~~

~~Bear Lake (Spokane County): Juveniles and holders of free licenses only.~~

~~Beaver Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.~~

~~Big Four Lake: March 1 through July 31 season. Trout daily limit two. Fly fishing only. Fishing from any floating device prohibited.~~

~~Big Meadow Lake: Last Saturday in April through October 31 season.~~

~~Black Lake (Stevens County): Last Saturday in April through October 31 season.~~

~~Blue Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.~~

~~Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. Last Saturday in April through October 31 season. Use of motors prohibited.~~

~~Burbank Slough: Fishing from any floating device prohibited.~~

~~Caldwell Lake: Last Saturday in April through October 31 season. Trout daily limit two minimum length twelve inches. Internal combustion engines prohibited.~~

~~Calispell River, from mouth to Calispell Lake: Year around season.~~

~~From Calispell Lake upstream to source: Selective fishery regulations.~~

~~Carl's Lake: Last Saturday in April through October 31 season.~~

~~Cedar Lake (Stevens County): Last Saturday in April through October 31 season.~~

~~Chapman Lake: Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Additionally up to 10 kokanee may be retained. Feeding (chumming) permitted.~~

~~Chewelah Creek, forks and tributaries: Selective fishery regulations.~~

~~Clear Lake (Spokane County): Last Saturday in April through October 31 season.~~

~~Colville River (Stevens County), from mouth to bridge at Town of Valley: Year around season. Trout: Daily limit 5 fish, not more than 2 of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length.~~

~~From Valley upstream and tributaries: Selective fishery regulations.~~

~~Conger Pond: Last Saturday in April through October 31 season.~~

~~Coppei Creek: Last Saturday in April through June 30 season.~~

~~Cottonwood Creek (Asotin County): Closed to fishing for steelhead.~~

~~Cottonwood Creek (Lincoln County): Year around season.~~

~~Crab Creek (Lincoln County) and tributaries: Year around season.~~

~~Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.~~

~~Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.~~

~~Davis Lake (Ferry County): Last Saturday in April through October 31 season.~~

~~Dayton Pond (Columbia County): Juveniles only (under fifteen years old).~~

~~Deadman Creek (Garfield County): Year around season.~~

~~Deep Lake (Stevens County): Last Saturday in April through October 31 season.~~

~~Deer Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.~~

~~Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.~~

~~Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout, no more than two over twenty inches in length.~~

~~Diamond Lake: Last Saturday in April through October 31 season.~~

~~Downs Lake: Last Saturday in April through September 30 season.~~

~~Dry Creek (Walla Walla County): Last Saturday in April through June 30 season.~~

~~Elbow Lake (Stevens County): Last Saturday in April through October 31 season.~~

~~Ellen Lake (Ferry County): Last Saturday in April through October 31 season.~~

~~Empire Lake (Ferry County): Last Saturday in April through October 31 season.~~

~~Fan Lake: Last Saturday in April through September 30 season. Internal combustion engines prohibited.~~

~~Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.~~

~~Fish Lake (Ferry County): Last Saturday in April through October 31 season.~~

~~Fish Lake (Spokane County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.~~

~~Fishtrap Lake: Last Saturday in April through September 30 season.~~

~~Fourth of July Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.~~

~~Frater Lake: Last Saturday in April through October 31 season.~~

~~Garfield Juvenile Pond (Whitman County): Juveniles only (under fifteen years old).~~

~~Gillette Lake: Last Saturday in April through October 31 season.~~

~~Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only. Year around season.~~

~~Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited. Selective fishery regulations September 1 through May 31.~~

~~From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through April 15 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Wild steelhead release September 1 through April 15.~~

~~Granite Creek and tributaries (Pend Oreille County): Closed waters.~~

~~Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.~~

~~From Bridge 4830 on county road upstream: Selective fishery regulations.~~

~~Hatch Lake (Stevens County): December 1 through March 31 season.~~

~~Hawk Creek (Lincoln County): Year around season.~~

~~Headgate Pond: Last Saturday in April through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.~~

~~Heritage Lake: Last Saturday in April through October 31 season.~~

~~Hog Canyon Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length.~~

~~Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Additionally up to 10 kokanee may be retained. Feeding (chumming) permitted.~~

~~Huff Lake (Pend Oreille County): Closed waters.~~

~~Jefferson Park Pond (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Jump Off Joe Lake: Last Saturday in April through October 31 season.~~

~~Kalispell Creek and tributaries: Last Saturday in April through October 31 season. Selective fishery regulations.~~

~~Kettle River (Stevens County): June 1 through October 31 season. Trout: Selective fishery regulations, minimum length 12 inches. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length.~~

~~Additional season: November 1 through March 31. All gamefish except walleye and whitefish: Catch and release only, selective fishery regulations. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length. Whitefish: Single hook only.~~

~~Additional season: April 1 through May 31. All gamefish except whitefish: Catch and release only, selective fishery regulations. Whitefish: Single hook only.~~

~~Kings Lake and tributaries: Closed waters.~~

~~Latah (Hangman) Creek: Year around season.~~

~~Ledbetter Lake: Last Saturday in April through October 31 season.~~

~~Ledking Lake: Last Saturday in April through October 31 season.~~

~~Leo Lake: Last Saturday in April through October 31 season.~~

~~Liberty Lake: Last Saturday in April through September 30 season.~~

~~Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.~~

~~Little Spokane River, from mouth to SR 291 Bridge: Year around season.~~

~~From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Additional December 1 through March 31 season for whitefish only.~~

~~Little Twin Lake (Stevens County): Last Saturday in April through October 31 season.~~

~~Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Use of motors prohibited.~~

~~Long Lake (Spokane River Reservoir): Bass catch and release only, May 1 through June 30. See also Spokane River.~~

~~Loon Lake: Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Additionally up to 10 kokanee may be retained. No more than two trout over twenty inches in length.~~

~~Lyons Park Pond (College Place): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Marshal Lake: Last Saturday in April through October 31 season.~~

~~McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Catch and release, fly fishing only. Use of motors prohibited.~~

~~Medical Lake: Last Saturday in April through September 30 season. Trout daily limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Medical Lake, West: Last Saturday in April through September 30 season.~~

~~Mill Creek (Walla Walla County), from mouth to 9th St. Bridge: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.~~

~~From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.~~

~~From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout daily limit five.~~

~~From Bennington Lake flood diversion dam upstream, including all tributaries: June 1 through October 31 season.~~

~~Mill Creek Reservoir: Internal combustion engines prohibited.~~

~~Mill Pond: Last Saturday in April through October 31 season.~~

~~Mudget Lake: Last Saturday in April through October 31 season.~~

~~Muskegon Lake: Last Saturday in April through October 31 season. Selective fishery regulations.~~

~~Mystic Lake: Last Saturday in April through October 31 season.~~

~~Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.~~

~~Negro Creek (Whitman County): Last Saturday in April through July 15 season.~~

~~Newman Lake: Tiger musky daily limit one, minimum length thirty six inches.~~

~~Nile Lake: Last Saturday in April through October 31 season.~~

~~No Name Lake: Last Saturday in April through October 31 season.~~

~~Palouse River (Whitman County) and tributaries: Year around season.~~

~~Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.~~

~~Parker Lake: Last Saturday in April through October 31 season.~~

~~Pataha Creek, mouth to Pomeroy city limits: Year around season.~~

~~Within the city limits of Pomeroy: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Remainder of creek Selective fishery regulations.~~

~~Pend Oreille River: Year around season.~~

~~Petit Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.~~

~~Phalon Lake: Closed waters.~~

~~Phillips Lake (Stevens County): Last Saturday in April through October 31 season.~~

~~Potter's Pond: Last Saturday in April through October 31 season.~~

~~Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.~~

~~Rainbow Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.~~

~~Renner Lake: Last Saturday in April through October 31 season.~~

~~Rigley Lake: Last Saturday in April through October 31 season. Trout daily limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Rocky Lake (Stevens County): Last Saturday in April through October 31 season. From June 1 through October 31 catch and release only, selective fishery regulations.~~

~~Roosevelt Lake (Columbia River): All species Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Trout no more than two over twenty inches in length. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Unlawful to retain walleye 16 to 20 inches in length. Closed April 1 through May 31 in Kettle arm upstream to Napoleon Bridge.~~

~~Roosevelt Lake (Columbia River) tributaries: With the exception of those tributaries listed under Regional Regulations, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: Trout catch limit 5, no minimum size.~~

~~Sacheen Lake: Last Saturday in April through October 31 season.~~

~~Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: From the mouth upstream to the hatchery boat dock December 1 through August 31 season.~~

~~Sherry Lake: Last Saturday in April through October 31 season.~~

~~Skookum Lake, North: Last Saturday in April through October 31 season.~~

~~Skookum Lake, South: Last Saturday in April through October 31 season.~~

~~Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout daily limit six minimum length ten inches, no more than two over twenty inches. Retaining steelhead is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.~~

~~Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.~~

~~Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily limit even if licensed by both states.~~

~~Spokane River, from SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout—daily limit—five, no more than two over twenty inches in length. Walleye—daily limit—eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31.~~

~~From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Trout—daily limit—one. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed sear in the location of the missing fin.) Selective fishery regulations.~~

~~From Monroe Street Dam upstream to Upriver Dam: Year around season.~~

~~From Upriver Dam upstream to the Idaho/Washington state line: Trout—daily limit—one, minimum length 12 inches; selective fishery regulations, except motors allowed.~~

~~Sprague Lake: Channel catfish—daily limit—five. Bass—only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: September 16 through June 30 in that part of the lake and Cow Creek from the lakeside edge of the reeds to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.~~

~~Spring Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.~~

~~Starvation Lake: Last Saturday in April through May 31 season. Additional season June 1 through October 31, catch and release only, selective fishery regulations.~~

~~Sullivan Creek, from Mill Pond upstream: Selective fishery regulations.~~

~~Summit Lake (Stevens County): Last Saturday in April through October 31 season.~~

~~Swan Lake (Ferry County): Last Saturday in April through October 31 season.~~

~~Thomas Lake: Last Saturday in April through October 31 season.~~

~~Touchet River, from mouth to confluence of north and south forks: June 1 through October 31 season. Trout—daily limit 5 fish. Wild steelhead release. Additional season: November 1 through April 15. Open only to fishing~~

~~for steelhead and brown trout. Minimum size twenty inches. Wild steelhead release.~~

~~From confluence of north and south forks upstream, including all tributaries: June 1 through October 31 season. Closed to fishing for steelhead.~~

~~Trout Lake (Ferry County): Last Saturday in April through October 31 season.~~

~~Tucannon River, note: All tributaries closed. Wild steelhead release.~~

~~From the Highway 261 Bridge upstream to Turner Road Bridge: Trout—daily limit 5 fish, no more than 2 of which may be steelhead. Additional season steelhead and whitefish only, November 1 through April 15.~~

~~From the Turner Road Bridge upstream to the Cummings Creek Bridge: Additional season steelhead and whitefish only, November 1 through April 15.~~

~~From the Cummings Creek Bridge upstream to the Deer Lake footbridge about 3/4 mile upstream of the Tucannon hatchery: Closed waters.~~

~~From the Deer Lake footbridge to the Panjab Creek Bridge: Trout—selective fishery regulations. Two Dolly Varden/Bull Trout minimum length twenty inches may be retained in the trout daily limit.~~

~~From the Panjab Creek Bridge upstream: Closed waters.~~

~~Vanes Lake: Last Saturday in April through October 31 season.~~

~~Waitts Lake: Last Saturday in April through February 28 season.~~

~~Walla Walla River, wild steelhead release.~~

~~From mouth to the Touchet River: Year around season. Closed to fishing for all trout April 1 through May 31 wild steelhead release.~~

~~From the Touchet River upstream to state line: June 1 through April 15 season. Open only to fishing for steelhead November 1 through April 15.~~

~~Ward Lake (Ferry County): Last Saturday in April through October 31 season.~~

~~Watson Lake: March 1 through July 31 season. Fishing from any floating device prohibited.~~

~~Williams Lake (Spokane County): Last Saturday in April through September 30 season.~~

~~Williams Lake (Stevens County): December 1 through March 31 season.~~

~~Yokum Lake: Last Saturday in April through October 31 season.~~

~~Region II.~~

~~Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.~~

~~When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville~~

~~Confederated Tribes to find out what tribal permits and regulations apply.~~

~~Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River).~~

~~Exceptions—Region II Regulations. State-wide regulations apply to all waters except where modified in special regulations below.~~

~~Note:—All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.~~

~~Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Use of motors prohibited.~~

~~Alkali Lake (Grant County): Closed to the taking of walleye.~~

~~Alta Lake (Okanogan County): Last Saturday in April through September 30 season.~~

~~Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Trout daily limit one; selective fishery regulations except electric motors permitted.~~

~~Blue Lake (Grant County): Last Saturday in April through September 30 season.~~

~~Blue Lake (Sinlahekin, Washington—Okanogan County): Last Saturday in April through October 31 season. Trout daily limit one; selective fishery regulations, except electric motors allowed.~~

~~Blue Lake (near Wannacut Lake—Okanogan County): Last Saturday in April through October 31 season. Trout daily limit one; selective fishery regulations, except electric motors allowed.~~

~~Bobcat Creek and Ponds (Adams County): March 1 through September 30 season.~~

~~Bonaparte Lake (Okanogan County): Trout, no more than one over twenty inches in length.~~

~~Burke Lake (Grant County): March 1 through July 31 season.~~

~~Caliche Lake (lower) (Grant County): March 1 through July 31 season.~~

~~Caliche Lake (upper) (Grant County): March 1 through July 31 season.~~

~~Campbell Lake (Okanogan County): September 1 through March 31 season.~~

~~Cascade Lake (Grant County): March 1 through July 31 season.~~

~~Cattail Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

~~Chewach River (Chewack River) (Okanogan County): from mouth to Lake Creek: Trout, minimum length twelve inches. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.~~

~~Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Trout daily limit one. Fly fishing only. Use of motors prohibited.~~

~~Cliff Lake (Grant County): March 1 through July 31 season.~~

~~Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.~~

~~Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.~~

~~Conner Lake: Last Saturday in April through October 31 season.~~

~~Coot Lake (Grant County): March 1 through July 31 season.~~

~~Cougar Lake (near Winthrop—Okanogan County): September 1 through March 31 season.~~

~~Cow Lake (Adams County): Channel catfish daily limit five. Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Coyote Creek and Ponds (Adams County): March 1 through September 30 season.~~

~~Crab Creek (Grant and Adams counties), from Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season. From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.~~

~~Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from vessels equipped with internal combustion engines prohibited.~~

~~Crystal Lake (Grant County): March 1 through July 31 season.~~

~~Cup Lake (Grant County): March 1 through July 31 season.~~

~~Davis Lake (Okanogan County): September 1 through March 31 season.~~

~~Deadman Lake (Adams County): March 1 through September 30 season.~~

~~Deep Lake (Grant County): Last Saturday in April through September 30 season.~~

~~Dollar Lake (Grant County): March 1 through July 31 season.~~

~~Dot Lake (Grant County): March 1 through July 31 season.~~

~~Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Trout daily limit one. Selective fishery regulations.~~

~~Dusty Lake (Grant County): March 1 through July 31 season.~~

~~Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Trout daily limit one. Selective fishery regulations.~~

~~Finnel Lake (Adams County): Channel catfish daily limit five. Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Fish Lake (Okanogan County): Last Saturday in April through October 31 season.~~

~~Forde Lake: Last Saturday in April through October 31 season.~~

~~Fourth of July Lake (Adams County): December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.~~

~~Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

~~George Lake (Grant County): March 1 through July 31 season.~~

~~Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: Selective fishery regulations.~~

~~Green Lake (Okanogan County): December 1 through March 31 season.~~

~~Green Lake, lower (Okanogan County): December 1 through March 31 season. Trout daily limit five.~~

~~Grimes Lake: June 1 through August 31 season. Trout daily limit one. Selective fishery regulations, except electric motors allowed.~~

~~Halfmoon Lake (Adams County): March 1 through September 30 season.~~

~~Hallin Lake (Adams County): Channel catfish daily limit five. Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.~~

~~Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.~~

~~Hays Creek and Ponds (Adams County): March 1 through September 30 season.~~

~~Hourglass Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

~~Hutchinson Lake (Adams County): March 1 through September 30 season. Internal combustion engines prohibited.~~

~~Indian Dan Pond: July 1 through October 31 season.~~

~~Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.~~

~~Jasmine Creek: Juveniles only (under fifteen years old).~~

~~Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. Selective fishery regulations.~~

~~Leader Lake (Okanogan County): Last Saturday in April through September 30 season.~~

~~Lemna Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

~~Lenice Lake (Grant County): March 1 through October 31 season. Trout daily limit one. Selective fishery regulations.~~

~~Lenore Lake (Grant County): Closed: December 1 through February 28. March 1 through May 31 season.~~

~~Catch and release only, selective fishery regulations, except electric motors allowed. June 1 through November 30 season. Trout daily limit one. Selective fishery regulations, except electric motors allowed. Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.~~

~~Little Twin Lake: December 1 through March 31 season.~~

~~Long Lake (Okanogan County): Last Saturday in April through September 30 season.~~

~~Lost Lake: Unlawful to fish from a floating device equipped with an internal combustion engine.~~

~~Lost River (Okanogan County): From one quarter mile above bridge to mouth of Monument Creek: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.~~

~~Martha Lake (Grant County): March 1 through July 31 season.~~

~~Merry Lake (Grant County): March 1 through October 31 season. Trout daily limit one. Selective fishery regulations.~~

~~Methow River, from mouth upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.~~

~~From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches; selective fishery regulations June 1 through September 30.~~

~~Migraine Lake (Grant County): March 1 through July 31 season.~~

~~Mirror Lake: Last Saturday in April through September 30 season.~~

~~Moran Slough (including inlet and outlet streams): Closed water.~~

~~Morgan Lake (Adams County): March 1 through September 30 season.~~

~~Moses Lake: Crappie daily limit five. Only crappie more than ten inches in length may be kept. Bluegill daily limit five. Only bluegill more than eight inches in length may be kept.~~

~~North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.~~

~~Nunnally Lake (Grant County): March 1 through October 31 season. Trout daily limit one. Selective~~

~~fishery regulations. Closed waters: Outlet stream of Nunnally Lake.~~

~~Okanogan River (Okanogan County): Year around season. Wild steelhead release. Trout, minimum length twelve inches. Closed waters: From Zosel Dam downstream one quarter mile below the railroad trestle.~~

~~Palmer Lake (Okanogan County): Bass only bass less than twelve inches or over fifteen inches in length may be kept. Burbot set lines may be used for burbot. An angler may use no more than one set line having attached thereto any number of hooks. Set lines must be clearly identified with the angler's name and address.~~

~~Para Juvenile Lake: March 1 through July 31 season. Juveniles only (under fifteen years old).~~

~~Park Lake: Last Saturday in April through September 30 season.~~

~~Patterson Lake: Last Saturday in April through October 31 season.~~

~~Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.~~

~~Perch Lake: Last Saturday in April through September 30 season.~~

~~Pillar Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

~~Poacher Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

~~Potholes Reservoir: Crappie and bluegill daily limit twenty five (species combined).~~

~~Quail Lake: Catch and release, fly fishing only. Use of motors prohibited.~~

~~Quincy Lake (Grant County): March 1 through July 31 season.~~

~~Rat Lake (Okanogan County): December 1 through March 31 season.~~

~~Reflection Pond: Last Saturday in April through October 31 season.~~

~~Ringold Springs Creek (Hatchery Creek): Closed waters.~~

~~Rocky Ford Creek and Ponds (Grant County): Trout daily limit one. Fly fishing only. Fishing from bank only (no wading).~~

~~Roosevelt Lake (Columbia River) (Grant County): See Region I.~~

~~Round Lake (Okanogan County): Last Saturday in April through September 30 season.~~

~~Royal Lake (Adams County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.~~

~~Royal Slough (including Marsh Unit IV impoundments): Closed waters.~~

~~Rufus Woods Lake (Douglas County): Trout (including kokanee) daily limit two.~~

~~Saddle Mountain Lake: Closed waters.~~

~~Sage Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

~~Salmon Creek, North Fork: Selective fishery regulations.~~

~~Salmon Creek, West Fork, from mouth to South Fork: Selective fishery regulations.~~

~~Seabrook Lake (Grant County): March 1 through July 31 season.~~

~~Shiner Lake (Adams County): March 1 through September 30 season. Internal combustion engines prohibited.~~

~~Shoveler Lake: March 1 through March 31 and September 1 through September 30 seasons.~~

~~Sidley Lake: Trout two fish daily limit.~~

~~Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches. Selective fishery regulations June 1 through November 30.~~

~~From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.~~

~~Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.~~

~~Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

~~Spectacle Lake (Okanogan County): March 1 through July 31 season. Possession of fish other than trout is prohibited.~~

~~Sprague Lake: Channel catfish daily limit five. Bass only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.~~

~~Spring Lakes (near Quincy Grant County): March 1 through July 31 season.~~

~~Twisp River (Okanogan County), from mouth to War Creek: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~Vie Meyers (Rainbow) Lake: Last Saturday in April through September 30 season.~~

~~Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.~~

~~Warden Lake (Grant County): March 1 through July 31 season.~~

~~Warden Lake, South (Grant County): March 1 through July 31 season.~~

~~Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass only bass less than 12~~

inches or over fifteen inches in length may be kept. Internal combustion engines prohibited.

~~Whitestone Lake (Okanogan County): Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Widgeon Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.~~

Region III:

~~Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.~~

~~When fishing or hunting within the boundaries of the Yakama Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakama Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.~~

~~In Benton County: Rivers, Streams and Beaver Ponds: Year around.~~

~~Exceptions Region III Regulations. State wide regulations apply to all waters except where modified in special regulations below.~~

~~American River, from mouth to Rainier Fork: Selective fishery regulations.~~

~~Bachelor Creek: Year around season. Trout daily limit five, no minimum length.~~

~~Bear Creek (tributary to South Fork Tieton River): Closed season, August 16 through May 31.~~

~~Beehive (Lake) Reservoir: Last Saturday in April through October 31 season. From July 5 through October 31 catch and release, selective fishery regulations.~~

~~Black Lake (Lower Wheeler Reservoir): Last Saturday in April through October 31 season. From July 5 through October 31 catch and release, selective fishery regulations.~~

~~Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.~~

~~Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.~~

~~Bumping Lake (Reservoir): Kokanee daily limit sixteen. Feeding (chumming) permitted.~~

~~Bumping River, from mouth to American River: Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.~~

~~From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.~~

~~Cashmere Pond: Juveniles only (under fifteen years old).~~

~~Chelan Lake: Trout and salmon daily limit two in aggregate, minimum length fifteen inches. Kokanee daily limit five, no minimum length. Except closed to the taking of game fish other than salmon April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all tributaries uplake from Fields Point. An~~

~~angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout, minimum length eight inches salmon minimum length 15 inches, daily limit an aggregate of 5 trout and salmon not more than two over fifteen inches. Kokanee daily limit five, no minimum length.~~

~~Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.~~

~~Chelan River: Year around season. Trout, minimum length twelve inches.~~

~~Chiwaukum Creek, from mouth to South Fork: Selective fishery regulations.~~

~~Chiwawa River, from mouth to Rock Creek: Selective fishery regulations.~~

~~Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch and release, selective fishery regulations.~~

~~Cle Elum Lake (Reservoir): Trout daily limit two, minimum length twelve inches. Kokanee daily limit sixteen. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.~~

~~Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.~~

~~Columbia Park Pond: Juveniles only (under fifteen years old).~~

~~Deep Creek (tributary to Bumping Lake): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.~~

~~Eightmile Lake: Trout daily limit five, not more than two mackinaw.~~

~~North Elton Ponds: December 1 through March 31 season. Trout daily limit two. Internal combustion engines prohibited.~~

~~Enchantment Park Ponds: Juveniles only (under fifteen years old).~~

~~Entiat River, from mouth to Fox Creek: June 1 through March 31 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through November 30. Wild steelhead release.~~

~~Fiorito Lakes: Internal combustion engines prohibited.~~

~~Fish Lake (Chelan County): Trout, no more than two over fifteen inches in length.~~

~~Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake): Closed waters.~~

~~I 82 Ponds (1-7): Internal combustion engines prohibited. In addition, I 82 Ponds (1-2) closed to the taking of walleye.~~

~~Ieiele Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.~~

~~From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.~~

~~Indian Creek (Yakima County): Closed waters.~~

~~Kachess Lake (Reservoir): Trout daily limit two, minimum length twelve inches. Kokanee daily limit sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.~~

~~Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.~~

~~Keechelus Lake (Reservoir): Trout daily limit two, minimum length twelve inches. Kokanee daily limit sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.~~

~~Leech Lake (White Pass area): Trout, no more than two over twelve inches in length, fly fishing only. Use of motors prohibited.~~

~~Lilly Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch and release, selective fishery regulations.~~

~~Little Naches River, Pileup Creek to Road 1913 Bridge: Selective fishery regulations.~~

~~Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.~~

~~Mad River, from mouth upstream to Jimmy Creek: Closed waters.~~

~~McCabe Pond: Five fish daily limit for all species combined. Fishing from any floating device prohibited.~~

~~Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout daily limit five, no minimum length.~~

~~Merritt Lake: Trout daily limit sixteen.~~

~~Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.~~

~~Mud Lake: Trout daily limit two. Selective fishery regulations.~~

~~Myron Lake: Trout daily limit two. Selective fishery regulations.~~

~~Naches River, from the mouth to Rattlesnake Creek: Trout, minimum length twelve inches, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.~~

~~From Rattlesnake Creek to Little Naches River: Trout, maximum length twenty inches. Closed to fishing for~~

~~steelhead. Additional December 1 through March 31 season for whitefish only.~~

~~Naneum Pond: Juveniles only (under fifteen years old).~~

~~Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.~~

~~Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.~~

~~Oak Creek: Trout daily limit five, no minimum length.~~

~~Panther Creek (Chelan County): Closed waters.~~

~~Rattlesnake Creek: Catch and release only, selective fishery regulations.~~

~~Rimrock Lake (Reservoir): Kokanee daily limit sixteen. Feeding (chumming) permitted.~~

~~Schaefer Lake: Trout daily limit sixteen.~~

~~Spectacle Lake (Kittitas County): Trout daily limit sixteen.~~

~~Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout, minimum length fifteen inches; selective fishery regulations. Additional March 1 through June 30 season: Catch and release only, selective fishery regulations.~~

~~Swauk Creek, from mouth to Iron Creek: Selective fishery regulations.~~

~~Taneum Creek: Selective fishery regulations.~~

~~Tieton River: Trout daily limit five, no minimum length. Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season for whitefish only.~~

~~Tieton River, North Fork, from Rimrock Lake to within four hundred feet of Clear Lake Dam: June 1 through August 15 season. Fishing is prohibited in the spillway channel and within four hundred feet of Clear Lake Dam.~~

~~Tieton River, South Fork: From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.~~

~~Trapper Lake: Trout daily limit two.~~

~~Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.~~

~~Upper Wheeler Reservoir (Chelan County): Closed waters.~~

~~Wapato Lake: Last Saturday in April through October 31 season. From August 1 through October 31 Trout catch and release, selective fishery regulations. Internal combustion engines allowed.~~

~~Wenas Lake: Trout daily limit five, of which not more than two may be brown trout.~~

~~Wenatchee Lake: Trout daily limit two, minimum length twelve inches. Kokanee daily limit sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.~~

~~Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.~~

~~From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited.~~

~~White River, from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.~~

~~Wide Hollow Creek: Trout daily limit five, no minimum length.~~

~~Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout daily limit five, no minimum length.~~

~~Yakima River, from mouth to four hundred feet below Roza Dam: Year around season. Closed: April 1 through May 31 for trout. Trout, minimum length twelve inches; maximum length twenty inches. Closed to fishing for steelhead in the Yakima River including tributaries and drains.~~

~~From Roza Dam to four hundred feet below Easton Dam: Year around season. Trout: Catch and release, selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile).~~

~~From Lake Easton to Keechelus Dam: Selective fishery regulations.~~

~~Yakima Sportsmen's Park Ponds: Juveniles only (under fifteen years old).~~

~~Region IV.~~

~~Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties; and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.~~

~~Exceptions Region IV. Regulations. State wide regulations apply to all waters except where modified in special regulations below.~~

~~American Lake: Feeding (chumming) permitted.~~

~~Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~Baker Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout minimum length six inches and maximum length eighteen inches. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.~~

~~Ballinger Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Barnaby Slough: Closed waters.~~

~~Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Trout daily and possession limit one, minimum length eighteen inches. Selective fishery regulations.~~

~~Beaver Lake (King County): Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Big Bear Creek (tributary of Sammamish River): Closed waters.~~

~~Big Beaver Creek, from closed water markers on Ross Lake upstream one quarter mile: Closed waters. Upstream from one quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch and release only, selective fishery regulations.~~

~~Big Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~Boxley Creek (North Bend), from its mouth to the falls located at approximately rivermile 0.9: Closed waters.~~

~~Boyle Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout daily limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Bridges Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout daily limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Cain Lake: Last Saturday in April through October 31 season.~~

~~Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.~~

~~Campbell Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout, minimum length fourteen inches. Additional February 1 through March 31 season: Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Cascade Lake (San Juan County): Last Saturday in April through October 31 season.~~

~~Cascade River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.~~

~~Note: The area from the Rockport Cascade Road Bridge to the mouth is closed June 1 through September 30.~~

~~Cassidy Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Cavanaugh Lake: Feeding (chumming) permitted.~~

~~Cedar River: Closed waters.~~

~~Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.~~

~~Chambers Lake (within Ft. Lewis Military Reservation): Trout catch and release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.~~

~~Chaplain Lake: Closed waters.~~

~~Clear Lake (Pierce County): Feeding (chumming) permitted.~~

~~Clough Creek (North Bend): Closed waters.~~

~~Clover Creek, within the boundaries of McChord Air Force Base: Trout daily limit one, minimum length twelve inches. Selective fishery regulations.~~

~~Coal Creek (tributary of Lake Washington): Closed waters.~~

~~Coal Creek, (near Snoqualmie) from Highway 10 downstream: Last Saturday in April through October 31 season. Trout no minimum length. Juveniles only (under fifteen years old).~~

~~Cottage Lake (King County): Last Saturday in April through October 31 season.~~

~~County Line Ponds: Closed Waters.~~

~~Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~De Coursey Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.~~

~~Deer Lake (Island County): Last Saturday in April through October 31 season.~~

~~Desire, Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Eagle Lakes (Big and Little): Closed waters.~~

~~Ebey Lake: Fly fishing only. Trout daily limit one, minimum length eighteen inches. Use of motors prohibited.~~

~~Erie Lake (Skagit County): Last Saturday in April through October 31 season.~~

~~Fazon Lake: Channel catfish daily and possession limit two. Bass only bass less than twelve inches or over fifteen inches in length may be kept. Fishing from any floating device prohibited from first Friday in October through January 15.~~

~~Findley Lake: Closed waters.~~

~~Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout, minimum length fourteen inches.~~

~~Fishtrap Creek: From Koh Road to Bender Road: June 1 through October 31 season for juveniles only (under 15 years old).~~

~~Flowing Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Fortson Mill Pond #2: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Geneva Lake (King County): Last Saturday in April through October 31 season.~~

~~Gissberg Ponds: Channel catfish daily limit 2, no minimum size.~~

~~Goodwin Lake: Feeding (chumming) permitted. Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Goss Lake (Island County): Last Saturday in April through October 31 season.~~

~~Granite Lakes (Skagit County near Marblemount): Grayling catch and release only.~~

~~Green (Duwamish) River:~~

~~From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. Fishing from any floating device prohibited November 1 through February 28. Note: Area from the Auburn Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.~~

~~From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.~~

~~Greenwater River, from mouth to Greenwater Lakes: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.~~

~~Harrison Pond: Closed waters.~~

~~Hart Lake (Pierce County): Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Heart Lake (Skagit County, near Anacortes): Last Saturday in April through October 31 season.~~

~~Howard Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~Hozomeen Lake (Whateom County): July 1 through October 31 season.~~

~~Issaquah Creek: Closed waters.~~

~~Jennings Park Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Johnson Creek (Whateom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).~~

~~Kapowsin Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Kathleen Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Kelsey Creek (tributary of Lake Washington): Closed waters.~~

~~Ki Lake (Snohomish County): Last Saturday in April through October 31. Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Kimball Creek (near Snoqualmie): Last Saturday in April through October 31 season. Trout no minimum length. Juveniles only (under fifteen years old).~~

~~Kings Lake Bog (King County): Closed waters.~~

~~Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): Last Saturday in April through October 31 season. Trout daily limit two, minimum length fourteen inches. Selective fishery regulations.~~

~~Langlois Lake (King County): Last Saturday in April through October 31 season.~~

~~Little Bear Creek (tributary of Sammamish River): Closed waters.~~

~~Loma Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~Lucas Slough: Closed waters.~~

~~Margaret Lake (King County): Last Saturday in April through October 31 season.~~

~~Martha Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~May Creek (tributary of Lake Washington): Closed waters.~~

~~McMurray Lake (Skagit County): Last Saturday in April through October 31.~~

~~Mereer Slough (tributary of Lake Washington): Closed waters.~~

~~Mill Pond (Auburn): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Monte Christo Lake: June 1 through October 31 season. Selective fishery regulations.~~

~~Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout catch and release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.~~

~~New Mire Creek (tributary of Lake Sawyer): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Newhalem Ponds: Closed waters.~~

~~Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors~~

~~prohibited on the North and Middle Forks November 1 through March 15.~~

~~South Fork, from its mouth to source: Trout, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.~~

~~South Fork, upstream from Skookum Creek: Release all steelhead June 1 through September 30.~~

~~South Fork, from its mouth to Skookum Creek: Additional November 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.~~

~~North Creek (tributary of Sammamish River): Closed waters.~~

~~North Lake (King County): Last Saturday in April through October 31 season.~~

~~Northern State Hospital Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Ohop Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Old Fishing Hole Pond (Kent): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Padden Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.~~

~~Pass Lake: Trout daily limit one, minimum length eighteen inches. Fly fishing only. Use of motors prohibited.~~

~~Phantom Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.~~

~~Pilehuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishing regulations. Additional December 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Pilehuck River, its entire length: Closed March 1 through November 30.~~

~~From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited.~~

~~Pine Lake (King County): Last Saturday in April through October 31 season.~~

~~Pipers Creek (Carkeek Creek), from its mouth to its source, including tributaries: Closed waters.~~

~~Pratt River (tributary to Middle Fork Snoqualmie): Catch and release only, and selective fishery regulations.~~

~~Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout, minimum length fourteen inches.~~

~~From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Rapjohn Lake: Last Saturday in April through October 31 season. Bass—only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Rattlesnake Lake: Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed.~~

~~Ravensdale Lake: Last Saturday in April through October 31 season. Trout—daily limit two, minimum length twelve inches. Selective fishery regulations.~~

~~Ridley Lake (Whateom County): July 1 through October 31 season. Trout—daily and possession limit one, minimum length eighteen inches. Selective fishery regulations.~~

~~Riley Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~Rock Creek (below Landsburg): Closed waters.~~

~~Ross Lake (Reservoir): July 1 through October 31 season. Trout—daily limit three, possession limit six, minimum length thirteen inches. Selective fishery regulations. Fishing from boats with motors allowed.~~

~~Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek, one quarter mile (see special Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries—one mile.~~

~~Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.~~

~~Samish Lake: Feeding (chumming) permitted. Cutthroat—daily limit two, minimum length fourteen inches.~~

~~Samish River, from its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout, minimum length fourteen inches. December 1 through March 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department salmon rack.~~

~~Sammamish Lake: Trout—no more than two over fourteen inches in length. December 1 through June 30 season. No retention of steelhead or rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Kokanee may not be kept.~~

~~Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters September 1 through May 31. Selective fishery regulations. Trout—catch and release. Closed to steelhead. All tributaries are closed.~~

~~Sauk River, from its mouth to the mouth of the White Chuck River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout:~~

~~Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout, minimum length fourteen inches. Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch and release only, and selective fishery regulations.~~

~~Sawyer, Lake: Feeding (chumming) permitted.~~

~~Sequallitehew Lake: Contact Ft. Lewis for land use permit.~~

~~Serene Lake (Snohomish County): Year around season.~~

~~Shady Lake: June 1 through October 31 season. Trout, no more than one over fourteen inches in length.~~

~~Shannon, Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout—minimum length six inches and maximum length eighteen inches.~~

~~Shoecraft Lake: Bass—only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass—only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Silver Lake (Whateom County): Last Saturday in April through October 31 season.~~

~~Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.~~

~~Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout, minimum length fourteen inches. Retaining steelhead is prohibited from April 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through February 28 season except closed June 15 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~From the Gorge Powerhouse to Gorge Dam: Closed waters.~~

~~From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season.~~

Trout, minimum length fourteen inches. ~~Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.~~

~~From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch and release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.~~

~~Skykomish River, from its mouth to mouth of Sultan River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through February 28 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout catch and release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.~~

~~From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.~~

~~Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.~~

~~From one thousand feet upstream of Bear Creek Falls to: Quartz Creek: Catch and release, selective fishery regulations.~~

~~Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.~~

~~From Sunset Falls to source: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishery regulations. Additional December 1 through February 28 season for whitefish only.~~

~~Snohomish River, all channels, sloughs, and inter-connected waterways (excluding all tributaries): June 1 through March 31 season. Trout daily limit two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.~~

~~Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout, minimum length fourteen inches. June 1 through November 30 selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one quarter mile. Note: Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (north bank) are closed.~~

~~From Snoqualmie Falls, including the North and South Forks: Trout, minimum length ten inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.~~

~~Middle Fork Snoqualmie from mouth to source including all tributaries: Catch and release only, and selective fishery regulations.~~

~~Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout, minimum length fourteen inches.~~

~~South Prairie Creek, closed downstream from Page Creek to its mouth.~~

~~Spada Lake (Reservoir): Last Saturday in April through October 31 season. Trout twelve inch minimum length. Selective fishery regulations except use of electric motors allowed. Note: All tributaries to lake are closed to fishing.~~

~~Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.~~

~~Sportsman's Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Spring Lake (King County): Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Squalicum Lake: Trout daily limit two. Fly fishing only. Use of motors prohibited.~~

~~Steel Lake (King County): Last Saturday in April through October 31 season.~~

~~Stetattle Creek, from its mouth for one and one half miles upstream, to mouth of Bucket Creek: Closed waters.~~

~~Stevens, Lake: Feeding (chumming) permitted. Bass daily limit one over eighteen inches in length.~~

~~Stillaguamish River, and all sloughs, downstream of Warm Beach Stanwood Highway: Year around season. Trout daily limit two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.~~

~~Stillaguamish River, upstream from the Warm Beach Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.~~

~~Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.~~

~~Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.~~

~~Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.~~

~~Storm Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~Stuek River: See White River.~~

~~Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.~~

~~Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.~~

~~Swan's Mill Pond (Stossel Creek): Closed November 1 through May 31.~~

~~Swamp Creek (tributary to Sammamish River): Closed waters.~~

~~Tanwax Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Tapps Lake (Reservoir) and intake canal: Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.~~

~~Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.~~

~~Taylor River (tributary to the Middle Fork Snoqualmie): Catch and release only, and selective fishery regulations.~~

~~Tennant Lake: Fishing from any floating device prohibited from first Friday in October through January 15.~~

~~Terrell, Lake: Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Thornton Creek (tributary to Lake Washington): Closed waters.~~

~~Tibbetts Creek (tributary to Lake Sammamish): Closed waters.~~

~~Toad Lake (Whateom County): Last Saturday in April through October 31 season.~~

~~Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout, minimum length fourteen inches. This area is closed to all fishing from April 1 through November 30.~~

~~From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing year around.~~

~~Tolt River, from its mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through February 28 season. Trout, minimum length fourteen inches. June 1 through November 30 season. Selective fishery regulations.~~

~~From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.~~

~~North Fork above Yellow Creek: Trout catch and release only, selective fishery regulations.~~

~~South Fork above the dam: Trout, minimum length ten inches. Selective fishery regulations.~~

~~Tradition Lake: Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Tye River: Trout, minimum length fourteen inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.~~

~~Voight's Creek: Closed waters from mouth to Highway 162 Bridge.~~

~~Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.~~

~~Walker Lake (King County): Last Saturday in April through October 31 season.~~

~~Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.~~

~~From the mouth to mouth of Olney Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~Wapato Lake: Juveniles only (under fifteen years old).~~

~~Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: December 1 through last day in February~~

~~season: Trout—no retention of steelhead or rainbow trout over twenty inches in length. March 1 through June 30 season: Trout—minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.~~

~~Washington, Lake, Ship Canal (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): Seasons: West boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks—Closed waters; 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary—Open year around. Species restrictions: Trout—December 1 through last day in February: Daily limit five, no minimum length. No retention of steelhead or rainbow trout over twenty inches in length. Trout—March 1 through June 30: Daily limit five. Minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Trout—July 1 through November 30: Daily limit five, no minimum length. Wild steelhead release. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon. Special provisions: West of Fremont Bridge—Unlawful to fish from boats. East of Fremont Bridge—chumming permitted.~~

~~Whateom Creek, mouth to stone bridge at Whateom Falls Park: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~From stone bridge at Whateom Falls Park upstream to Lake Whateom: Last Saturday in April through October 31 season. Trout—no minimum length. Juveniles only (under fifteen years old).~~

~~Whateom, Lake: Last Saturday in April through October 31 season. Trout—no more than one over fourteen inches in length. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whateom between the Electric Avenue Bridge and the outlet dam.)~~

~~White (Stuck) River, from mouth to R Street Bridge in Auburn: June 1 through September 30—Closed waters. October 1 through February 28 season: Trout, minimum length fourteen inches. Wild steelhead release.~~

~~From R Street Bridge to Highway 410 Bridge at Buckley. October 1 through October 31 season only. Trout 14 inch minimum size. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.~~

~~From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish only.~~

~~Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.~~

~~Wilderness Lake (King County): Last Saturday in April through October 31 season.~~

~~Willow Lake (Whateom County): July 1 through October 31 season. Trout—daily and possession limit one, minimum length eighteen inches. Selective fishery regulations.~~

~~Wiser Lake: Bass—only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Region V:~~

~~Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.~~

~~Exception—Region V regulations. State-wide regulations apply to all waters except where modified in special regulations below.~~

~~Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.~~

~~From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.~~

~~Alder Creek: Closed waters.~~

~~Battle Ground Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.~~

~~Beaver Creek (tributary to Eloehoman River): Closed waters.~~

~~Berry Creek (tributary to Nisqually River): Selective fishery regulations.~~

~~Big White Salmon River, from mouth to powerhouse: Year around season. Trout, minimum length fourteen inches. Wild steelhead release. From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~Bird Creek: Trout—daily limit—five.~~

~~Blockhouse Creek: Trout—daily limit—five.~~

~~Bloodgood Creek: Trout—daily limit—five.~~

~~Blue Creek, from mouth to Spencer Road: Closed waters.~~

~~Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Catch and release only. Selective fishery regulations.~~

~~Bowman Creek: Trout—daily limit—five.~~

~~Butter Creek: Trout, minimum length ten inches. Selective fishery regulations.~~

~~Canyon Creek: Trout—daily limit—five.~~

~~Carlisle Lake: Last Saturday in April through February 28 season. Internal combustion engines prohibited. Bass—minimum length fourteen inches.~~

~~Castle Lake: Trout—daily limit—one, minimum length sixteen inches. Selective fishery regulations.~~

~~Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release.~~

~~Cispus River, from mouth to North Fork: Additional season November 1 through May 31, steelhead only, wild steelhead release.~~

~~Cispus River, North Fork: Trout, no more than one over twelve inches in length.~~

~~Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Coldwater Lake: All inlet streams and outlet streams closed waters. Trout—daily limit—one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.~~

~~Connelly Creek and tributaries, from four hundred feet below the city of Morton Dam to its source: Closed waters.~~

~~Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.~~

~~Coweman River, from mouth to Mulholland Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~1996 Conservation Measures:~~

~~Mouth to Mulholland Creek: Closed to fishing for steelhead August 16, 1996, through October 15, 1996.~~

~~Cowlitz Falls Reservoir (Lake Seanewa): June 1 through February 28 season. Trout—daily limit five, minimum length eight inches. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.~~

~~Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout—daily limit—five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Wild steelhead release. Below Barrier Dam release all steelhead missing right ventral fin. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device.~~

~~From Mayfield Dam to mouth of Muddy Fork: Year around season. Wild steelhead release.~~

~~1996 Conservation Measures:~~

~~From Mill Creek upstream to barrier dam: Closed to fishing for steelhead from the south side of the river September 16, 1996, through October 15, 1996.~~

~~Cowlitz River, Clear Fork and Muddy Fork: Trout—daily limit—five, no more than one over twelve inches in length.~~

~~Davis Lake: Last Saturday in April through February 28 season.~~

~~Deep River: Year around season. Trout, minimum length fourteen inches.~~

~~Elochoman River, from mouth to West Fork: June 1 through March 15 season. Trout—daily limit—five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.~~

~~The following waters of the Elochoman River are closed at all times: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the Department of Fish and Wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.~~

~~From West Fork to source: Closed waters.~~

~~Fort Borst Park Lake: Last Saturday in April through February 28 season. Juveniles only (under fifteen years old).~~

~~Franz Lake: Closed waters.~~

~~Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.~~

~~Gobar Creek (tributary to Kalama River): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Grays River, from mouth to mouth of South Fork: September 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.~~

~~Grays River, East Fork: Trout, minimum length fourteen inches. Selective fishery regulations.~~

~~Grays River, West Fork, downstream from hatchery trap site: June 1—August 31 season.~~

~~Green River, from mouth to 2800 Bridge: June 1 through November 30 season except closed from salmon hatchery rack to a point 1500 feet downstream during the period September 1 through November 30. Trout, minimum length twenty inches. Open only to fishing for steelhead.~~

~~Note:—All tributaries closed.~~

~~From 2800 Bridge to source, including all tributaries: Closed waters.~~

~~1996 Conservation Measures:~~~~Mouth to salmon hatchery rack: Closed to fishing for steelhead September 16, 1996, through October 15, 1996.~~~~Grizzly Lake: Closed waters:~~~~Hamilton Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~~~Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season. Trout daily limit two, and minimum length fourteen inches. Wild steelhead release. Selective fishery regulations:~~~~Horseshoe Lake: Last Saturday in April through October 31 season:~~~~Horsethief Lake: Last Saturday in April through October 31 season:~~~~Icehouse Lake: Last Saturday in April through February 28 season:~~~~Indian Heaven Wilderness Lakes: Trout daily limit three:~~~~Jewitt Creek: Trout daily limit five, no minimum length. Juveniles only (under fifteen years old):~~~~Johnson Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations:~~~~Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout, minimum length 14 inches; and (2) wild cutthroat release; and (3) wild steelhead release:~~~~From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) September 1 through October 31 fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (3) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and (4) motors prohibited upstream of Modrow Bridge:~~~~One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters:~~~~From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season:~~~~From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only:~~~~From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters:~~~~1996 Conservation Measures:~~~~Mouth upstream to 200 feet upstream of temporary rack: Closed to fishing for steelhead August 16, 1996, through October 15, 1996:~~~~Kidney Lake: Last Saturday in April through February 28 season:~~~~Klickitat River, from mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout, minimum length twelve inches:~~~~From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters:~~~~From four hundred feet above #5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season. Trout, minimum length twelve inches. Additional December 1 through March 31 season for whitefish only. From boundary markers above Klickitat salmon hatchery to boundary markers below hatchery: Closed waters:~~~~From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters:~~~~Klineline Ponds: Last Saturday in April through February 28 season:~~~~Kress Lake: Last Saturday in April through February 28 season. Bass only bass less than twelve inches or over eighteen inches in length may be kept. Internal combustion engines prohibited:~~~~Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam:~~~~Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release:~~~~Lewis River, from mouth to forks: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release:~~~~Lewis River, North Fork: From mouth to overhead powerlines below Merwin Dam: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder:~~~~From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31:~~~~From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout, minimum length twelve inches. Closed October 1 through December 15 to fishing:~~~~From overhead powerlines to Merwin Dam: Closed waters:~~~~From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters:~~~~Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited:~~~~From Eagle Cliff Bridge to lower falls including all tributaries: Selective fishery regulations. Catch and release:~~~~Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers four hundred feet below to one hundred feet above Lucia Falls; (2) from four hundred feet below to four hundred feet above Molton Falls;~~

and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: Last Saturday in April through February 28 season.

Little Klickitat River, within Goldendale city limits: Last Saturday in April through October 31 season. Trout—daily limit five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout, minimum length ten inches. Selective fishery regulations.

Little White Salmon River: Trout—daily limit five. From fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

Love Lake: Closed waters.

Merrill Lake: Trout—daily limit two, maximum length twelve inches. Fly fishing only. Unlawful to fish from boats equipped with internal combustion engines.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Mineral Creek (tributary to Nisqually River): Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Creek, North Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Lake: Last Saturday in April through September 30 season.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: Last Saturday in April through February 28 season.

Ohanapeeosh Creek (tributary to Cowlitz River): Trout, minimum length twelve inches. Selective fishery regulations.

Olequa Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Outlet Creek: Trout—daily limit five.

Paekwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. Last Saturday in April through October 31 season. Trout—daily limit five, minimum length ten inches. Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout, minimum length twelve inches. Selective fishery regulations.

Plummer Lake: Last Saturday in April through February 28 season.

Riffe (Lake) Reservoir: Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Rowland Lakes: Last Saturday in April through February 28 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 open to trout only. Release all steelhead and wild cutthroat release. Trout minimum length twelve inches. November 1 through March 15 open to trout and steelhead. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout, minimum length twelve inches. Selective fishery regulations.

Silver Lake: Bass—minimum length fourteen inches. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout—daily limit five, no more than one over twelve inches in length.

Spearfish Lake: Last Saturday in April through February 28 season.

Spirit Lake (Skamania County): Closed waters.

Spring Creek: Trout—daily limit five.

Swift Reservoir: Last Saturday in April through October 31 season.

Swofford Pond: Bass—daily and possession limit two. Only bass less than twelve inches or over eighteen inches in length may be kept. Channel catfish—minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout—daily limit five, no more than one over twelve inches in length.

~~Tilton River, South Fork and East Fork: Trout, minimum length 12 inches. Selective fishery regulations.~~

~~Tilton River, North Fork and West Fork: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.~~

~~From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)~~

~~1996 Conservation Measures:~~

~~Toutle River—North Fork, from the mouth of the Green River downstream approximately 200 yards to the power line crossing: Closed to fishing for steelhead September 16, 1996, through October 15, 1996.~~

~~Toutle River, South Fork, mouth to source (note: All tributaries closed): June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.~~

~~Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations.~~

~~Trout Creek (tributary to Wind River): Trout, minimum length fourteen inches. Selective fishery regulations.~~

~~Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.~~

~~Tunnel Lake: Last Saturday in April through February 28 season.~~

~~Vancouver Lake and all other waters west of Burlington Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River: Trout—daily limit two, minimum length twelve inches.~~

~~Walupt Lake: All inlet streams closed. Last Saturday in April through October 31 season. Trout, minimum length ten inches. Selective fishery regulations except motors allowed.~~

~~Washougal River, from mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Wild steelhead release. Open only for steelhead.~~

~~From bridge at Salmon Falls to its source: Closed waters.~~

~~1996 Conservation Measures:~~

~~Mouth to 3rd Avenue Bridge: Closed to fishing for steelhead August 16, 1996, through October 15, 1996.~~

~~Washougal River, West (North Fork), from mouth to the water intake at the department hatchery: Closed waters.~~

~~From intake at department hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Willame Lake: Last Saturday in April through October 31 season. Trout—daily limit two, minimum length fifteen inches. Selective fishery regulations.~~

~~Wind River:~~

~~Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.~~

~~From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Wild steelhead release.~~

~~Tyce Springs: Closed waters.~~

~~From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout, minimum length fourteen inches.~~

~~Winston Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.~~

~~Yale Reservoir: Kokanee—daily limit sixteen.~~

~~Yellowjacket Creek (tributary to Cispus River): Trout, minimum length twelve inches. Selective fishery regulations.~~

~~Yellowjacket Ponds: Last Saturday in April through February 28 season. Trout, no more than one over twelve inches in length.~~

~~Region VI:~~

~~Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.~~

~~Exceptions—Region VI regulations. State-wide regulations apply to all waters except where modified in special regulations below. For regulations within Olympic National Park, call (206) 452-4501.~~

~~Aberdeen Lake: Last Saturday in April through October 31 season.~~

~~Aldrich Lake: Last Saturday in April through October 31 season.~~

~~Aldwell Lake: Last Saturday in April through October 31 season. Trout—daily limit two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any floating device equipped with a motor.~~

~~Alexander Lake (Kitsap County): Closed waters.~~

~~Anderson Lake (Jefferson County): Internal combustion engines prohibited. Last Saturday in April through October 31 season.~~

~~From September 1 through October 31. Catch and release only. Selective fishery regulations.~~

~~Bay Lake: Last Saturday in April through October 31 season.~~

~~Bear River: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Beaver Creek (Thurston County): See Black River.~~

~~Beaver Ponds in Kitsap County, and those ponds in Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Last Saturday in April through October 31 season. Trout no minimum length.~~

~~Benson Lake: Last Saturday in April through October 31 season.~~

~~Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.~~

~~Big River: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Black Lake (Pacific County): Last Saturday in April through October 31 season.~~

~~Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~Blooms Ditch: See Black River.~~

~~Bogachiel River (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. Trout, minimum length fourteen inches. Steelhead: Mouth to Highway 101 December 1 through April 30, not more than one wild steelhead per day. Highway 101 to National Park boundary December 1 through April 30, wild steelhead release.~~

~~Buck Lake: Last Saturday in April through October 31 season.~~

~~Burley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Cady Lake: Last Saturday in April through October 31 season. Trout daily limit two. Fly fishing only. Internal combustion engines prohibited.~~

~~Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches. Steelhead: Mouth to Highway 101 December 1 through April 30, not more than one wild steelhead per day. Highway 101 to mouth of south fork December 1 through April 30, wild steelhead release.~~

~~Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. Trout, minimum length fourteen inches. Steelhead: December 1 through last day in February, wild steelhead release.~~

~~Campbell Creek (Mason County): Closed waters.~~

~~Canyon Creek (Mason County): Closed waters.~~

~~Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through July 31 season. Trout daily limit five, minimum length eight inches. Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. In accordance with WAC 236-16-020, the operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.~~

~~Additional August 1 through March 31 season. Trout daily limit two, minimum length fourteen inches.~~

~~Carney Lake: Last Saturday in April through June 30 and September 1 through October 31 seasons. Internal combustion engines prohibited.~~

~~Carson Lake: Last Saturday in April through October 31 season.~~

~~Cases Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Cedar Creek (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.~~

~~Chehalis River, south fork from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.~~

~~Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.~~

~~Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout, minimum length fourteen inches.~~

~~From Ness's Corner Road to headwaters: Trout, minimum length fourteen inches.~~

~~Clallam River: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Clara Lake: Last Saturday in April through October 31 season.~~

~~Clear Lake: Last Saturday in April through October 31 season.~~

~~Clearwater River (Jefferson County), from mouth to Snahapish River: June 1 through April 15 season. Trout, minimum length fourteen inches. Steelhead: December 1 through April 15, not more than one wild steelhead per day.~~

~~From Snahapish River upstream: Trout, minimum length fourteen inches.~~

~~Cloquallum Creek, from mouth to second bridge on Cloquallum Road: June 1 through February 28 season.~~

~~Trout, minimum length twelve inches. Wild cutthroat release.~~

~~From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.~~

~~Copalis River: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Coulter Creek: Trout, minimum length fourteen inches.~~

~~Cranberry Creek, mouth to Lake Limerick: Closed waters.~~

~~Curley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Cushman Reservoir: Closed to the taking of Dolly Varden/Bull Trout.~~

~~Damon Lake: June 1 through October 31 season.~~

~~Deep Creek: Closed waters.~~

~~Deep Lake: Last Saturday in April through October 31 season.~~

~~Deer Creek (Mason County): Closed waters.~~

~~Deer Lake: Last Saturday in April through October 31 season.~~

~~Dempsey Creek: See Black River.~~

~~Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout, minimum length fourteen inches.~~

~~From Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder: Closed waters.~~

~~Devereaux Lake: Last Saturday in April through October 31 season.~~

~~Devil's Lake: Last Saturday in April through October 31 season.~~

~~Dewatto River: Trout, minimum length twelve inches. Wild cutthroat release.~~

~~From mouth to bridge on Bear Creek Dewatto Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Diekey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout, minimum length fourteen inches. Steelhead: December 1 through April 30; not more than one wild steelhead per day.~~

~~Dosewallips River, from mouth to Olympic National Park boundary about three quarters mile downstream of falls: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Duckabush River, from mouth to the Olympic National Park Boundary: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: October 16 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~From junction of Gray Wolf River upstream to headwaters: Trout, minimum length fourteen inches.~~

~~East Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Elk River, from the Highway 105 Bridge upstream: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.~~

~~Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.~~

~~From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout, minimum length twelve inches; selective fishery regulations.~~

~~Faylor Lake: Last Saturday in April through October 31 season.~~

~~Goldsborough Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. Steelhead: December 1 through last day in February, not more than one wild steelhead per day.~~

~~Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.~~

~~From mouth upstream to lower bridge: Trout, minimum length fourteen inches.~~

~~Gosnell Creek and all its tributaries (tributary to Lake Isabella, Mason County): Trout, minimum length fourteen inches.~~

~~Grass Lake: Last Saturday in April through October 31 season.~~

~~Gray Wolf River: Trout, minimum length fourteen inches. Selective fishery regulations.~~

~~Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~From falls to mouth of Boulder Creek: Trout daily limit five no minimum length.~~

~~Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.~~

~~Hatchery Lake: Last Saturday in April through October 31 season.~~

~~Haven Lake: Last Saturday in April through October 31 season.~~

~~Heins Lake (Kitsap County): Closed waters.~~

~~Hicks Lake: Last Saturday in April through October 31 season.~~

~~Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. Trout, minimum length fourteen inches. Steelhead: From mouth to Highway 101, December 1 through April 15, not more than one wild steelhead per day. From Highway 101 to mouth of south fork, December 1 through April 15, wild steelhead release.~~

~~Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. Trout minimum length fourteen inches. Steelhead: December 1 through April 15, wild steelhead release.~~

~~Hoko River: Trout, minimum length fourteen inches.~~

~~From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout, minimum length fourteen inches.~~

~~From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch and release, fly fishing only and use of motors prohibited.~~

~~Hoquiam River (includes all forks): June 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.~~

~~Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout daily limit 1.~~

~~Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.~~

~~Howell Lake: Last Saturday in April through October 31 season.~~

~~Humptulips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.~~

~~East Fork, from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: June 1 through April 30 season. Trout, minimum length fourteen inches.~~

~~West Fork, from mouth to bridge on Forest Service Road #2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout, minimum length fourteen inches.~~

~~Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~John's Creek (Mason County): Closed waters.~~

~~Johns River (includes North, South forks): June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.~~

~~Kalaloch Creek, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Kennedy Creek, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Kennedy Creek Pond: Last Saturday in April through October 31 season.~~

~~Koeneman Lake (formerly Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective fishery regulations. Catch and release only.~~

~~Lawrence Lake (Thurston County): Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).~~

~~Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Long Lake (Kitsap County): Bass only bass less than twelve inches or over fifteen inches in length may be kept.~~

~~Long Lake (Thurston County): Last Saturday in April through October 31 season.~~

~~Loomis Lake: Last Saturday in April through October 31 season.~~

~~Loomis Pond (Grays Harbor County): Closed waters.~~

~~Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.~~

~~Ludlow Lake: Last Saturday in April to October 31 season.~~

~~Lyre River, from mouth to falls near river mile 3: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Remainder of river: Trout, minimum length twelve inches.~~

~~Maggie Lake: Last Saturday in April through October 31 season.~~

~~McAllister Creek: Trout, minimum length fourteen inches.~~

~~McDonald Creek (Clallam County): Trout, minimum length fourteen inches.~~

~~McIntosh Lake: Last Saturday in April through October 31 season.~~

~~McLane Creek, from the south bridge on Highway 101 upstream: Trout, minimum length fourteen inches.~~

~~McLane Creek Pond: Last Saturday in April through October 31 season.~~

~~Melaney Creek: Closed waters.~~

~~Melbourne Lake: Last Saturday in April through October 31 season.~~

~~Middle Nemah Pond (Pacific County): June 1 through October 31 season.~~

~~Mill Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).~~

~~Mills Lake: Check Olympic National Park regulations, call (206) 452-4501.~~

~~Mima Creek: See Black River.~~

~~Minter Creek: Trout, minimum length fourteen inches. Area from department intake dam downstream to mouth. Closed waters.~~

~~Mission Lake: Last Saturday in April through October 31 season.~~

~~Moelips River, from mouth to outside the Quinault Indian Reservation: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Mooses Pond (Pacific County): June 1 through October 31 season.~~

~~Morse Creek, from mouth to Port Angeles Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Mud Lake (Mason County): Last Saturday in April through October 31 season.~~

~~Munn Lake: Last Saturday in April through October 31 season.~~

~~Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout, minimum length fourteen inches. Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.~~

~~That area from falls in Sec. 6, T10N, R8W, (Wahkiakum County) downstream four hundred feet. Closed waters.~~

~~From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout, minimum length fourteen inches.~~

~~South Fork, from mouth to Bean Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Nemah River (North, Middle, South): June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through November 30 season. Trout, minimum length fourteen inches.~~

~~North River, from Highway 105 Bridge upstream: Trout, minimum length fourteen inches.~~

~~From Highway 105 Bridge to Falls River: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.~~

~~Osborne Lake: Last Saturday in April through October 31 season.~~

~~Owens Pond (Pacific County): June 1 through October 31 season.~~

~~Ozette Lake: Check Olympic National Park regulations (206) 452-4501.~~

~~Ozette River, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Palix River (includes all forks): June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Panhandle Lake: Last Saturday in April through October 31 season.~~

~~Panther Lake: Last Saturday in April through October 31 season.~~

~~Pattison Lake: Last Saturday in April through October 31 season.~~

~~Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Pereival Creek: Trout, minimum length fourteen inches.~~

~~Pheasant Lake: Last Saturday in April to October 31 season.~~

~~Pine Lake: Last Saturday in April through October 31 season.~~

~~Pleasant Lake: Kokanee—minimum length eight inches, maximum length twenty inches.~~

~~Prices Lake: Last Saturday in April through October 31 season. Selective fishery regulations, catch and release only.~~

~~Promised Land Pond: June 1 through October 31 season.~~

~~Purdy Creek (Mason County): June 1 through August 15 season. Trout, minimum length fourteen inches.~~

~~Pysht River: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Queets River: Check Olympic National Park regulations, (206) 452-4501.~~

~~Quileene River, from mouth to upper boundary of Falls View Campground: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.~~

~~From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout—daily limit—five, no minimum length.~~

~~Quillayute River (Clallam County): June 1 through April 30 season. Trout, minimum length fourteen inches. Steelhead: December 1 through April 30, not more than one wild steelhead per day.~~

~~Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276 8211.~~

~~Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout, minimum length fourteen inches.~~

~~Raft River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276 8211.~~

~~Robbins Lake: Last Saturday in April through October 31 season.~~

~~Rose Lake: Last Saturday in April through October 31 season.~~

~~Salmon Creek (Jefferson County, includes all forks): Closed waters.~~

~~Salmon Creek Naselle River: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Salmon Creek (Thurston County): See Black River.~~

~~Salmon River (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Salt Creek: Trout, minimum length fourteen inches. Wild steelhead release.~~

~~From mouth to bridge on Highway 112: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Sandyshore Lake: Last Saturday in April to October 31 season.~~

~~Satsop Lakes: Last Saturday in April through October 31 season.~~

~~Satsop River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.~~

~~From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Seki River: Trout, minimum length fourteen inches.~~

~~From mouth to forks: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Shelton Creek: Closed waters.~~

~~Sherwood Creek: Trout, minimum length fourteen inches.~~

~~Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout—minimum length 14 inches, daily limit 2 fish.~~

~~Shoe Lake: Last Saturday in April through October 31 season.~~

~~Shye Lake: June 1 through October 31 season.~~

~~Siebert Creek: Trout, minimum length fourteen inches.~~

~~Silent Lake: Last Saturday in April through October 31 season.~~

~~Skokomish River, mouth to forks: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Mouth of Church Creek to headwaters: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~Skokomish River, North Fork, mouth to lower dam: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout catch and release only. Selective fishery regulations.~~

~~Skookum Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Skookumchuck Reservoir: June 1 through October 31 season. Trout—daily limit—two, minimum length twelve inches.~~

~~Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout, minimum length twelve inches. Selective fishery regulations.~~

~~From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.~~

~~Smith Creek (Pacific County near North River): June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Snow Creek (includes all tributaries except Crocker Lake): Closed waters.~~

~~Sol-Due River (Clallam County): June 1 through April 30 season. Trout, minimum length fourteen inches.~~

~~Steelhead: From mouth to the concrete pump station at the Soleduck Hatchery: December 1 through April 30 not more than one wild steelhead per day.~~

~~From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek: November 1 through April 30. Wild steelhead release, selective fishery regulations.~~

~~South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).~~

~~Stevens Creek, mouth to Highway 101 Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Steves Lake: Last Saturday in April through October 31 season.~~

~~Stump Lake: Last Saturday in April through October 31 season. Fishing from vessels with internal combustion engines prohibited.~~

~~Suez River (Sooes River): June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Summit Lake: Last Saturday in April through October 31 season.~~

~~Sutherland Lake: Feeding (chumming) permitted.~~

~~Tahuya River: Trout, minimum length twelve inches. Wild cutthroat release.~~

~~From mouth to the Bear Creek Dewatto Road crossing: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead and wild cutthroat release.~~

~~Tarboo Lake: Last Saturday in April through October 31 season.~~

~~Teal Lake: Last Saturday in April to October 31 season.~~

~~Tenas Lake: Last Saturday in April through October 31 season.~~

~~Tiger Lake: Last Saturday in April through October 31 season.~~

~~Twin Lake: Last Saturday in April through October 31 season.~~

~~U Lake: Last Saturday in April through October 31 season.~~

~~Uncle John Creek: Closed waters.~~

~~Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.~~

~~From mouth to watershed boundary: Trout, minimum length fourteen inches.~~

~~From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).~~

~~Vance Creek (Mason County): Trout, minimum length fourteen inches.~~

~~Vance Creek/Elma Ponds: Last Saturday in April through October 31 season.~~

~~Waddell Creek: See Black River.~~

~~Ward Lake: Last Saturday in April through October 31 season.~~

~~West Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.~~

~~Wildberry Lake: Last Saturday in April through October 31 season.~~

~~Wildcat Lake: Last Saturday in April through October 31 season.~~

~~Willapa River (includes all forks) upstream from department boat launch in South Bend: Trout, minimum length fourteen inches.~~

~~From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.~~

~~South Fork: Additional November 1 through last day of February season. Trout, minimum length fourteen inches.~~

~~Falls on South Fork downstream four hundred feet: Closed waters.~~

~~Williams Creek (Pacific County): June 1 through February 28 season. Trout, minimum length fourteen inches.~~

~~Wishkah River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release.~~

~~Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.~~

~~From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release. East and West forks: Closed waters.~~

~~Wood Lake: Last Saturday in April through October 31 season.~~

~~Woodland Creek: Trout, minimum length fourteen inches.~~

~~Wooten Lake: Last Saturday in April through October 31 season.~~

~~Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Gridale: Closed waters.~~

~~Remainder of river: Trout, minimum length twelve inches. Wild cutthroat release.~~

~~From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season: Trout, minimum length twelve inches. Wild cutthroat release.~~

~~Wynoochee Reservoir: June 1 through October 31 season. Trout daily limit two, minimum length twelve inches.~~

Marine waters regulations:

~~These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).~~

~~Fishing hours: Twenty four hours per day year around.~~

~~License requirements: A valid current Washington state department of fish and wildlife game fishing license is required to fish for game fish in marine waters.~~

~~Permit requirements: A valid current steelhead license is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.~~

~~Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearfing, gaffing, clubbing, netting, or trapping game fish is unlawful.~~

**MARINE WATERS RULES
CATCH AND MINIMUM SIZE LIMITS:**

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Trout (Including steelhead)	Two, wild cutthroat release in	Fourteen inches

~~Marine Areas 12 (Hood Canal) and 13 (South Puget Sound). Wild steelhead release in Marine Areas 1 through 13.~~

~~Dolly Varden Closed year around to fishing for or retaining Dolly Varden/Bull Trout.~~

Marine waters: Gear restrictions:

~~Area 10: Those waters downstream of the First Avenue South Bridge to an east west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane~~

~~Street where it crosses Harbor Island—Nonbuoyant lure restriction July 1 through November 30.~~

Marine waters: Closed waters:

~~Area 10—Those waters west of the Lake Washington Ship Canal to a north south line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing at all times.~~

Marine waters: Area codes and boundaries:

~~(1) Area 1 (Ilwaco): West of the Megler Astoria Bridge north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.~~

~~(2)(a) Area 2 (Westport Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.~~

~~(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.~~

~~(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.~~

~~(3) Area 3 (La Push): From the Queets River north to Cape Alava.~~

~~(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.~~

~~(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.~~

~~(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point Point Wilson line north to the line from Trial Island (near Victoria, B.C.)—Navigation Buoy BW "R"—Smith Island—the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell)—Northwest Island—the Initiative 77 marker on Fidalgo Island.~~

~~(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.~~

~~(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point Shipwreck Line.~~

~~(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.).~~

~~(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.~~

~~(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point Edwards Point Line.~~

PERMANENT

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS

Daily, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily limits and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY LIMITS	MINIMUM SIZE LIMITS
Bass	Five not more than three over fifteen inches	None
Dolly Varden/ Bull Trout	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	
Grass Carp	It is unlawful to fish for or retain grass carp	
Trout (including kokanee and steelhead)	Two	Twelve inches
Walleye	Five, not more than one over twenty-four inches.	Eighteen inches
Whitefish	Fifteen	None
All other game fish	No limit	None
Bullfrogs	Ten	None

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River from a true north-south line through Buoy 10 to the Megler Astoria Bridge: August 1 through March 31 season for steelhead. Wild steelhead release. Fishing from the north jetty is allowed during salmon season openings.

1996 Conservation Measures.

From a true north and south line (magnetic 338°N) projected through Buoy 10 upstream to Megler Astoria Bridge: Unlawful to fish for steelhead with barbed hooks August 1, 1996, through September 4, 1996.

From the Megler Astoria Bridge to the I-5 Bridge: May 16 to March 31 season for steelhead and trout, except closed September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Wild steelhead release and wild outthroat release. Closed to fishing for steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Paseo; including Drano Lake: Wild steelhead release. Closed to fishing for trout March 16 through June 15.

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

From the Highway 395 Bridge at Paseo to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

Closed waters: (1) Priest Rapids Dam—waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek—all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth.

PERMANENT

~~From Priest Rapids Dam to Chief Joseph Dam: Year around season. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.~~

~~Closed waters: (1) Wanapum Dam—waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Roek Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam—waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam—waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam—waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County. Closed to boat fishing from the boundary marker to the Corps of Engineers safety zone marker.~~

~~Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake-)) (1) County freshwater exceptions to state-wide rules:~~

~~(a) Adams and Grant counties: All seasons in specific freshwater exceptions to state-wide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.~~

~~(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.~~

~~(c) Benton County: Rivers, streams and beaver ponds open year around.~~

~~(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to state-wide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: Trout: Daily limit 5, no minimum size.~~

~~(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.~~

~~(2) Specific freshwater exceptions to state-wide rules:~~

~~Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.~~

~~Abernathy Creek (Cowlitz County):~~

~~From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat. Release all steelhead June 1 through October 31.~~

~~From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.~~

~~Alder Creek (Cowlitz County): Closed waters.~~

~~Aldrich Lake (Mason County): Last Saturday in April through October 31 season.~~

~~Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective fishery regulations except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.~~

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited.

Alexander Lake (Kitsap County): Closed waters.

Alkali Flat Creek (Whitman County): Year around season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective fishery regulations, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches. Additional season October 1 through November 30. Selective fishery regulations. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County), from mouth to Rainier Fork: Selective fishery regulations.

Alpowa Creek (Garfield County): Last Saturday in April through June 30 season.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective fishery regulations and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Ballinger Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: June 1 through August 15 season.

Bear Lake (Spokane County): Juveniles and holders of free licenses only.

Bear River (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily and possession limit one, minimum length eighteen inches.

Beaver Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beaver Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective fishery regulations, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective fishery regulations.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):
From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective fishery regulations. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through October 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective fishery regulations except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective fishery regulations, and all species: Release all fish.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Salmon Creek, Dempsey Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blooms Ditch (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective fishery regulations. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): March 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. December 1 through April 30, selective fishery regulations from Highway 101 to National Park boundary. Trout: Minimum

length fourteen inches. December 1 through April 30, mouth to Highway 101, not more than one wild steelhead per day, and Highway 101 to National Park boundary, release wild steelhead.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to bridge on USFS Road No. 4930: Closed waters.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches. The inlet and outlet streams to Boyle Lake are closed waters.

Bridges Lake (King County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches. The inlet and outlet streams to Bridges Lake are closed waters.

Browns Lake and inlet streams (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to American River: Selective fishery regulations. Whitefish: Additional December 1 through March 31 season. Release all fish other than whitefish.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Whitefish: Additional December 1 through March 31 season. Release all fish other than whitefish.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Butter Creek (Lewis County): Selective fishery regulations. Trout: Minimum length ten inches.

Cady Lake (Mason County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a

floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective fishery regulations from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, not more than one wild steelhead per day, and Highway 101 to mouth of south fork, wild steelhead release.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective fishery regulations. Trout: Minimum length fourteen inches. December 1 through last day in February, release wild steelhead.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower and Upper (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):
From mouth to Calispell Lake: Year around season.
From Calispell Lake upstream to source: Selective fishery regulations.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): September 1 through March 31 season.

Campbell Lake (Skagit County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Canyon Creek (Klickitat County): Trout: Daily limit five.

Canyon Creek (Mason County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through July 31 season. Trout: Daily limit five, minimum length eight inches. Additional August 1 through March 31 season. Trout: Daily limit two, minimum length fourteen inches.

Carbon River (Pierce County), from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout: Minimum length fourteen inches. Additional February 1 through March 31 season. Trout: Minimum length fourteen inches. Release wild steelhead.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through October 31 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through October 31 season. Juveniles only.

Cashmere Pond (Chelan County): Juveniles only.

Cassidy Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Castle Lake (Cowlitz County): Selective fishery regulations. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to junction of Chelatchie Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County): Closed waters.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective fishery regulations, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout:

Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat and wild steelhead.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat and wild steelhead.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Lake (Chelan County): Year around season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point. Trout except kokanee: Daily limit two except south of Fields Point May 15 through September 30 daily limit 5, not more than two of which may be over 15 inches in length. Trout except kokanee minimum length 15 inches except south of Fields Point minimum length 8 inches May 15 through September 30. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Salmon: Minimum length 15 inches. Burbot: One set line per angler, no maximum number of hooks; set lines must be identified with fisher's name and address.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.

Chelan River (Chelan County): Year around season. Trout, minimum length twelve inches.

Chewelah Creek, forks and tributaries (Stevens County): Selective fishery regulations.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Selective fishery regulations. Trout, minimum length twelve inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County), from mouth to South Fork: Selective fishery regulations.

Chiwawa River (Chelan County), from mouth to Rock Creek: Selective fishery regulations.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Additional season November 1 through May 31, steelhead only. Release wild steelhead and all fish other than steelhead.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective fishery regulations and all species: Release all fish.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Pierce County): Chumming permitted.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, not more than one wild steelhead per day.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: One set line per angler, no maximum number of hooks; set lines must be identified with fisher's name and address.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild cutthroat.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective fishery regulations. Trout: Daily limit one, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coldwater Lake (Cowlitz County): Selective fishery regulations except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year around season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit eight fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

From bridge at Valley upstream and tributaries: Selective fishery regulations.

Columbia Park Pond (Benton County): Juveniles only.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: General species provisions (unless otherwise provided for in this section): Bass: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp. Bullfrog: Daily limit 10 frogs.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to the Megler-Astoria Bridge: Trout: Wild steelhead release. Release all steelhead April 1 through July 31. Fishing from the north jetty is allowed during salmon season openings.

From the Megler-Astoria Bridge to the I-5 Bridge: Closed waters: September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Trout: Release wild steelhead and wild cutthroat. Release all steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco, including Drano Lake: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam down-

stream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. Trout: Release wild steelhead. Release all trout March 16 through June 15.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release wild steelhead.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: All species: June 16 through October 22 season. Trout: Release wild steelhead.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. All species: June 1 through March 31 season. Trout: Release wild steelhead.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to boat fishing from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release wild steelhead.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Coppei Creek (Walla Walla County): Last Saturday in April through June 30 season.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Asotin County): Trout: Release all steelhead.

Cottonwood Creek (Lincoln County): Year around season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Cow Lake (Adams County): Channel catfish: Daily limit, five. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year around season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. All species: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat and wild steelhead. Below Barrier Dam release all steelhead missing right ventral fin.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Release wild steelhead.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained.

Coyote Creek and Ponds (Adams County): March 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): June 1 through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): September 1 through March 31 season

Dayton Pond (Columbia County): Juveniles only.

Deadman Creek (Garfield County): Year around season.

Deadman Lake (Adams County): March 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through October 31 season. Juveniles only.

Deep Creek (Clallam County): Closed waters.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year around season. Trout: Minimum length 14 inches.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

Dempsey Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Desire Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road, additional November 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, not more than one wild steelhead per day.

Dollar Lake (Grant County): March 1 through July 31 season.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Creek (Walla Walla County): Last Saturday in April through June 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective fishery regulations. Trout: Daily limit one.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness River, October 16 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

From junction of Gray Wolf River upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Eagle Lakes, Big and Little (King County): Closed waters.

East Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild cutthroat.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild steelhead and wild cutthroat.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred

feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Release wild steelhead.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Fox Creek: June 1 through March 31 season. Selective fishery regulations June 1 through November 30. Trout: Minimum length twelve inches. Release wild steelhead.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Findley Lake (King County): Closed waters.

Finnel Lake (Adams County): Channel catfish: Daily limit five. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year around season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Flowing Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Lake (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat. Release all steelhead June 1 through October 31.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to Foggy Dew Creek: Selective fishery regulations.

Goldsborough Creek (Mason County): June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February, not more than one wild steelhead per day.

Goodwin Lake (Snohomish County): Chumming permitted. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of free licenses only.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year around season. Selective fishery regulations September 1 through May 31. Trout: Minimum length twelve inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through April 15 season. Selective fishery regulations June 1 through August 31. Trout: Minimum length twelve inches. Release wild steelhead September 1 through April 15.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Gray Wolf River (Clallam County): Selective fishery regulations. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to mouth of South Fork: September 1 through March 15 season. All species: Release all fish except steelhead. Trout: Minimum length twenty inches. Release wild steelhead.

Grays River, East Fork (Wahkiakum County): Selective fishery regulations. Trout: Minimum length fourteen inches.

Grays River, West Fork (Wahkiakum County), downstream from hatchery trap site: June 1 - August 31 season.

Green Lake and Green Lake, Lower (Okanogan County): December 1 through March 31 season.

Green (Duwamish) River (King County):

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through last day in February season, except waters from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn are closed September 1 through October 15 and waters from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge are closed September 1 through October 31. Fishing from any floating device prohibited November 1 through last day in

February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 1 through November 30.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Fishing from any floating device prohibited. Trout, minimum length fourteen inches. Release wild steelhead.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from salmon hatchery rack to a point 1500 feet downstream during the period September 1 through November 30. All species: Release all fish except steelhead. Trout: Minimum length twenty inches.

From 2800 Bridge to source: Closed waters.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective fishery regulations. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective fishery regulations, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): March 1 through September 30 season.

Hallin Lake (Adams County): Channel catfish: Daily limit five. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

From falls to mouth of Boulder Creek: Trout: Daily limit five, no minimum length.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): March 1 through July 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Hart Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective fishery regulations.

Harvey Creek (tributary to Stilligumish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek (Lincoln County): Year around season.

Hays Creek and Ponds (Adams County): March 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles and holders of free licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): June 1 through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches. Release wild steelhead.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from Highway 101 to mouth of south fork, selective fishery regulations. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to Highway 101 not more than one wild steelhead per day, and from Highway 101 to mouth of south fork, wild steelhead release.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. December 1 through April 15, selective fishery regulations. Trout: Minimum length fourteen inches. December 1 through April 15, wild steelhead release.

Hoko River (Clallam County): Trout, minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout: Minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Horseshoe Lake (Clark/Cowlitz counties): Last Saturday in April through last day in February season.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through April 30 season. Trout: Minimum length fourteen inches.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Gridale: June 1 through April 30 season. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to bridge on Forest Service Road # 2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 and 2 (Yakima County): Walleye: Unlawful to retain walleye.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Last Saturday in April through last day in February season.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout, minimum length twelve inches. Release wild steelhead. From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing:

Selective fishery regulations. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): Closed waters.

Indian Dan Pond (Okanogan County): July 1 through October 31 season.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Issaquah Creek (King County): Closed waters.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Juveniles only.

Jefferson Park Pond (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

John's Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild cutthroat.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective fishery regulations. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: One set line per angler, no maximum number of hooks; set lines must be identified with fisher's name and address.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Trout, minimum length 14 inches. Release wild cutthroat and wild steelhead.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year around season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. September 1 through October 31.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective fishery regulations.

Kapowsin Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Kathleen Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: One set line per angler, no maximum number of hooks; set lines must be identified with fisher's name and address.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective fishery regulations, minimum length 12 inches. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

Additional season: November 1 through March 31. All species except walleye and whitefish: Selective fishery regulations and release all fish. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length. Whitefish: Single hook only.

Additional season: April 1 through May 31. All species except whitefish: Selective fishery regulations and release all fish. Whitefish: Single hook only.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout: Minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Last Saturday in April through last day in February season.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective fishery regulations. All species: Release all fish.

Kress Lake (Cowlitz County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Only bass less than twelve inches or over eighteen inches in length may be retained.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Lake Creek, upstream from Pasayten Wilderness boundary (Okanogan County): June 1 through August 31 season. Selective fishery regulations.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year around season.

Lawrence Lake (Thurston County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Lemna Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Lenice Lake (Grant County): March 1 through October 31 season. Selective fishery regulations. Trout: Daily limit one.

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective fishery regulations, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective fishery regulations, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year around season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to overhead powerlines below Merwin Dam: Year around season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: December 16 through September 30 season. Trout: Minimum length twelve inches.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective fishery regulations. All species: Release all fish.

Lewis River, East Fork (south) (Clark/Skamania counties): Closed waters: From the posted markers four hundred feet below to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls. Trout: Release wild steelhead.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout: Minimum length fourteen inches.

Mouth to posted markers at top boat ramp at Lewisville Park: Trout: Additional April 16 through May 31 season. Release all fish other than steelhead.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective fishery regulations, and all species: Release all fish.

Lincoln Pond (Clallam County): Juveniles only.

Little Ash Lake (Skamania County): Last Saturday in April through last day in February season.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County), Pileup Creek to Road 1913 Bridge: Selective fishery regulations.

Little Nisqually River (Lewis County): Selective fishery regulations. Trout: Minimum length ten inches.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season: Trout: Minimum length fourteen inches. Release wild steelhead.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Little Twin Lake (Okanogan County): December 1 through March 31 season.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County), from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.

Little White Salmon River (Skamania County): Closed waters: From markers at federal fish hatchery a distance of one thousand five hundred feet upstream to fishway. Trout: Daily limit five.

Loma Lake (Snohomish County): Last Saturday in April through October 31 season.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Kitsap County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From one-quarter mile above bridge to mouth of Monument Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

From mouth of Drake Creek to outlet of Cougar Lake: Selective fishery regulations. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lower Lena Lake (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyons Park Pond (at College Place) (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only.

Lyre River (Clallam County)

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

From falls to source: Trout: Minimum length twelve inches.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through October 31 season.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

May Creek (tributary of Lake Washington) (King County): Closed waters.

McAllister Creek (Thurston County): Trout: Minimum length fourteen inches.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 season. Selective fishery regulations. Trout: Daily limit one.

Methow River (Okanogan County):

From mouth upstream to second powerline crossing (approximately 1 mile): June 1 through March 31 season.

Trout: Minimum length twelve inches. Release wild steelhead.

From second powerline crossing to mouth of Lost River: Selective fishery regulations June 1 through September 30. Trout: Minimum length twelve inches. Release wild steelhead.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Migraine Lake (Grant County): March 1 through July 31 season.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat. Release all steelhead June 1 through October 31.

Mill Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Release all fish except steelhead September 1 through April 15. Trout: Release wild steelhead.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout: Daily limit five.

From Bennington Lake flood diversion dam upstream, including all tributaries: June 1 through October 31 season.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mima Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective fishery regulations. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last

day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective fishery regulations.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): March 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective fishery regulations. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective fishery regulations. Trout: Daily limit two.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective fishery regulations.

Myron Lake (Yakima County): Selective fishery regulations. Trout: Daily limit two.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Rattlesnake Creek: Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

From Rattlesnake Creek to Little Naches River: Trout: Maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Naneum Pond (Kittitas County): Juveniles only.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and September 1 through January 31, waters within four hundred feet both

upstream and downstream of the entrance to the Naselle Salmon Hatchery. Trout: Minimum length fourteen inches.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout: Minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Nason Creek (Chelan County) from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.

Nason Creek Fish Pond (Chelan County): Juveniles and disabled persons only.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Newhalem Ponds (Whatcom County): Closed waters.

New Mire Creek (tributary of Lake Sawyer) (King County): Last Saturday in April through October 31 season. Juveniles only.

Newaukum River, main river, Middle Fork and South Fork (Lewis County): June 1 through March 31 season. Trout: Minimum length fourteen inches. Release wild steelhead.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches. Release wild steelhead.

From Chehalis city water intake upstream: Closed waters.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through November 30 season. Trout: Minimum length fourteen inches.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through March 15 season. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through March 15. Trout: Minimum length fourteen inches. Release wild steelhead.

Nooksack River, South Fork (Skagit/Whatcom counties):

From its mouth to source: During all open periods: Selective fishery regulations. Trout: Minimum length fourteen inches. Release wild steelhead.

From mouth to Skookum Creek: June 1 through March 15 season. Fishing from a floating device equipped with a motor prohibited November 1 through March 15.

From Skookum Creek upstream: Trout: Release all steelhead June 1 through September 30.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream: Trout: Minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through October 31 season. Closed waters: Outlet stream of Nunnally Lake. Selective fishery regulations. Trout: Daily limit one.

Oak Creek (Yakima County): Trout: Daily limit five, no minimum length.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapeosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective fishery regulations. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Okanogan River (Okanogan County): Year around season. Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle. Trout: Minimum length twelve inches. Release wild steelhead.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette River (Clallam County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Palouse River and tributaries (Whitman County): Year around season.

Palmer Lake (Okanogan County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Burbot: A single set line per fisher with unlimited hooks may be used for burbot, provided the set line is clearly identified with the fisher's name and address.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Selective fishery regulations. Trout: Minimum length twelve inches.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): March 1 through July 31 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Pataha Creek (Garfield County):

From mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: Last Saturday in April through October 31 season. Juveniles only.

From city limits of Pomeroy upstream: Selective fishery regulations.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year around season.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Phantom Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective fishing regulations. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stilliguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Portage Creek (tributary to Stilliguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective fishery regulations. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective fishery regulations. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Trout: Minimum length fourteen inches.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches. Release wild steelhead.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season: Trout: Minimum length fourteen inches. Release wild steelhead.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout: Daily limit five, no minimum length.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, not more than one wild steelhead per day.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Quincy Lake (Grant County): March 1 through July 31 season.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Rat Lake (Okanogan County): December 1 through March 31 season.

Rattlesnake Creek (Yakima County): Selective fishery regulations. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective fishery regulations, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective fishery regulations. Trout: Daily and possession limit one, minimum length eighteen inches.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (below Landsburg) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). Trout: Daily limit one.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective fishery regulations and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek, and April 1 through May 31 in Kettle arm upstream to Napoleon Bridge. Trout: No more than two over twenty inches in length. Walleye:

PERMANENT

No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective fishery regulations, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 season. Trout: Minimum length twelve inches. Release all steelhead and wild cutthroat. Additional season: November 1 through March 15. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective fishery regulations.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Salmon Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches. Release wild steelhead.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Chumming permitted. Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild steelhead December 1 through March 15.

From Highway 99 Bridge to department salmon rack: Closed waters.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective fishery regulations. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Selective fishery regulations on East Fork upstream from mouth of Bingham Creek. All open periods: Trout: Minimum length twelve inches. Release wild cutthroat, except on east fork above Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Release wild steelhead.

Middle Fork (Turnow Branch), from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through last day in February season. Trout: Release wild steelhead.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through last day in February season. Trout: Release wild steelhead.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Selective fishery regulations. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective fishery regulations. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Scabrock Lake (Grant County): March 1 through July 31 season.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season. Release wild steelhead.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoecraft Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Shoveler Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective fishery regulations. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: June 1 through March 31 season. Selective fishery regulations June 1 through November 30. Trout: Minimum length twelve inches. Release wild steelhead.

From Enloe Dam to Canadian border: Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective fishery regulations. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Release steelhead April 1 through May 31. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through last day in February season except closed June 15 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective fishery regulations, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches. Release wild steelhead.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From mouth of Church Creek to headwaters: Selective fishery regulations. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective fishery regulations. Trout: Release all fish.

Skookum Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From Skookumchuck Reservoir upstream and all tributaries: Selective fishery regulations. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional March 1 through April 30 season: Selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. All species: Release all fish.

From the mouth of the Sultan River to the forks: June 1 through March 31 season, except closed June 1 to 8:00

a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Release wild steelhead March 1 through March 31.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls: Closed waters.

From one thousand feet upstream of Bear Creek Falls to Quartz Creek: Selective fishery regulations. All species: Release all fish.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective fishery regulations. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Snake River: Year around season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Release wild steelhead September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Snoqualmie River (King County):

From mouth to the falls: June 1 through March 31 season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective fishery regulations, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Trout: Minimum length fourteen inches.

From Snoqualmie Falls, including the North and South Forks: Selective fishery regulations. Trout: Minimum length ten inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish.

Snoqualmie Middle Fork from mouth to source including all tributaries: Selective fishery regulations. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries except Crocker Lake: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective fishery regulations from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, not more than one wild steelhead per day. November 1 through April 30, from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek, release wild steelhead.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective fishery regulations except fishing from a floating device equipped with an electric motor permitted. Trout: Minimum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year around season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Kittitas County): Trout: Daily limit sixteen.

Spectacle Lake (Okanogan County): March 1 through July 31 season. All species: Release all fish except trout.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no more than one over twenty inches in length. Release walleye sixteen inches to twenty inches in length, and April 1 through May 31 release all walleye.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Selective fishery regulations. Trout: Daily limit one. Release wild trout.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Selective fishery regulations, except fishing from a floating device equipped with a motor permitted. Trout: Daily limit one, minimum length 12 inches.

Sportsman's Lake (San Juan County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Sprague Lake (Adams/Lincoln counties):

Waters northeast of the lakeside edge of the reeds to Danekas Road: Closed waters: Inlet stream (Negro Creek), April 1 through June 15. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Channel catfish: Daily limit five.

Waters southeast of the lakeside edge of the reeds to Danekas Road: July 1 through September 15 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Channel catfish: Daily limit five.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective fishery regulations. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective fishery regulations. Trout: Minimum length fifteen inches. Additional March 1 through June 30 season. Selective fishery regulations. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Bass: Daily limit one, minimum length eighteen inches.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year around season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Release wild steelhead May 1 through November 30.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year around season. Fly fishing only April 16 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Trout: Minimum length fourteen inches. Release wild steelhead March 1 through November 30.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through April 1 through May 31, release all walleye November 30 season.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective fishery regulations.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length

fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County), from mouth to Iron Creek: Selective fishery regulations.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Daily and possession limit two. Only bass less than twelve inches or over eighteen inches in length may be retained. Channel catfish: Minimum length twenty inches.

Tahuya River (Mason County): Trout: Minimum length twelve inches. Release wild cutthroat.

From mouth to Bear Creek-Dewatto Road crossing, additional November 1 through last day in February season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Taneum Creek (Kittitas County): Selective fishery regulations.

Tanwax Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year around season.

Tarboo Lake (Jefferson County): Last Saturday in April through October 31 season.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective fishery regulations. All species: Release all fish.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Trout: Daily limit five, no minimum length. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length.

Tilton River, East, North, South and West Forks (Lewis County): Selective fishery regulations. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokol Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective fishery regulations. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

From mouth of Yellow Creek upstream on North Fork: Trout: Selective fishery regulations and release all trout.

From dam upstream on South Fork: Selective fishery regulations. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From mouth to confluence of north and south forks: June 1 through October 31 season. Trout: Daily limit five. Release wild steelhead. Additional season: November 1 through April 15. All species: Release all fish except steelhead and brown trout. Trout: Steelhead and brown trout minimum size twenty inches. Release wild steelhead.

From confluence of north and south forks upstream, including all tributaries: June 1 through October 31 season. Release all steelhead.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. All species: Release all fish except steelhead. Trout: Minimum length twenty inches.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective fishery regulations. All species: Release all fish except steelhead. Trout: Release wild steelhead.

Tradition Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Selective fishery regulations. Trout: Minimum length fourteen inches.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries. During all open periods release wild steelhead.

From the Highway 261 Bridge upstream to Turner Road Bridge: Trout: Daily limit five, no more than two of which may be steelhead. Additional season November 1 through April 15. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Additional season November 1 through April 15. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to the Deer Lake footbridge about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From the Deer Lake footbridge to the Panjab Creek Bridge: Selective fishery regulations. Trout: Legal to retain Dolly Varden/Bull Trout in the daily trout limit, minimum length twenty inches.

From the Panjab Creek Bridge upstream: Closed waters.

Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.

Tunnel Lake (Skamania County): Last Saturday in April through last day in February season.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

Tye River (King County): June 1 through October 31 season: Selective fishery regulations. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish.

U Lake (Mason County): Last Saturday in April through October 31 season.

Uncle John Creek (Mason County): Closed waters.

Union River (Mason County):

From mouth to watershed boundary: Trout: Minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Last Saturday in April through October 31 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Voight's Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Waddell Creek (Thurston County): Selective fishery regulations. Trout: Minimum length twelve inches.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth to mouth of Olney Creek: Additional November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches

Walla Walla River (Walla Walla County): Wild steelhead release.

From mouth to the Touchet River: Year around season. Trout: Release trout April 1 through May 31.

From the Touchet River upstream to state line: June 1 through October 31. Additional season November 1 through April 15. All species: Release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective fishery regulations except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective fishery regulations except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass: Only bass less than 12 inches or over fifteen inches in length may be retained. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout

over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year around. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Release wild steelhead. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except steelhead. Trout: Release wild steelhead.

From bridge at Salmon Falls to its source: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild steelhead and wild cutthroat.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenatchee Lake (Chelan County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

From mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Selective fishery regulations June 1 through November 30. Trout: Minimum length twelve inches. Release wild steelhead.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective

fishery regulations. Trout: Minimum length twelve inches, maximum length twenty inches.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild steelhead.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Chumming permitted. Trout: No more than one over fourteen inches in length.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: June 1 through September 30: Closed waters. October 1 through last day in February season: Trout: Minimum length fourteen inches. Release wild steelhead.

From R Street Bridge to Highway 410 Bridge at Buckley, except waters of Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin are closed waters: October 1 through October 31 season only. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Year around season. Trout: Minimum length fourteen inches. Release wild steelhead.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout: Minimum length fourteen inches. Release wild steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective fishery regulations. Trout: Minimum length twelve inches.

Whitestone Lake (Okanogan County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective fishery regulations. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County), including all forks: Closed waters: Four hundred feet below falls on South Fork to falls.

From department boat launch in South Bend upstream: Trout: Minimum length fourteen inches.

From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek. Trout: Minimum length fourteen inches.

South Fork: Additional November 1 through last day of February season. Trout: Minimum length fourteen inches.

Williams Creek (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Selective fishery regulations. Trout: Daily and possession limit one, minimum length eighteen inches.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild steelhead.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Trout: Release wild steelhead.

Tye Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout: Minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective fishery regulations. Trout: Minimum length ten inches.

Wiser Lake (Whatcom County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Wishkah River (Grays Harbor County), including all forks: Closed waters: East and West forks, and mainstem from

four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to outlet. Trout: Minimum length twelve inches. Release wild cutthroat.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length twelve inches. Release wild cutthroat.

From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to four hundred feet below Roza Dam: Year around season. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Trout: Selective fishery regulations, and release all trout. Whitefish: Bait and single-pointed, barbed hooks may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective fishery regulations.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective fishery regulations. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

(3) Specific marine water exceptions to state-wide rules:

(a) Marine water area codes and boundaries:

(i) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.

(ii) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(iii) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(iv) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(v) Area 3 (La Push): From the Queets River north to Cape Alava.

(vi) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(vii) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(viii) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK F1 Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(ix) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(x) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(xi) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light # 2 on Camano Island (F1 red 4 sec.).

(xii) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light # 2 on Camano Island (F1 red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(xiii) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(xiv) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(xv) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(xvi) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(xvii) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

(b) Marine waters regulations: These regulations apply to all marine waters contained within the boundaries of

Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(i) Fishing hours: Twenty-four hours per day year around, except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(ii) License requirements: A valid current Washington state department of fish and wildlife game fish license, and, if appropriate, a steelhead license, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.

(iii) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(iv) Trout: Daily limit two fish, minimum length fourteen inches, except release Dolly Varden/Bull Trout and wild steelhead in all areas, release wild cutthroat in Marine Areas 12 and 13, and release all trout November 1 through May 31 in Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay).

Reviser's note: The spelling errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 97-07-078
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-53—Filed March 19, 1997, 11:45 a.m., effective May 1, 1997]

Date of Adoption: March 10, 1997.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-100, 220-56-103, 220-56-105, 220-56-128, 220-56-180, 220-56-205, 220-56-235, 220-56-255, 220-56-310, 220-56-320, 220-56-325, 220-56-330, 220-56-350, 220-56-355, 220-56-375, and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 96-21-151 on October 23, 1996; and WSR 97-05-075 on February 19, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-56-100, "fresh" redefined. "Frozen"

defined; WAC 220-56-115, two-rod proposal not adopted; WAC 220-56-180, frozen or processed salmon possession limited to forty pounds; WAC 220-56-225, proposed technical correction not adopted, continued to April 18-19; WAC 220-56-255, halibut season adjusted per Department of Commerce recommendations; WAC 220-56-310, Hood Canal shrimp limit change not adopted; WAC 220-56-312, shellfish possession limit change not adopted; WAC 220-56-315, Hood Canal vessel pot limit not adopted; WAC 220-56-320, shellfish pot construction clarified; WAC 220-56-350, clam seasons adjusted; and WAC 220-56-380, oyster seasons adjusted.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: May 1, 1997.

March 17, 1997

Lisa Pelly, Chairperson
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-100 Definitions—Personal use. (1) "Daily limit" means the maximum number or pounds of food fish, shellfish or seaweed of the required size of a given species or aggregate of species which a person may legally retain in a single day.

(2) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

"In the field or in transit" means any place other than at the ordinary residence ((or residential equivalency)) of the harvester ((or at a residence where the harvester is an invited guest. A residential equivalency is any temporary domicile that has sleeping, cooking and toilet facilities, and includes hotels and motels, motorhomes, the living quarters of vessels so equipped, camp trailers, and enclosed areas within fishing and hunting camps where a reasonable expectation of privacy is demonstrated, but does not include cold storage lockers, charter boats, or public facilities)). An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(3) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three

points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(4) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which does not use scent and/or flavoring to attract fish.

"Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

"Bait" means any substance which attracts fish by scent and/or flavors. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which uses scent and/or flavoring to attract fish.

(5) The term "processed" as it applies in this chapter is defined as food fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled or canned ((fish and is exclusive of iced, frozen, or salted fish)).

(6) The term "fresh ((fish))" is defined as ((salmon)) food fish or ((other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen)) shellfish that are refrigerated, iced, salted or surface glazed.

(7) The term "frozen" is defined as fish or shellfish that are hard frozen throughout.

(8) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

~~((8))~~ (9) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

"Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

"Spearing" or "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

~~((9))~~ (10) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

~~((10))~~ (11) The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

~~((11))~~ (12) The term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the lighthouse on Tatoosh Island to the buoy adjacent Duntz Rock then to Bonilla Point on Vancouver Island.

~~((12))~~ (13) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 near the mouth of the Columbia River.

~~((13))~~ (14) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler-Astoria Bridge and the Buoy 10 Line.

~~((14))~~ (15) The term "Channel Marker 13 Line" is defined as a true north-south line through Grays Harbor Channel Marker 13.

AMENDATORY SECTION (Amending Order 95-102, filed 8/15/95, effective 9/15/95)

WAC 220-56-103 Definitions—Landlocked chinook and coho. Chinook and coho taken from the following waters are defined as landlocked. A game fish license is required to fish for these species, a food fish license is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as ~~((game fish))~~ trout rules (except Lake Chelan). The angler's combined catch of landlocked salmon and trout applies toward the trout limit ~~((except Lake Chelan))~~.

- (1) Big Lake (Skagit County).
- (2) Clear Lake (Pierce County).
- (3) Cushman Reservoir (Mason County).
- (4) Mayfield Lake (reservoir) (Lewis County).
- (5) McMurray Lake (Skagit County).
- (6) Merwin (lake) Reservoir (Clark/Cowlitz County).
- (7) Riffe (lake) Reservoir (Lewis County).
- (8) Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).
- (9) Wilderness Lake (King County).
- (10) Wynoochee Reservoir (Grays Harbor County).
- (11) Chelan, Lake (Chelan County).
- (12) Roosevelt, Lake (Columbia River) (Stevens County).

(13) Spokane River (Spokane County).

(14) Tarboo Lake (Jefferson County).

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

- Abernathy Creek - Highway 4 Bridge.
 Bear River - Highway 101 Bridge.
 Bone River - Highway 101 Bridge.
 Chehalis River - ~~((U.P. Railway))~~ Highway 101 Bridge in Aberdeen.
 Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Hoquiam River - Highway 101 Bridge.

Humtulsips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Napoleon Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

Tucannon River - State Highway 261 Bridge.

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - Markers downstream of the Burlington Northern Railroad Bridge.

Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.

Willapa River - South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-56-128 Food fish fishing—Closed areas.

It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) Waters within 200 yards of the salmon net pens located near Sund Rock in Hood Canal are closed to the taking of food fish other than salmon at all times.

(15) Waters of the Titlow Beach Marine Preserve Area are closed to the taking of food fish at all times except that it is lawful to fish for salmon with artificial lures only from shore or a nonmotorized vessel.

(16) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to boat fishing downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(17) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(18) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(19) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(20) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(21) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(22) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(23) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(24) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-180 Daily limit codes. (1) Code A: In waters having this code designation, the daily limit in any one day is six salmon not less than 12 inches in length, not more than two of these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 12 inches in length

Atlantic salmon (no minimum length).

(2) Code C: In waters having this code designation, the daily limit in any one day is six chinook and coho salmon in the aggregate not less than 12 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

(3) Code D: In waters having this code designation, the daily limit in any one day is six salmon including Atlantic salmon not less than 12 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

(4) Code F: In waters having this code designation, the daily limit in any one day is two salmon including Atlantic salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April 16 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code G: In waters having this code designation, the daily limit is four salmon including Atlantic salmon, not more than two of which may be chinook salmon and the minimum size for chinook salmon is 22 inches in length.

(6) Code H: In waters having this code designation, the daily limit in any one day is three salmon including Atlantic salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April 16 through June 15 in Catch Record Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three

salmon daily limit may be chinook, except the daily limit in Catch Record Card Area 12 is three salmon of any species.

(d) During the period July 1 through September 30 the daily limit is 2 salmon of any species in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, and 9.

(7) Code I: In waters having this code designation, the daily and possession limits, size restrictions, and opening and closing dates are the same as those for ~~((gamefish))~~ trout (except Lake Chelan) as regulated under Title 77 RCW by the Washington fish and wildlife commission. A salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(8) The possession limit in all waters regulated under Daily Limits A, C, D, F, G, H, and special daily limits shall not exceed the equivalent of two daily limits ~~((of fresh salmon, and additional))~~ in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.

(9) In all freshwater areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-205 Hook rules—Nonbuoyant lures.

It is unlawful to fish for or to possess salmon taken for personal use from freshwater unless the hooks used meet the requirements of this section:

(1) Nonbuoyant lure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

Area	Time period
Naselle River (including all forks)	September 1-November 30
Willapa River	September 1-November 30
Humtulpis River	September 1-November 30
Satsop River (including all forks)	September 1-November 30
North Nemah River	September 1-November 30
Dungeness and Gray Wolf Rivers	August 1-October 15
Kennedy Creek	October 1-December 31
South Fork Nooksack River	August 1- (December)
Mouth to Skookum Creek	<u>October 31</u>
South Fork Nooksack River	June 1-September 30
Upstream from Skookum Creek	August 1-December 31
Big Quilcene River	August 1-December 31
Samish River	August 1-November 30
Stillaguamish River (including all forks)	August 1-December 31
Whatcom Creek	August 1-December 31
Cowlitz River	
From Mill Creek to Barrier Dam	April 1-October 31
Kalama River	
From 200 feet above Modrow Trap to mouth	September 1-October 31
North Lewis River	
From overhead powerlines below Ariel Dam to lower Cedar Creek Boat Ramp	April 1-October 31
Washougal River	
Downstream of Salmon Falls Bridge	September 1-October 31

PERMANENT

Icicle River From Leavenworth Federal Fish Hatchery to mouth	May 8-June 30
Wenatchee River From mouth of Icicle River to Highway 2 Bridge	May 8-June 15
Skagit River (and tributaries) Upstream of Gilligan Creek	July 1-November 30
Tokol Creek From mouth to posted cable markers	December 1-March 31
Capitol Lake	August 1 - November 30
Deschutes River	August 1 - November 30
Elochoman River	September 1 - November 30
Grays River	September 1 - November 30
Green/Duwamish River mouth to Highway 164 Bridge	August 1 - November 30
McAllister Creek	August 1 - November 30
Nisqually River	August 1 - November 30
Puyallup River mouth to Carbon River	August 1 - November 30
Skykomish River (including all forks)	August 1 - November 30
Snohomish River	August 1 - November 30
White/Stuck River	October 1 - November 30

PERMANENT

(2) No leads, weights or sinkers may be attached below or less than 12 inches above a buoyant lure.

(3) All hooks must be attached within three inches of the bait or lure.

AMENDATORY SECTION (Amending Order 96-13, filed 2/9/96, effective 5/1/96)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits (~~of fresh bottomfish. Additional bottomfish may be possessed~~) in ((a)) fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish minimum length 22 inches in Catch Record Card Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line;

(ii) 2 fish minimum length 22 inches in Catch Record Card Area 4 east of the Bonilla-Tatoosh line.

(b) Rockfish - 10 fish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolf-eel - 2 fish east of the Bonilla-Tatoosh line.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	((15)) <u>2</u> fish
Pollock	((15)) <u>2</u> fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish

Wolf-eel	2 fish
Cabezon	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	((15)) <u>2</u> fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	<u>2 fish</u>

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	3 fish
Surfperch	10 fish
Pacific cod	((2)) <u>0</u> fish
Pollock	((5)) <u>0</u> fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to use a gaff to land lingcod taken in Catch Record Card Areas 5 through 13.

(g) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-56-255 Halibut—Season. It is unlawful to fish for or possess halibut taken for personal use except from:

(1) Catch Record Card Area 1: Open May 1 through September 30, unless closed earlier by emergency regulation. Minimum size limit 32 inches in length.

(2) Catch Record Card Area 2 - Open May 1 through September 30, unless closed earlier by emergency regulation. The following waters are closed to halibut fishing: West of 124°40'W, north of 47°10'N and south of 47°31'42"N (Queets River).

(3) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: 12:01 a.m. Tuesday through 11:59 p.m. Saturday, ~~((beginning))~~ open May ((2)) 1 to June 30, unless closed earlier by emergency regulation, and open July 1 through September 30 unless closed by emergency regulation, except that the following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within a line from 48°18'N, 125°11'W to 48°18'N, 124°59'W to 48°04'N, 125°11'W to 48°04'N, 124°59'W to the point of origin.

(4) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: May ~~((25))~~ 22 through ~~((July 29))~~ August 10 - Open 12:01 a.m. Thursday through 11:59 p.m. Monday of each week during the open period (closed Tuesdays and Wednesdays).

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-310 Shellfish—Daily limits. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: ~~((First))~~ 7 clams ~~((taken)).~~

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all waters except Shrimp District 5 - 10 pounds, whole in the shell.

(b) In Shrimp District 5 (Hood Canal) - 7 pounds, whole in the shell.

(10) Octopus: 2 octopus.

(11) Pinto abalone: Closed state-wide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

WAC 220-56-320 Shellfish gear—Unlawful acts. (1) It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator, and in the case of Hood Canal shrimp gear, the name and address must appear exactly as it occurs on the recreational license form. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating on the water's surface when at least 5 pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

Effective January 1, 1996, it is unlawful to fish for crab with shellfish pot gear unless such gear has two escape rings located in the upper half of the pot:

PERMANENT

(a) Not less than 4-1/4 inches inside diameter if used in Puget Sound outside Hood Canal; or

(b) Not less than 4-1/8 inches inside diameter if used in Hood Canal, the Columbia River, Grays Harbor, Willapa Bay, or the Pacific Ocean.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

(7) Effective January 1, 1998, in the areas listed below, it is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of each shellfish pot must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter length of the bottom of the pot.

(i) Marine Area 7 - north of a line from Cattle Point to San Juan Island true east to Lopez Island, east of a line from Limestone Point on San Juan Island to Sandy Point on Waldron Island, south of a line from Point Hammond on Waldron Island to Point Doughty on Orcas Island, and west of a line from Foster Point on Orcas Island to Upright Head on Lopez Island.

(ii) Marine Area 8-1.

(iii) Marine Area 8-2.

(iv) Marine Area 9 - south of a line from Double Bluff to Foulweather Bluff.

(v) Marine Area 10.

AMENDATORY SECTION (Amending Order 96-13, filed 2/9/96, effective 5/1/96)

WAC 220-56-325 Shrimp—Areas and seasons. (1) The following areas shall be defined as personal use shrimp fishing Districts 1 through 6:

(a) Shrimp District 1 - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Shrimp District 2 - All waters of Griffin Bay south of a line projected east-west through Turn Rock Light from San Juan Island to Lopez Island, and north of a line projected east from Cattle Point on San Juan Island to Lopez Island;

(c) Shrimp District 3 - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(d) Shrimp District 4 - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(e) Shrimp District 5 - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(f) Shrimp District 6 - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as provided in this subsection:

(a) District 1 - Second Saturday in May ((16)) through ((September)) July 15;

(b) District 2 - Second Saturday in May ((16)) through September 15;

(c) District 3 - Second Saturday in May ((16)) through September 15;

(d) District 4 - Closed to all shrimp fishing;

(e) District 5 - 9:00 a.m. on the third Saturday in May until closed by emergency regulation (~~Open 9:00 a.m. Saturday to 2:00 p.m. Tuesday each week during the season set by emergency regulation. Shrimp pots may only be pulled between the hours of 9:00 a.m. and 2:00 p.m. All shrimp gear must be removed from the water from 2:00 p.m. Tuesday through 9:00 a.m. Saturday of each week~~);

(f) District 6 - Closed to all shrimp fishing;

(g) All other areas - The second Saturday in April through October 15.

(3) It is unlawful to possess spot shrimp taken for personal use from Catch Record Card Area 6 that are less than 6 inches in length and it is unlawful to land spot shrimp that are less than 6 inches in length in any port in Catch

Record Card Area 6. The length of spot shrimp is measured from the tip of the rostrum to the tip of the tail.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-330 Crab—Areas and seasons. (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The open shellfish pot gear season for crab in Puget Sound waters may open by emergency regulation prior to July 16, but if not previously opened by emergency regulation will open July 16 through April 15.

The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) Except as provided in subsection (1) of this section and except when waters of Hood Canal are open to recreational shrimp fishing, it is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) Except as provided in subsection (1) of this section and except when waters of Hood Canal are open to recreational shrimp fishing, it is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

(4) On days that Hood Canal is open to recreational shrimp fishing, it is unlawful to fish for or possess crab taken with shellfish pot gear. Ring net gear may be used during daylight hours.

(5) No crab fisher may set or pull crab pots, ring nets or star traps in the waters of Hood Canal between one hour after official sunset and one hour before official sunrise.

NEW SECTION

WAC 220-56-336 Crawfish—Areas and seasons. The open season for crawfish is the first Monday in May through October 31.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Ben Ure Spit: Open January 1 through ~~((May))~~ April 15.

(b) ~~((Birch Bay State Park: Open January 1 through July 15.~~

(c) ~~Brown Point DNR Beach 57 B is open April 1 through June 15.~~

(d)) Cama Beach State Park: Closed the entire year.

~~((e))~~ (c) Camano Island State Park: Open June 1 through June ~~((15))~~ 30.

~~((f)) Cultus Bay: State owned tidelands northeast Cultus Bay is open January 1 through June 15.~~

(g)) (d) Cutts Island State Park: Open January 1 through June 15.

~~((h))~~ (e) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

~~((i))~~ (f) Dosewallips State Park: Open ~~((January 1 through July 15))~~ entire year only in area defined by boundary markers and signs posted on the beach.

~~((j))~~ (g) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.

~~((k))~~ (h) Dungeness Spit - Open May 15 through September 30.

(i) Eagle Creek: Open ~~((January))~~ April 1 through April ~~((15))~~ 30.

~~((l))~~ (i) Fort Flagler State Park: Open April 1 through June ~~((30))~~ 15.

~~((m))~~ (k) Frye Cove - Open January 1 through July 31.

(l) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

~~((n)) Hood Canal (east side): DNR Beach 48 is open January 1 through May 15.~~

~~((o))~~ (m) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(n) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.

~~((p))~~ (o) Hope Island State Park (South Puget Sound): Open April 1 through June 15.

~~((q)) Illahee State Park: Open April 1 through April 30.~~

~~((r))~~ (p) Kayak Point County Park: Closed the entire year.

~~((s))~~ (q) Kitsap Memorial State Park: ~~((Open June 1 through June 30))~~ Closed the entire year.

~~((t))~~ (r) Kopachuck State Park: ~~((Open April 1 through May 15))~~ Closed the entire year.

~~((u))~~ (s) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

~~((v)) Long Point: Open January 1 through April 15.~~

~~((w))~~ (t) McNiel Island - All tidelands on McNiel Island are closed the entire year.

(u) Mukilteo State Park - Closed the entire year.

(v) Mystery Bay State Park: Open ~~((October))~~ April 1 through April 30.

~~((x))~~ (w) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Oyster Reserves on the east side of North Bay north of the power transmission lines.

(x) North Sequim Bay State Park - Open April 1 through June 15.

(y) Oak Bay County Park: Open January 1 through ~~((June))~~ May 15.

(z) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except the following are open the entire year:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet.

(iii) Oakland Bay: Tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

~~(aa) ((Penn Cove: The state-owned tidelands at the head of Penn Cove on Whidbey Island starting at the north end of Coveland and extending south to a bulkhead 200 feet south of Mueller Park: Open January 1 through July 15.~~

~~((bb))~~ Penrose Point State Park: Open May 1 through June 15.

~~((ee))~~ ((bb)) Picnic Point County Park: Closed the entire year.

((cc)) Pitt Island - All tidelands on Pitt Island are closed the entire year.

((dd)) Point Whitney (excluding Point Whitney Lagoon): Closed the entire year.

((ee)) Point Whitney Lagoon: Open June 1 through ~~((December))~~ July 31.

((ff)) Port Townsend Ship Canal: Open ~~((January))~~ April 1 through May 15.

~~((gg)) ((Potlatch: DNR tidelands at Potlatch are open April 1 through June 15.~~

~~((hh)) Potlatch State Park: Open April 1 through June 15.~~

~~((ii))~~ Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

~~((jj))~~ ((hh)) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign on the beach are open April 1 through ~~((September))~~ June 30, daily from official sunrise to official sunset only.

~~((kk))~~ ((ii)) Rendsland Creek: Open January 1 through ~~((May))~~ April 15.

~~((ll))~~ ((jj)) Saltwater State Park: Closed the entire year.

~~((mm)) Semiahmoo Marina: Open January 1 through August 15.~~

~~((nn)) Shine Tidelands State Park: Open January 1 through June 15.~~

~~((oo)) Snatellum Point: Open January 1 through June 15.~~

~~((pp)) South Indian Island County Park: Open April 1 through June 15.~~

~~((qq)) South Lilliwaup: Open January 1 through July 15 on those tidelands marked by orange posts attached to trees at south end of Lilliwaup Bay (approximately 700 feet of beach).~~

~~((rr))~~ ((kk)) Samish Island Recreation Area - Open January 1 through June 15.

((ll)) Scenic Beach State Park - Open April 16 through June 15.

((mm)) Sequim Bay State Park - Open April 1 through June 15.

((nn)) Spencer Spit State Park: Open April 1 through June 30.

~~((ss))~~ ((oo)) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

~~((tt))~~ ((pp)) Triton Cove State Park: Open April 1 through June 30.

~~((uu))~~ ((qq)) Twanoh State Park: Closed the entire year.

~~((vv))~~ ((rr)) Useless Bay Tidelands State Park: Open ~~((January))~~ April 1 through July ~~((15))~~ 31.

~~((ww))~~ ((ss)) West Dewatto: DNR Beach 44A is ~~((closed the entire year))~~ open January 1 through May 15.

~~((xx))~~ ((tt)) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

~~((yy))~~ ((uu)) Winas-Maylor Point East: Open January 1 through ~~((June))~~ April 15.

~~((zz))~~ ((vv)) Wolfe Property State Park: Open ~~((January))~~ April 1 through ~~((July 15))~~ May 31.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

Reviser's note: The spelling errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-56-355 Clams—Unlawful acts. (1) It shall be unlawful for any person digging hardshell clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

(2) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

(3) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell.

(4) It is unlawful to return any eastern softshells, horse clams, or geoducks to the beach or water regardless of size or condition. All such clams taken for personal use must be retained by the digger as part of the daily limit.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-375 Oysters and scallops—Gear. It shall be lawful to take, fish for and possess oysters and scallops taken for personal use by hand or with ~~((any hand-~~

operated instrument)) the aid of a hand-held manually operated prying tool. It is unlawful to use a hammer, mallet or other object to strike oysters and rock scallops during the removal process.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-56-380 Oysters—Areas and seasons. (1)

It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: ~~((DNR Beach 57-B is open April 1 through May 15))~~ Closed the entire year.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(c) Dosewallips State Park: ~~Open ((January 1 through August 15))~~ the entire year in areas defined by boundary markers and signs posted on the beach only.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(e) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

(f) ~~((Hahce State Park: Open March 1 through August 15.~~

~~((g))~~ Kitsap Memorial State Park: ~~Open ((June 1))~~ May 16 through December 31.

~~((h))~~ (g) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

~~((i) Mystery Bay State Park: Open January 1 through August 15.~~

~~((j))~~ (h) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year ~~((, except state-owned Oysters Reserves on the east side of North Bay north of the power transmission lines)).~~

~~((k))~~ (i) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

~~((j) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet.~~

~~((k))~~ Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

~~((l))~~ (j) Penrose Point State Park: Open May 1 through June 15.

~~((m) Point Whitney Lagoon: Open June 1 through December 31.~~

~~((n))~~ (k) Potlatch State Park: Open April 1 through September 15.

~~((o))~~ (l) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those tidelands on the west side of the bay defined by boundary markers and a sign at the beach are open April 1 through ~~((September))~~ June 30, daily from official sunrise to official sunset, only.

~~((p))~~ (m) Scenic Beach State Park: ~~Open ((January 1 through December 31))~~ April 16 through June 15.

~~((q) Seal Rock: U.S. Forest Service tidelands at Seal Rock are open January 1 through July 15.~~

~~((r))~~ (n) Triton Cove State Park: Open April 1 through June 30.

~~((s) West Dewatto: DNR Beach 44A is open April 1 through December 31.)~~ (o) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(p) Wolfe Property State Park - Open April 1 through August 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-160 Columbia River. (1) Daily Limit C - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. ~~((The following are closed waters:~~

~~((a) Chief Joseph Dam—waters between the west end of the tailrace deck downstream 400 feet to boundary markers in Okanogan County.~~

~~((b) Wells Dam—waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.))~~

(2) Rocky Reach Dam to Priest Rapids Dam: Daily Limit C - June 1 through September 15; Daily Limit A - September 16 through December 31. ~~((The following are closed waters: Rocky Reach, Rock Island and Wanapum Dams—waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.))~~

(3) Priest Rapids Dam to the Vernita Bridge: Daily Limit C - June 1 through August 15; Daily Limit A - August 16 through October 31; Daily Limit C - November 1 through December 31. ~~((The following are closed waters:~~

~~((a) Priest Rapids Dam—waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.~~

~~((b) Jackson (Moran) Creek—All waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.))~~

(4) Vernita Bridge to old Hanford townsite wooden power line towers; Daily Limit C - June 16 through August 15; Daily Limit A - August 16 through October 22.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Daily Limit C - June 1 through August 15; Daily Limit A - August 16 through December 31.

(6) Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: Daily Limit A - August 1 through December 31. It is unlawful to take or possess sockeye or chum salmon taken downstream of the Highway 395 Bridge.

~~((The following waters are closed to fishing for food fish at all times:~~

~~(a) McNary Dam — waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.~~

~~(b) John Day Dam — waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.~~

~~(c) The Dalles Dam — waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.~~

~~(d) Spring Creek — waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.~~

~~(e) Bonneville Dam — waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.))~~

(7) Interstate 5 Bridge to the Megler-Astoria Bridge: Daily Limit A - August 1 through March 31. During September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River north of a line from Abernathy Point Light to a boundary marker east of the mouth of Abernathy Creek. It is unlawful to take or possess sockeye or chum salmon taken downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge.

(8) Megler-Astoria Bridge to the Buoy 10 Line:

(a) Daily Limit F except release chinook salmon - August 1 through Labor Day. It is unlawful to use barbed hooks in the fishery provided for in this subsection.

(b) Daily limit F - the day after Labor Day through September 30.

(c) Daily Limit A - October 1 through March 31.

(d) It is unlawful to take or possess sockeye or chum salmon taken downstream from the Megler-Astoria Bridge to the Buoy 10 Line.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only when state waters north of the control zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the daily limit shall be the same as for the ocean waters when open. Also open to angling from the bank only concurrent with the Buoy 10 fishery. Daily limit and gear requirement will be identical with those in the Buoy 10 fishery. It is unlawful to take or possess sockeye or chum salmon taken from the North Jetty.

WSR 97-07-006
EMERGENCY RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed March 10, 1997, 11:20 a.m.]

Date of Adoption: March 5, 1997.

Purpose: Continued emergency rule for another month or until April 24, 1997, RE: TIAA/CREF retirement plan (previously filed under WSR 97-01-007).

Citation of Existing Rules Affected by this Order: Amending WAC 131-16-010, 131-16-011, 131-16-021, 131-16-050, and 131-16-060.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To achieve the maximum tax-deferral advantage for affected employees, the new rules must go into effect at the beginning of the tax year, January 1, 1997. The new rules were not completed with the retirement plan consultants until after the filing deadline.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 5, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 5, repealed 0.

Effective Date of Rule: Immediately.

March 10, 1997
 Claire C. Krueger
 Executive Assistant
 Administrative Rules Coordinator

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-010 Designation of community and technical college system retirement plan. There is hereby established for the eligible employees of the community and technical colleges of the state of Washington and the state board, a retirement plan which shall entitle such employees to purchase retirement annuities from the teachers' insurance annuity association (TIAA) and the college retirement equities fund (CREF), hereafter called the TIAA/CREF plan, subject to the provisions of WAC 131-16-011 through 131-16-066. This retirement plan is intended to comply with the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended. Notwithstanding the previous sen-

tence, the state board shall reserve the right to modify the plan to qualify under Section 403(a) of the Internal Revenue Code of 1986, as amended.

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-011 Definitions. For the purpose of WAC (~~(131-16-005)~~) 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any (~~(individual)~~) employee who is eligible to purchase retirement annuities through the TIAA/CREF plan (~~(and whose required contribution to such plan is matched by the employing college district or the state board pursuant to the provisions of WAC 131-16-050)~~) who, as a condition of employment, on and after January 1, 1997, shall participate in the TIAA/CREF plan upon initial eligibility.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, made by the state board to an eligible retired participant or designated beneficiary whose retirement benefits provided by the TIAA/CREF plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution or the state board or any year or fractional year of prior service in a Washington public retirement system while employed at a Washington public higher education institution: *Provided*, That the participant will receive a pension benefit from such other retirement system: *And provided further*, That not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "TIAA/CREF retirement benefit" means the amount of annual retirement income derived from a participant's accumulated annuities including dividends at the time of retirement: *Provided*, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the employing college district or the state board, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vacation leave in excess of the amount

payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education or the state board.

(9) "State board" means the state board for community college education as created in RCW 28B.50.050.

(10) "Appointing authority" means a college district board of trustees or the state board or the designees of such boards.

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-021 Employees eligible to participate in retirement annuity purchase plan. (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who are assigned a cumulative total of at least eighty percent of full-time workload as defined by the appointing authority at one or more college districts or the state board for at least two consecutive college quarters or who otherwise would be eligible for membership in the Washington state teachers retirement system.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: *Provided*, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Participation in the plan without matching employer contributions is also permitted for any employee of a college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state-sponsored retirement plan in which the employee participates: *Provided*, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) ~~((Any eligible employee who at the time of initial employment is required to or elects to become a participant~~

~~in this plan may also select at that time to delay active participation and payment of required contributions for two years following the date of initial employment.)) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate pursuant to an irrevocable salary reduction agreement. Such participation shall commence upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(1).~~

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

WAC 131-16-050 Contribution rates established. (1) Each participant in the TIAA/CREF plan shall contribute five percent of salary each pay period until attainment of age thirty-five (~~and~~); seven and one-half percent each pay period thereafter (~~and the employing district or state board shall contribute a like sum. A participant may further elect to increase the rate to ten percent of salary each pay period after attaining age fifty and the employing district or state board shall contribute a like sum~~) through and including age forty-nine; and ten percent of salary each pay period after attaining age fifty. Employees who are participants on December 31, 1996, shall make a one-time, irrevocable election to contribute to the plan on a pretax or after-tax basis, and such election shall not be changed during the remainder of the participant's eligibility at the district or state board. Required contributions made pursuant to an irrevocable salary reduction or deduction agreement are not subject to the elective deferral limits of Section 402 (g)(4) or (8) of the Internal Revenue Code of 1986, as amended. The employing district or state board shall contribute a sum equal to all required employee contributions under this plan. All employee and employer contributions to this plan shall be one hundred percent vested when made. The combined contributions may be allocated among the TIAA and CREF funds as directed by the participant.

(2) During periods when participants are on leave of absence and are receiving partial compensation, the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

(3) ~~((Any)) In addition to the required salary reduction or deduction agreement in subsection (1) of this section, an eligible employee may enter into ((an)) a voluntary agreement with the college district or state board to reduce the employee's monthly salary by ((the amount of the required employee's monthly contribution and any)) a supplemental amount, within the limits prescribed in the Internal Revenue Code((: *Provided*, That no more than one agreement for such salary reduction may be made within any tax year of the employee, except to the extent otherwise permitted by the Internal Revenue Code)).~~

AMENDATORY SECTION (Amending WSR 93-01-015, filed 12/4/92, effective 1/4/93)

March 14, 1997
Dirk Brazil
for Bern Shanks
Director

~~WAC 131-16-060 ((Repurchase of annuity contract under certain conditions.)) Cashability. ((In the event a participant leaves the employ of all Washington community and technical college districts and the state board and the participant requests repurchase of his or her TIAA/CREF accumulation, such repurchase is authorized: Provided, That TIAA/CREF's published repurchase guidelines applicable to the participant's contract are followed.)) Notwithstanding WAC 131-16-062(1), upon termination of employment at all community and technical college districts and the state board for at least one hundred eighty consecutive calendar days, a participant may elect to receive a lump sum payment of his or her TIAA/CREF account pursuant to the settlement options being made available by TIAA/CREF at that time.~~

WSR 97-07-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-55—Filed March 14, 1997, 3:59 p.m.]

Date of Adoption: March 14, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05100X; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of sturgeon are available in the Columbia River between Bonneville and McNary dams. This rule is consistent with the recommendations of the Columbia River Compact meeting of February 24, 1997, and sturgeon management task force catch guidelines.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 0, repealed 1.

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

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

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

Effective Date of Rule: Immediately.

NEW SECTION

WAC 220-32-05100Y Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open Periods:

Noon March 10 to 4:00 p.m. March 15;

Noon March 17 to 4:00 p.m. March 21, 1997.

(b) Open Area: SMCRA 1F, 1G, and 1H

(c) Mesh: No mesh restriction

(d) It is unlawful to retain sturgeon less than 48 inches or greater than 60 inches in length.

(2) Notwithstanding the provisions of WAC 220-32-058, closed areas at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad

tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100X Columbia River salmon seasons above Bonneville.

WSR 97-07-049
EMERGENCY RULES
POLLUTION LIABILITY
INSURANCE AGENCY
[Filed March 17, 1997, 1:07 p.m.]

Date of Adoption: March 17, 1997.

Purpose: This rule is being adopted to amend existing language in chapter 374-70 WAC. RCW 70.149.070 directs disbursement from the trust fund established by RCW 70.149.080. The Pollution Liability Insurance Agency is amending sections of chapter 374-70 WAC to protect the trust fund from future pollution liability insurance claims based on suspected heating oil releases from active heating oil tanks. This rule change will ensure that the purpose of the program is satisfied, but that program funds will not be expended to discover whether or not contamination actually exists. The burden of proof that a release has occurred is the responsibility of the tank owner/operator. Excavation of an underground heating oil tank is the responsibility of the tank owner/operator. These amendments will ensure fairness in the distribution of services and solvency of the heating oil pollution liability insurance program.

Citation of Existing Rules Affected by this Order: Repealing WAC 374-70-110; and amending WAC 374-70-020, 374-70-030, 374-70-060, 374-70-070, 374-70-080, 374-70-090, 374-70-100, 374-70-120, and 374-70-130.

Statutory Authority for Adoption: Chapter 70.149 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The heating oil pollution liability insurance program was established to address a solution to the threat posed to human health and the environment by accidental releases of heating oil from active heating oil tanks. The Pollution Liability Insurance Agency believes it is in the best interest of the citizens of Washington state that in order to protect the trust fund established by chapter 70.149 RCW, it is imperative that the burden of proof that a release from an active heating oil tank has occurred is the responsibility of owners/operators of active heating oil tanks. These amendments will ensure fairness in the distribution of services and solvency of the heating oil pollution liability insurance program.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 9, repealed 1.

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

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

Effective Date of Rule: Immediately.

March 17, 1997
James M. Sims
Director

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-020 Definitions. Unless the context requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Abandoned heating oil tank" means a heating oil tank system that has been abandoned or decommissioned and is no longer active and in use.

(2) "Accidental release" means a sudden or nonsudden release of heating oil from an active heating oil tank that results in bodily injury, property damage, or a need for corrective action, neither expected nor intended by the owner or operator.

(3) "Active" heating oil tank means a heating oil tank that:

(a) Is in use at the time of registration for the heating oil pollution liability insurance program;

(b) Has been in continuous use for a period of eighteen months prior to registration; and

(c) Has been continuously in use between registration and submission of a notice of claim.

(4) "Agency" means the Washington state pollution liability insurance agency established pursuant to chapter 70.148 RCW. For purposes of chapter 70.149 RCW, agency shall also mean staff or employees of the pollution liability insurance agency.

(5) "Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from the injury, sickness, or disease.

(6) "Claim" means a demand made by a named insured, or the insured's representative, for payment of the benefits provided under the heating oil pollution liability insurance program.

(7)(a) "Corrective action" means those actions reasonably required to be undertaken by the insured to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with a statute, ordinance, rule, regulation, directive, order, or similar legal requirement, in effect at the time of an accidental release, of the United States, the state of Washington, or a political subdivision of the United States or the state of Washington. "Corrective action" includes, where agreed to in writing, in advance by the insurer, action to remove, treat, neutralize, contain, or clean up an accidental release to avert, reduce, or eliminate the liability of the insured for corrective action, bodily injury, or property damage. "Corrective action" also includes actions reasonably necessary to monitor, assess, and evaluate an accidental release.

(b) "Corrective action" does not include:

(i) Removal, replacement or repair of heating oil tanks or other receptacles; ~~((e))~~

(ii) Replacement or repair of piping, connections, and valves of tanks or other receptacles; or

(iii) Costs directly associated with tank removal.

(8) "Director" means the director of the Washington state pollution liability insurance agency or the director's appointed representative.

(9) "Heating oil" means any petroleum product used for space heating in oil-fired furnaces, heaters, and boilers, including stove oil, diesel fuel, or kerosene. "Heating oil" does not include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or for industrial processing or the generation of electrical energy.

(10) "Heating oil tank" means an active tank and its connecting pipes, whether above or below ground, or in a basement, with pipes connected to the tank for space heating of human living or working space on the premises where the tank is located. "Heating oil tank" does not include a decommissioned or abandoned heating oil tank, or a tank used solely for industrial process heating purposes or generation of electrical energy.

(11) "Heating oil tank service provider" is an independent contractor responsible for ~~((all aspects of))~~ corrective action including ~~((excavation, tank/line removal,))~~ sampling and testing, remedial actions, site restoration, and submittal of required reports to PLIA.

(12) "Insurer" means the commercial insurance company providing pollution liability insurance to registered owners of heating oil tanks under the heating oil pollution liability insurance program. PLIA is the reinsurer of the commercial insurance company and acts as the designated representative of the insurer for the heating oil pollution liability insurance program.

~~((13))~~ (13) "MTCA" means the Model Toxics Control Act (chapter 70.105D RCW).

~~((14))~~ (14) "Named insured" means the individual insureds who are heating oil tank owners registered for coverage under the heating oil pollution liability insurance program.

~~((14))~~ (15) "Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in an accidental release from an active heating oil tank.

~~((15))~~ (16) "Owner" means the person, or his or her authorized representative, legally responsible for a heating oil tank, its contents, and the premises upon which the heating oil tank is located.

~~((16))~~ (17) "Owner or operator" means a person in control of, or having responsibility for, the daily operation of a heating oil tank.

~~((17))~~ (18) "Per occurrence, per site, per year" means one accidental release per site, per year.

~~((18))~~ (19) "Pollution liability insurance agency" (PLIA) means the Washington state pollution liability insurance agency established pursuant to chapter 70.148 RCW. For purposes of chapter 70.149 RCW, pollution liability insurance agency shall also mean staff or employees of the pollution liability insurance agency.

~~((19))~~ (20) "Pollution liability insurance agency trust account" means the pollution liability insurance agency trust account established under chapter 70.148 RCW and established in the custody of the state treasurer. Expenditures from the account are used for the purposes of chapter 70.148 RCW including the payment of costs of administering the pollution liability insurance program, and payment of reinsurance claims.

~~((20))~~ (21) "Property damage" means:

(a) Physical injury to, destruction of, or contamination of tangible property, including the loss of use of the property resulting from the injury, destruction, or contamination; or

(b) Loss of use of tangible property that has not been physically injured, destroyed, or contaminated but has been evacuated, withdrawn from use, or rendered inaccessible because of an accidental release.

~~((21))~~ (22) "Property damage restoration" means the restoration of property to a similar condition to that of the property prior to the accidental release. Restoration includes the replacement of sod, plants or concrete driveway or walkway, or the cleaning or replacement of carpet in the case of a basement tank.

~~((22))~~ (23) "Release" means a spill, leak, emission, escape, or leaching into the environment.

~~((23))~~ (24) "Third-party claimant" means a person alleged to have suffered property damage requiring corrective action or bodily injury as a direct result of a leak or spill from the heating oil tank of a named insured.

~~((24))~~ (25) "Third-party liability" means the liability of a heating oil tank owner to another person due to property

damage requiring corrective action or bodily injury that results from a leak or spill from an active heating oil tank.

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-030 Responsibility. (1) The director of the pollution liability insurance agency is directed by chapter 70.149 RCW to establish the heating oil pollution liability insurance program to assist owners and operators of active heating oil tanks. The agency implements and administers the pollution liability insurance program established by chapter 70.148 RCW and the heating oil pollution liability insurance program established by chapter 70.149 RCW.

(2) The location of the principal office and the mailing address of the agency is:

Pollution Liability Insurance Agency
State of Washington
1015 10th Avenue, S.E.
P.O. Box 40930
Olympia, WA 98504-0930

(3) The principal administrative and appointing officer of the agency is the director. The director may designate other employees of the agency to act in his or her behalf in the director's absence or with respect to those matters in which so doing would enhance the efficiency of the agency's operations.

(4) In administering the heating oil pollution liability insurance program, PLIA acts as the designated representative of the insurer providing pollution liability insurance to registered owners of heating oil tanks.

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-060 Coverage. (1) The effective date of coverage under the heating oil pollution liability insurance program is January 1, 1996. Thereafter, individual heating oil tank coverage shall become effective upon receipt, by PLIA, of the completed registration form. Corrective action for an accidental release occurring prior to the effective date of coverage will not be covered under the program.

(2) The heating oil pollution liability insurance program provides coverage for corrective action costs up to sixty thousand dollars per occurrence, per site, per year, exclusive of other valid insurance or warranties.

(3) Corrective action costs covered under the heating oil pollution liability insurance program include:

- (a) Corrective action if the accidental release occurs after the registration of an active heating oil tank;
- (b) Actions necessary to determine the extent and severity of an accidental release;
- (c) Costs, not to exceed sixty thousand dollars per occurrence, per site, per year;
- (d) Costs in excess of other valid insurance or warranties;
- (e) First-party property damage restoration, including landscaping, limited to one thousand five hundred dollars per occurrence, per site, per year;
- (f) Third-party property damage restoration, including landscaping, limited to one thousand five hundred dollars for each third-party claimant per occurrence, per site, per year;

(g) Excavation, treatment and/or removal and proper disposal of any soil or water contaminated by the accidental release and ~~((removal and))~~ proper disposal of nonrepairable heating oil tank or tanks; and

(h) Required soil and water sampling and testing to determine if corrective action standards have been met.

(4) Corrective action costs not covered under the heating oil pollution liability insurance program include:

- (a) Corrective action if the accidental release occurred prior to the registration of an active heating oil tank;
- (b) Costs covered by other valid insurance or warranties;
- (c) Costs in excess of sixty thousand dollars per occurrence, per site, per year, exclusive of other valid insurance or warranties;
- (d) Cleanup of contamination from other sources;
- (e) Removal, repair or replacement of the heating oil tank, lines, or furnace;
- (f) Emergency heat restoration procedures;
- (g) Cleanup of a site beyond the MTCA cleanup levels;
- (h) Corrective action associated with an abandoned or decommissioned heating oil tank or site;
- (i) First-party property damage restoration, including landscaping, in excess of one thousand five hundred dollars per occurrence, per site, per year;
- (j) Third-party property damage restoration, including landscaping, in excess of one thousand five hundred dollars for each third-party claimant per occurrence, per site, per year; and
- (k) Defense costs, including the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

(i) The United States, the state of Washington, or a political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or

(ii) A third party for bodily injury or property damage caused by an accidental release.

(5) If a claim exceeds sixty thousand dollars in total damages, coverage within the sixty thousand dollar policy limit shall be on a pro rata basis between the insured heating oil tank owner and third-party claimant(s).

(6) A claim will be accepted for coverage only after an investigation has confirmed the existence of an accidental release which is eligible for coverage under these rules.

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-070 Parties involved with an accidental release and corrective action. Among the potential parties involved when an accidental release is suspected from a heating oil tank or line are the heating oil tank owner or operator, adjacent property owners, heating oil supplier, PLIA, third-party administrator, department of ecology, and heating oil tank service providers.

(1) Heating oil tank owner or operator. All liabilities caused by an accidental release originating from a heating oil tank are the sole responsibility of the heating oil tank owner. The pollution liability insurance agency and/or the state of Washington accepts no liability, nor portion of the liability, from the heating oil tank owner. The heating oil tank

operator may submit forms to PLIA on behalf of the owner, however, no corrective action may be performed without the specific written consent of the heating oil tank owner. The heating oil tank owner or operator is responsible for ~~((selecting a heating oil tank service provider from the prequalified list supplied by PLIA, working with that service provider to file the appropriate forms and reports with PLIA, and for))~~ notifying the heating oil supplier in the case of a suspected accidental release and investigating the source and extent of the suspected accidental release. The heating oil tank owner is responsible for notification of homeowner's insurer and determination of whether coverage will be provided. If corrective action is implemented, the heating oil tank owner is responsible for selecting a service provider approved by the insurer and approving the completed corrective action.

(2) Adjacent property owners. If an accidental release migrates off-site, or is suspected to have migrated, the adjacent property owner may be involved in the corrective action. In this situation, the heating oil tank owner or operator shall notify PLIA of the occurrence and provide the adjacent property owner's name, address and telephone number.

(3) Heating oil supplier. Some heating oil suppliers provide customer services which may be a resource to evaluate a suspected accidental release to the environment. If after investigating a heating system malfunction, a heating oil supplier determines that an accidental release may have occurred, the heating oil supplier should inform the owner or operator of the accidental release.

~~(4) ((PLIA registers heating oil tanks, purchases insurance and provides reinsurance, provides a list of prequalified heating oil tank service providers, manages claims, investigates sites and provides certification that a claim is closed.~~

~~(5) Third party administrator. PLIA will appoint a third party administrator to perform all initial investigations and site assessments. Investigation will include, but not necessarily be limited to, verification that the accidental release is from an active, registered heating oil tank, investigation of the existence of any other valid insurance or warranties providing coverage for the heating oil tank and/or property, and determination of the extent and severity of the accidental release. The heating oil tank owner or operator shall cooperate fully with the third party administrator and supply any information necessary for the third party administrator to complete the initial investigation and site assessment, including, but not limited to, a copy of any homeowner, pollution liability, or environmental impairment insurance policy(ies). A report of the investigation will be submitted to PLIA. If no contamination requiring corrective action is discovered during the investigation, all costs associated with the investigation will be the responsibility of the heating oil tank owner.)~~ PLIA acts as the designated representative of the insurer for purposes of the heating oil pollution liability insurance program. PLIA provides informal advice and assistance to heating oil tank owners and operators, registers heating oil tanks for insurance coverage, provides listings of service providers approved by the insurer, manages claims for the insurer and provides certification that a claim is closed.

(5) Third-party administrator. PLIA may appoint a third-party administrator to assist in monitoring, investigation and corrective action.

(6) Department of ecology. The department of ecology administers state-wide laws and rules detailing MTCA cleanup standards for both soil and ground water. To be eligible for coverage under the heating oil pollution liability insurance program, corrective action must satisfy MTCA and pertinent local government requirements.

~~(7) Heating oil tank service provider. A heating oil tank service provider is an independent contractor ((responsible for all aspects of corrective action including excavation, tank/line removal, sampling and testing, remedial actions, site restoration, and submittal of required reports to PLIA)) who contracts with an owner or operator to perform corrective action, including submitting reports to PLIA on behalf of the owner or operator.~~

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-080 Claims ((procedures)). Coverage under the heating oil pollution liability insurance program shall be in excess of other valid insurance and warranties. Payment of a claim will be made only if the cleanup of contamination resulting from an accidental release is not covered by other valid insurance and warranties. Corrective action will be accomplished by the most cost-effective method available. To receive payment from the heating oil pollution liability insurance program for covered corrective action costs, the following actions are required:

(1) The claim must be for corrective action resulting from an accidental release from an active heating oil tank which has been registered with PLIA prior to the accidental release;

(2) The claim must satisfy all requirements and restrictions established by chapter 70.149 RCW and this chapter. Any failure to satisfy all requirements and restrictions may be a basis for denial of claim;

(3) The heating oil tank owner or operator must provide notice to PLIA that a potential claim exists within ~~((seven))~~ ten days of discovery that an accidental release may have occurred;

(4) Upon receipt of notice of a potential claim, PLIA will commence completion of the notice of claim, and will provide the heating oil tank owner or operator with a list of ~~((prequalified))~~ insurer approved heating oil tank service providers;

(5) The heating oil tank operator may submit reports and forms on behalf of the heating oil tank owner; however, no corrective action will be initiated or performed without the specific written consent of the heating oil tank owner;

~~(6) ((Initial investigation and site assessment will be performed by a third party administrator appointed by PLIA. Investigation will include, but not necessarily be limited to, verification that the accidental release is from an active, registered heating oil tank, investigation of the existence of any other valid insurance or warranties providing coverage for the heating oil tank and/or property, and determination of the extent and severity of the accidental release. The heating oil tank owner or operator shall cooperate fully with the third party administrator and supply any information necessary for the third party administrator to complete the initial investigation and site assessment, including, but not limited to, a copy of any homeowner, pollution liability, or environ-~~

~~mental impairment insurance policy(ies). A report of the investigation will be submitted to PLIA. If no contamination requiring corrective action is discovered during the investigation, all costs associated with the investigation will be the responsibility of the heating oil tank owner.))~~ The heating oil tank owner is responsible for investigation to determine the source and extent of a suspected accidental release. The heating oil tank owner is also responsible for notification of the homeowner's insurer and determination of whether coverage will be provided;

(7) If the claim is determined by PLIA to be valid, PLIA will so notify the heating oil tank owner or operator ((will be notified by PLIA to select)). The corrective action shall be performed by a heating oil tank service provider((, from the list of prequalified heating oil tank service providers, to perform corrective action. PLIA's list of prequalified heating oil tank service providers will be updated quarterly. The heating oil tank owner or operator must contact PLIA, prior to selecting a heating oil tank service provider, to confirm that the heating oil tank service provider is still included on the agency's list of prequalified heating oil tank service providers)) approved by the insurer;

(8) The ((prequalified)) heating oil tank service provider will notify PLIA of selection by the heating oil tank owner or operator. PLIA will then forward to the heating oil tank service provider the following forms:

(a) Scope of work proposal. This form will provide the heating oil tank owner or operator and PLIA a proposal of the extent and elements of corrective action, as well as a specific cost proposal;

(b) Change order. This form provides a proposal for change or deviation from the scope of work proposal;

(c) Project field report. This form provides a record of all corrective action and work elements, as well as a record of detailed costs. The project field report must include color photographs of the project at commencement, completion, and any significant steps in between, as well as appropriate project sketches and/or plans; and

(d) Claim report. This form will include a project closeout report, final cleanup report, and corrective action cost claim;

(9) The ((prequalified)) heating oil tank service provider will submit for approval to the heating oil tank owner or operator and to PLIA a scope of work proposal for corrective action at the heating oil tank site;

(10) Upon receipt of approval by the heating oil tank owner or operator and PLIA of the scope of work proposal, the heating oil tank service provider may commence work to accomplish corrective action ((in compliance with MTCA independent remedial action));

(11) All work performed by the heating oil tank service provider on behalf of the heating oil tank owner or operator and PLIA must be within the terms of the contract and the approved scope of work proposal and shall not exceed costs included in the scope of work proposal. Any change(s) or deviation(s) from the approved scope of work proposal must be accomplished through a change order request which must be approved in advance by the heating oil tank owner or operator and PLIA. Any work performed by the heating oil tank service provider that has not been approved, prior to performance, by the heating oil tank owner or operator and PLIA, or is beyond the terms of the scope of work proposal

or change order(s), or is in excess of costs approved in the scope of work proposal or change order(s), will not be paid or reimbursed under the heating oil pollution liability insurance program. Such work or excess costs will be the responsibility of the heating oil tank owner and/or heating oil tank service provider;

(12) Corrective action activities and costs must be recorded by the heating oil tank service provider on the project field report form provided by PLIA((~~The project field report must include color photographs of the project at commencement, completion and any significant steps between, as well as appropriate project sketches and/or plans~~));

(13) Upon completion of all corrective action, the heating oil tank owner or operator must sign the project closeout report indicating approval of and satisfaction with all work performed by the heating oil tank service provider;

(14) Upon completion of ((all)) corrective action and approval by the heating oil tank owner or operator, the heating oil tank service provider must submit to PLIA a complete claim report((~~The claim report will include the project closeout report, project field report, final cleanup report and corrective action cost claim. After review and approval of the claim report by PLIA, the heating oil tank service provider will receive payment~~));

(15) Upon completion of corrective action that appears to satisfy the requirements of all applicable state and local statutes, the director will certify that the claim has been closed;

(16) Approval of claims and payment of covered costs are contingent upon the availability of revenue. The director reserves the right to defer payment at any time that claim demands exceed the revenue available for the heating oil pollution liability insurance program. Payment will commence with sufficient revenue;

(17) PLIA will maintain all records associated with a claim for a period of ten years; and

(18) In the case of an emergency, the director may authorize deviation from this procedure to the extent necessary to adequately respond to the emergency.

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-090 Third-party claims((procedures)). Coverage under the heating oil pollution liability insurance program shall be in excess of other valid insurance and warranties. Payment of a claim will be made only if the cleanup of contamination resulting from an accidental release is not covered by other valid insurance and warranties. Corrective action will be accomplished by the most cost-effective method available. For a third party to receive payment from the heating oil pollution liability insurance program for covered corrective action costs, the following actions are required:

(1) The claim must be for corrective action resulting from a leak or spill from an active heating oil tank which has been registered with PLIA prior to the leak or spill;

(2) The claim must satisfy all requirements and restrictions established for third-party claims by chapter 70.149 RCW and this chapter. Any failure to satisfy all requirements and restrictions may be a basis for denial of claim;

(3) The third-party claimant must provide notice to PLIA that a potential third-party claim may exist within ~~((ten))~~ fifteen days of discovery that damage may have occurred from a leak or spill from a named insured's active heating oil tank;

(4) Upon receipt of notice of a potential claim, PLIA will commence completion of the notice of claim;

(5) ~~((Initial investigation and site assessment will be performed by a third party administrator appointed by PLIA. Investigation will include, but not necessarily be limited to, verification that the leak or spill is from an active, registered heating oil tank, investigation of the existence of any other valid insurance or warranties providing coverage for the heating oil tank and/or property, and determination of the extent and severity of the leak or spill. The third party claimant shall cooperate fully with the third party administrator and supply any information necessary for the third party administrator to complete the initial investigation and site assessment. A report of the investigation will be submitted to PLIA. If no contamination requiring corrective action is discovered during the investigation, all costs associated with the investigation will be the responsibility of the heating oil tank owner.))~~ If an accidental release from a named insured's heating oil tank has been confirmed, PLIA, as designated representative of the insurer will initiate an investigation to determine the extent and source of the contamination. Investigation will be performed by PLIA or a designated representative approved by the insurer. PLIA may also assist the named insured heating oil tank owner in determining if the insured's homeowner's insurance provides coverage for third-party damage. The third-party claimant shall cooperate fully with the investigator and provide any information or access necessary to complete the investigation;

(6) If the claim is determined by PLIA to be valid, the third-party claimant will be notified by PLIA to select a heating oil tank service provider, ~~((from the list of prequalified heating oil tank service providers))~~ approved by the insurer, to perform corrective action ~~((PLIA's list of prequalified heating oil tank service providers will be updated quarterly. The third party claimant must contact PLIA, prior to selecting a heating oil tank service provider, to confirm that the heating oil tank service provider is still included on the agency's list of prequalified heating oil tank service providers))~~;

(7) The ~~((prequalified))~~ heating oil tank service provider will notify PLIA of selection by the third-party claimant. PLIA will then forward to the heating oil tank service provider the following forms:

(a) Scope of work proposal. This form will provide the third-party claimant and PLIA a proposal of the extent and elements of corrective action, as well as a specific cost proposal;

(b) Change order. This form provides a proposal for change or deviation from the scope of work proposal;

(c) Project field report. This form provides a record of all corrective action and work elements, as well as a record of detailed costs. The project field report must include color photographs of the project at commencement, completion, and any significant steps in between, as well as appropriate project sketches and/or plans; and

(d) Claim report. This form will include a project closeout report, final cleanup report, and corrective action cost claim;

(8) The ~~((prequalified))~~ heating oil tank service provider will submit for approval to the third-party claimant and to PLIA a scope of work proposal for corrective action;

(9) Upon receipt of approval by the third-party claimant and PLIA of the scope of work proposal, the heating oil tank service provider may commence work to accomplish corrective action ~~((in compliance with MTCA independent remedial action))~~;

(10) All work performed by the heating oil tank service provider on behalf of the third-party claimant and ~~((PLIA))~~ the insurer must be within the terms of the contract and the approved scope of work proposal and shall not exceed costs included in the scope of work proposal. Any change(s) or deviation(s) from the approved scope of work proposal must be accomplished through a change order request which must be approved in advance by the third-party claimant and PLIA. Any work performed by the heating oil tank service provider that has not been approved, prior to performance, by the third-party claimant and PLIA, or is beyond the terms of the scope of work proposal or change order(s), or is in excess of costs approved in the scope of work proposal or change order(s), will not be paid or reimbursed under the heating oil pollution liability insurance program. Such work or excess costs will be the responsibility of the third-party claimant and/or heating oil tank service provider;

(11) Corrective action activities and costs must be recorded by the heating oil tank service provider on the project field report form provided by PLIA ~~((The project field report must include color photographs of the project at commencement, completion and any significant steps between, as well as appropriate project sketches and/or plans))~~;

(12) Upon completion of all corrective action, the third-party claimant must sign the project closeout report indicating approval of and satisfaction with all work performed by the heating oil tank service provider;

(13) Upon completion of ~~((aH))~~ corrective action and approval by the third-party claimant, the heating oil tank service provider must submit to PLIA a complete claim report. ~~((The claim report will include the project closeout report, project field report, final cleanup report and corrective action cost claim.))~~ After review and approval of the claim report by PLIA, the heating oil tank service provider will receive payment;

(14) Upon completion of corrective action that appears to satisfy the requirements of all applicable state and local statutes, the director will certify that the claim has been closed;

(15) Approval of claims and payment of covered costs are contingent upon the availability of revenue. The director reserves the right to defer payment at any time that claim demands exceed the revenue available for the heating oil pollution liability insurance program. Payment will commence with sufficient revenue;

(16) PLIA will maintain all records associated with a claim for a period of ten years; and

(17) In the case of an emergency, the director may authorize deviation from this procedure to the extent necessary to adequately respond to the emergency.

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-100 Service provider requirements and procedures. (1) All corrective action shall be performed by ~~((prequalified))~~ insurer approved heating oil tank service providers. A heating oil tank service provider is an independent contractor responsible for ~~((all aspects of))~~ corrective action including excavation, ~~((tank/line removal,))~~ sampling and testing, remedial actions, site restoration, and submittal of required reports to PLIA. ~~((PLIA will maintain a list of prequalified heating oil tank service providers. This list will be made available to heating oil tank owners and operators. PLIA will continually monitor the performance of the prequalified heating oil tank service providers.~~

~~((2))~~ (2) To qualify as a prequalified heating oil tank service provider, a contractor must submit to PLIA the following documents:

~~((a))~~ (a) Certificates of insurance covering general liability, vehicles, and workers' compensation, including limits of coverage;

~~((b))~~ (b) Copy of state general contractor's license; and

~~((c))~~ (c) A signed agreement to terms and conditions, established by PLIA, for prequalified heating oil tank service providers.

~~((3))~~ (2) Once retained, the heating oil tank service provider works with the insurer, PLIA, as the insurer's designated representative, the heating oil tank owner or operator and/or the third-party claimant to perform the following:

(a) Perform the corrective action;

(b) Document the costs of the corrective action; and

(c) File the forms required to receive payment from the heating oil pollution liability insurance program.

~~((4))~~ (3) All ~~((prequalified))~~ heating oil tank service providers must follow claims procedures as outlined in WAC 374-70-070.

~~((5))~~ (4) Whenever possible, all corrective action activities must meet the criteria established by MTCA and any pertinent local ordinances or requirements.

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-120 Appeals. (1) A person may appeal any of the following decisions made under the heating oil pollution liability insurance program to the director:

(a) A denial of eligibility for coverage;

(b) Amount of payment allowed for corrective action;

(c) Amount of payment allowed for property damage;

(d) Amount of payment allowed for a third-party claim;

and

(e) A determination that cleanup does not meet MTCA standards;

~~((f))~~ (f) A denial of inclusion on the agency's list of prequalified heating oil tank service providers; and

~~((g))~~ (g) Removal of a heating oil tank service provider from the agency's list of prequalified heating oil tank service providers).

(2) A person has forty-five days after the decision to file a written request for a hearing.

(3) If the written request for a hearing is received within forty-five days, the director shall conduct an adjudicative hearing proceeding under chapter 34.05 RCW.

(4) If the written request for a hearing is not received within forty-five days after the decision, no further consideration will be given to the appeal.

AMENDATORY SECTION (Amending WSR 96-01-101, filed 12/19/95, effective 1/19/96)

WAC 374-70-130 Confidentiality of information. (1) All information obtained during heating oil tank registration shall be confidential and may not be ~~((made))~~ subject to public ~~((or otherwise disclosed to any person, firm, corporation, agency, association, government body, or other entity))~~ disclosure under chapter 42.17 RCW.

(2) All examination and proprietary reports and information obtained in soliciting bids from insurers and in monitoring the selected insurer shall be confidential and may not be made public or otherwise disclosed to any person, firm, corporation, agency, association, government body, or other entity.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 374-70-110 Quality assurance.

WSR 97-07-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-49—Filed March 17, 1997, 3:01 p.m., effective April 15, 1997, 12:01 a.m.]

Date of Adoption: March 17, 1997.

Purpose: Commercial regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-03000K; and amending WAC 220-52-030.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There is adequate resource available for commercial harvest in an area that is not readily accessible to recreational harvest.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: April 15, 1997, 12:01 a.m.
March 14, 1997
Dirk Brazil
for Bern Shanks
Director

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: April 3, 1997, 12:01 a.m.
March 14, 1997
Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-52-03000K Razor clams. Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to dig for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:

(1) Those waters and beaches of Razor Clam Area 1 lying south of the Willapa Bay Ship channel, west of Ellen Sands, and northerly of a line of boundary markers consisting of posts and flagging near the northern tip of Leadbetter Point, are open from 12:01 a.m. April 15, 1997 through 11:59 p.m. May 31, 1997.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 1, 1997:

WAC 220-52-03000K Razor clams.

**WSR 97-07-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-48—Filed March 17, 1997, 3:04 p.m., effective April 3, 1997, 12:01 a.m.]

Date of Adoption: March 17, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000U; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Area 2 and those portions of Razor Clam Area 3 specified above. Clams from these areas have been certified by the Department of Health as safe for human consumption.

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

NEW SECTION

WAC 220-56-36000U Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, except as provided for in this section:

(1) Effective 12:01 a.m. April 5, 1997 through 11:59 a.m. April 13, 1997, on odd numbered days, between 12:01 a.m. and 11:59 a.m. only, razor clam digging is allowed in Razor Clam Area 2.

(2) Effective 12:01 a.m. April 5, 1997 through 11:59 a.m. April 13, 1997, on odd numbered days, between 12:01 a.m. and 11:59 a.m. only, razor clam digging is allowed in that portion of Razor Clam Area 3 between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson county) and Olympic National Park Beach Trail 3 (Kalaloch area, Jefferson County).

(3) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or copalis Beach Clam sanctuaries defined in WAC 220-56-372.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 Noon April 13, 1997:

WAC 220-56-36000U Razor clams—Areas and seasons.

**WSR 97-07-054
EMERGENCY RULES
FOREST PRACTICES BOARD
[Filed March 18, 1997, 8:50 a.m.]**

Date of Adoption: February 12, 1997.

Purpose: To modify forest practices rules, in order to protect public resources while maintaining a viable forest products industry.

EMERGENCY

Citation of Existing Rules Affected by this Order:
Amending WAC 222-12-090 and 222-16-030.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: New data has shown that the physical characteristics of streams, as defined in the current forest practices rules, are no longer accurate. This emergency rule updates those physical characteristics based on current knowledge so that appropriate resource protection can be provided to fish habitat and water quality.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

Effective Date of Rule: Immediately.

March 10, 1997

Jennifer M. Belcher

Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 92-15-113, filed 7/21/92, effective 8/21/92)

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13) Guidelines for determining fish use for the purpose of typing waters under WAC 222-16-030.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-16-030 Water typing system. *The department in cooperation with the departments of fisheries, wildlife and ecology, and in consultation with affected Indian tribes shall classify streams, lakes and ponds and prepare stream classification maps showing the location of Type 1, 2, 3 and 4 Waters within the various forested areas of the state. Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make available informal conferences, which shall include the departments of fisheries, wildlife and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

***(1) "Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

***(2) "Type 2 Water"** shall mean segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet and tributaries if highly significant for protection of downstream water quality;

(c) Are within a federal, state, local, or private campground having more than 30 camping units: *Provided*, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

~~((e))~~ (d) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high-water marks and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water.

~~((d))~~ (e) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a stream bearing salmonids and accessible during some period of the year; and

(ii) The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.

*3) "Type 3 Water" shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous or resident game fish for spawning, rearing or migration. Guidelines for determining fish use are described in the Forest Practices Board Manual. If fish use has not been determined:

(i) Waters having the following characteristics are presumed to have significant anadromous or resident game fish use:

~~((f))~~ (A) Stream segments having a defined channel of ~~((5))~~ 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient ~~((of less than 12))~~ 16 percent ~~((and not upstream of a falls of more than 10 vertical feet))~~ or less;

(B) Stream segments having a defined channel of 2 feet or greater in width between the ordinary high-water marks in Western Washington; or 3 feet or greater in width between the ordinary high-water marks in Eastern Washington; and having a gradient greater than 16 percent and less than or equal to 20 percent; and having greater than 50 acres in contributing basin size in Western Washington; or greater than 175 acres in contributing basin size in Eastern Washington based on hydrographic boundaries;

(ii) The department shall waive or modify the characteristics in (i) above where:

(A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting anadromous or resident game fish;

(B) Snowmelt streams have short flow cycles that do not support successful life history phases of anadromous or resident game fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or

(C) Sufficient information about a geographic region is available to support a departure from the characteristics in (i), as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties.

~~((g))~~ (iii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.

~~((e))~~ Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

~~((i))~~ Stream segments having a defined channel of 10 feet or greater in width between the ordinary high-water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.

~~((j))~~ (iv) For resident game fish ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.

~~((d))~~ (c) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

*4) "Type 4 Water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high-water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.

*5) "Type 5 Water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff.

*6) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden

trout are anadromous game fish and should not be confused with resident game fish.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "Intermittent streams" means those segments of streams that normally go dry.

WSR 97-07-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Order 97-57—Filed March 18, 1997, 10:25 a.m., effective March 18, 1997, 12:01 a.m.]

Date of Adoption: March 17, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900G; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: As of the week ending March 7, 1997, only eight wild steelhead had returned to the White River Trap at Buckley. Historically, at least ten percent of the total White River wild steelhead return has been trapped by that date. If that relationship holds true this year, the 1997 White River wild steelhead return will be the lowest on record. The proposed closure will protect wild White River steelhead migrating through the lower mainstem Puyallup River and into the White River.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: March 18, 1997, 12:01 a.m.

March 17, 1997

Dirk Brazil

for Bern Shanks

Director

NEW SECTION

WAC 232-28-61900G 1997 Washington game fish seasons and catch limits—Regional regulations exceptions—Puyallup River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. March 18, 1997, the following regulation applies:

Puyallup River - From the mouth upstream to the East Main Avenue Bridge in Puyallup: Closed to fishing 12:01 a.m. March 18, 1997 through 11:59 p.m. March 31, 1997.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. March 31, 1997:

WAC 232-28-61900G	1997 Washington game fish seasons and catch limits—Regional regulation exceptions—Puyallup River.
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WSR 97-07-001
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYEES BENEFITS BOARD
[Memorandum—March 4, 1997]

As we begin to enter the procurement and benefit cycle, it will be necessary to change some of the meeting dates. All members were contacted last week and were in favor of canceling the March 11, 1997, special meeting of the Public Employees Benefits Board.

The next board meeting will be held on April 8, 1997, at the Attorney General Conference Room in Lacey, Washington. As discussed, the agenda for the April 8, 1997, meeting will incorporate some agenda items from the February 25 meeting that was canceled. In order to accommodate the lengthy agenda, lunch will be provided for board members beginning at 11:15 a.m. A cafeteria is also available in the same building where the meeting will be held.

The agenda covered from 11:30 until 1:00 will include presentations on performance reporting and accountability measures in health plan purchasing, as well as the legal, logistical and political parameters of collecting and reporting data, and quality assurance efforts by the Health Care Authority. The regular meeting will begin at 1:00 p.m. to discuss benefit design.

In addition, the 1997 meeting schedule needs to be revised in order to accommodate the request for proposal process. This revised schedule is attached and will be voted upon at this meeting. Judy Lamm will be contacting each of you within the next week to ensure that the new schedule does not conflict with your calendars.

If you have any questions, please contact Judy Lamm or the board assistant, at (360) 923-2828.

WSR 97-07-004
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—March 3, 1997]

BOARD OF TRUSTEES
NOTICE OF MEETINGS
TO MEDIA/OTHER

The Edmonds Community College board of trustees may attend the following functions during the month of March.

- March 20, 1997 EdCC Board of Trustees Meeting
 Sno-King Building Boardroom 103
 6600 196th Street S.W.
 Lynnwood, WA
- March 31, 1997* Student Programs V.I.P. Social
 Edmonds Community College
 Triton Union Building, Room 202
 20200 68th Avenue West
 Lynnwood, WA

*These events are being scheduled as special meetings, which are study sessions where no action will be taken.

WSR 97-07-005
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIRE FIGHTERS
[Memorandum—March 5, 1997]

This is to inform you that the April 18, 1997, meeting of the State Board for Volunteer Fire Fighters has been rescheduled. The meeting will take place at 9:00 a.m. on April 11, 1997, in Suite 112 of the Olympia Forum Building, 601 11th Avenue S.E.

WSR 97-07-009
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—March 5, 1997]

The board of trustees of Community College District 24 will hold a special meeting of the board on Wednesday, March 19, 1997, 5:00 p.m. to 7:00 p.m., in the Boardroom of the Administration Building, Centralia College, Centralia, Washington, for the purpose of attending a video conference with Centralia College and Grays Harbor College trustees.

WSR 97-07-010
RULES OF COURT
STATE SUPREME COURT
[March 10, 1997]

IN THE MATTER OF THE ADOPTION) ORDER
OF NEW SPR 98.16W) NO. 25700-A-598

The Washington State Bar Association having recommended the adoption of proposed New SPR 98.16W and the Superior Court Judges' Association having amended the proposed rule. The Court determined that the proposed new rule as amended will aid in the prompt and orderly administration of justice and further that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed new rule as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the new rule will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this ____ day of March, 1997.

Durham, C.J.

Dolliver, J.

Madsen, J.

Smith, J.

Talmadge, J.

Guy, J.

Alexander, J.

Johnson, J.

Sanders, J.

MISCELLANEOUS

SPR 98.16W

ESTATES—GUARDIANSHIP—SETTLEMENT OF CLAIMS
OF MINORS AND INCAPACITATED PERSONS

(a) **Approval of Settlement Required.** In every settlement of a claim, whether or not filed in court, involving the beneficial interest of an unemancipated minor or person determined to be disabled or incapacitated under RCW 11.88, the court shall determine the adequacy of the proposed settlement on behalf of such affected person and reject or approve it. If a suit for recovery on behalf of the affected person has been previously maintained, then the petition shall be filed in that county, or if no such suit exists, then in the county where the affected person resides, unless either court orders otherwise.

(b) **Petition.** The petition for approval of settlement on behalf of the affected person shall contain, as a minimum and to the full extent known:

- (1) the affected person's full name and date of birth;
- (2) the general identification and relationship of others having claims or potential claims arising from the same matters and identity of their counsel;
- (3) the description and amount of all liens, subrogation or reimbursement claims, fees, bills, costs or expenses connected with the affected person's claim;
- (4) the description and amount of all liens, reimbursements, fees, costs or expenses requested to be paid from the settlement funds to be deposited with the court (or the maximum claimed for reimbursement if any item is being disputed or negotiated further), including a columnar listing of all amounts to be received, all amounts to be paid or the maximum claimed and concluding with the net amount of money or other property remaining for the affected person.

(c) **Appointment, Role and Termination of the Settlement Guardian ad Litem; Exceptions to Appointment.**

(1) Upon filing of the petition, the court shall appoint a Settlement Guardian ad Litem to assist the court in determining the adequacy of the proposed settlement. The Settlement Guardian ad Litem shall conduct an investigation and file a written report with the court with a recommendation regarding approval and final disposition within 45 days of appointment or such other time as the court may order. The court, if appropriate under existing law, may order that all or part of the report and contents shall be confidential or sealed. Upon filing of the report and appearing at the hearings as may be required, the Settlement Guardian ad Litem is exonerated from further duties unless otherwise ordered by the court.

(2) The court may dispense with the appointment of the Settlement Guardian ad Litem if by written finding the court determines a guardian ad litem, a guardian, or limited guardian has been previously appointed or if the court affirmatively finds that the affected person is represented by independent counsel, so long as the guardian ad litem, guardian, limited guardian, or independent counsel has the qualifications which would be required for a Settlement Guardian ad Litem and neither has nor represents interests in conflict with those of the affected person which would not be allowed for a Settlement Guardian ad Litem. Independent counsel's fee interest in the claim, if allowed by the Rules of Professional Conduct, is not a disqualifying interest. If a

Settlement Guardian ad Litem is not required, the independent counsel, guardian ad litem, guardian or limited guardian shall file the report.

(d) **Qualifications of Settlement Guardian ad Litem.** The Settlement Guardian ad Litem shall be an attorney with at least five years of pertinent legal experience and such other qualifications as the court may require. The Settlement Guardian ad Litem shall neither have nor represent any interest in conflict with the affected person, including but not limited to the conflicting interests of parents or others legally responsible for medical care of the affected person.

(e) **Report of Settlement Guardian ad Litem.** The report of the Settlement Guardian ad Litem or other person authorized above shall include a description, in depth appropriate to the magnitude of injuries and settlement, of at least:

- (1) the background of the appointment and qualifications of the writer including any relationship with involved parents, guardians, insurers or attorneys;
- (2) a description of the investigation conducted, the persons interviewed and the documents reviewed, if any;
- (3) a description of the incident and the affected person's potential legal claims;
- (4) a description of the affected person's injuries, general treatment, diagnosis and prognosis attaching a recent supporting medical report or office record;
- (5) a discussion of the damages potentially recoverable including identification of all special damages;
- (6) a discussion of the potential liability of all persons and entities;
- (7) an identification of other insurance or collateral sources for payment of any bills or expenses;
- (8) a discussion and recommendation regarding any lien, subrogation or reimbursement claims, including any suggested retention in an attorney's trust account of the full amount claimed until the final resolution of such claim;
- (9) an identification of all other claims, specifically including any claims held by other family members;
- (10) a discussion of any proposed apportionment of claim proceeds among family members or unrelated claimants, if any;
- (11) a discussion and recommendation regarding the proposed settlement form, documents and amounts;
- (12) a discussion and recommendation regarding the expenses and fees for which payment is requested;
- (13) a discussion and recommendation regarding the requested disposition of net proceeds;
- (14) a statement of time spent, expenditures made and the fees and costs requested by the Settlement Guardian ad Litem;
- (15) a discussion and recommendation regarding the presence of the affected person and the Settlement Guardian ad Litem at any court hearings on the Petition;
- (16) a statement as to whether the Petition has been submitted for approval in any other jurisdictions.

(f) **Hearing.** At the time the petition for approval of the settlement is heard, the allowance and taxation of all fees, costs, and other charges incident to the settlement shall be considered and disposed of by the court. The court by local rule or by specific direction, may require or waive the presence of the affected person or the Settlement Guardian ad Litem.

(g) Attorney's Fees and Costs. Any attorney claiming fees, costs or other charges incident to representation of the affected person, from the claim proceeds or otherwise, shall file an affidavit or declaration under RCW 9A.72.085 in support thereof. Copies of any written fee agreements must be attached to the affidavit or declaration.

(h) Deposit in Court and Disbursements. Except for any structured portion of a settlement, the total judgment or settlement shall be paid into the registry of the court, or as otherwise ordered by the court. All sums deductible therefrom, including costs, attorney's fees, hospital and medical expenses, and any other expense, shall be paid upon approval of the court.

(i) Form for Payment of Remaining Funds. Checks for funds payable to the affected person may be made out by the clerk jointly to the depository bank, trust company, or insured financial institution and to the independent attorney for the affected person, guardian or limited guardian, or trustee, and deposit shall be made to the trust or into a blocked account for the affected person with provision that withdrawals cannot be made except as provided in the trust instrument or as ordered by the court. A deposit receipt to that effect must timely be filed with the court by the payee.

(j) Control and Orders for Remaining Funds. In calculating the amount remaining from a structured settlement, if the settlement required court approval only because the affected person was an unemancipated minor, then only the payments received and to be received before attaining majority age are counted. All orders directing funds to a blocked account should recite that the funds are payable upon further order of the court or to the affected person at his or her age of majority, which date should be specified. Upon approval of settlement and payment of all authorized fees, bills and expenses, the court shall order one of the following actions:

(1) *\$25,000 or Less.* If the money or the value of other property remaining after deduction for all approved fees, bills and expenses is \$25,000 or less, the court shall require that:

(A) the money be deposited in a bank or trust company or be invested in an account in an insured financial institution for the benefit of the affected person, subject to withdrawal only upon the order of the court as a part of the original proceeding; or

(B) the money or property be paid to a duly appointed and qualified guardian or limited guardian; or

(C) the money be placed in trust, subject to the conditions set forth in subsection (3).

(2) *More than \$25,000.* If the money or the value of other property remaining after deduction for all approved fees, bills and expenses exceeds \$25,000, the court in the order or judgment shall:

(A) if there is an existing or newly created guardian or limited guardian who approves, require that the money be deposited in a bank or trust company or be invested in an account in an insured financial institution for the benefit of the affected person, subject to withdrawal only upon the order of the court handling the guardianship or limited guardianship;

(B) if there is no guardian or limited guardian of the affected person or no approval under (A), the court in the

order or judgment shall require that either a guardian or limited guardian be appointed; or

(C) the money or other property be placed in trust, subject to the conditions set forth in subsection (3).

(3) *Conditions for Use of Trust.* A trust established pursuant to this rule under subsection (1) or (2) must meet the following requirements:

(A) The selection of the trustee(s) and the terms of the trust shall be subject to the court's approval;

(B) No family member of the affected person, or other potential residual beneficiary of the trust, shall be approved by the court as a sole trustee;

(C) A bonded or insured fiduciary shall be designated as a sole trustee or as co-trustee with principal responsibility for financial management of the trust estate;

(D) The fiduciary shall prepare an annual statement of income, expenses, current assets, and fees charged; shall deliver the statement to any co-trustees, the beneficiary, and the beneficiary's personal representative; and shall present the statement for review and approval by the court having jurisdiction over the beneficiary;

(E) No family member or potential residual beneficiary who serves as a co-trustee shall exercise discretionary authority over individual expenditures from the trust that would bring direct or indirect benefit to that individual; and

(F) The administration of the trust shall be subject to the continuing jurisdiction of the appropriate court.

(k) Bond. Unless all funds are to be placed in a blocked account or court approved trust, sufficient bond shall be required for guardians and limited guardians to the extent required by guardianship law.

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

WSR 97-07-011
RULES OF COURT
STATE SUPREME COURT
 [March 10, 1997]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENT TO CrR 4.2)
 (g)(6)(p)) NO. 25700-A-599

The Pattern Forms Committee having recommended the adoption of the proposed amendment to CrR 4.2 (g)(6)(p) and the Superior Court Judges' Association Board of Trustees endorses the proposed change. The Court determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this ____ day of March, 1997.

MISCELLANEOUS

	Durham, C.J.
Dolliver, J.	Madsen, J.
Smith, J.	Talmadge, J.
Guy, J.	Alexander, J.
Johnson, J.	Sanders, J.

CrR 4.2(g)(6)(p)

PLEAS - WRITTEN STATEMENT

- (a)-(f) Unchanged.
- (g) 1.-5. Unchanged.
- 6. (a)-(o) Unchanged.

(p) Because this crime involves a sex offense, I will be required to register with the sheriff of the county of the state of Washington where I reside. I must register immediately upon being sentenced unless I am in custody, in which case I must register within 24 hours of my release.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff ~~within 10 days of establishing my new residence at least 14 days before moving and must register again with the sheriff within 24 hours of moving.~~ If I change my residence to a new county within this state, ~~I must register with the sheriff of the new county and I must give written notice of my change of address to the sheriff of the county where last registered, both within 10 days of establishing my new residence. I must send written notice of my change of residence to the sheriff of my new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving and I must give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.~~ If I move out of Washington state, I must also send written notice within 10 days of moving to the county sheriff with whom I last registered in Washington state.

[If not applicable, these three paragraphs should be stricken and initialed by the defendant and the judge.]

- 6. (q)-(r) Unchanged.
- (g) 7.-12. Unchanged.
- (h) Unchanged.

Reviser's note: The brackets and enclosed material above occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 97-07-012
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Memorandum—March 6, 1997]

The 1997 meeting dates for the Criminal Justice Training Commission (CJTC) had been announced in early January 1997 as noted below:

- March 5, 1997
- June 4, 1997
- September 10, 1997
- December 3, 1997

The site for the September 10, 1997, Criminal Justice Training Commission meeting has been changed by the commission, at its March 5, 1997, meeting, to the Spokane Police Regional Training Center located at North 2302 Waterworks, Spokane, WA.

The June 4 and December 3 meetings site remains at the Washington State Training and Conference Center located at 190101 1st Avenue South, Seattle, WA. The meeting time continues to be 10 a.m.

WSR 97-07-016
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 (Title and Registration Advisory Committee)
 [Memorandum—March 7, 1997]

Public Meeting Notice
 Title and Registration Advisory Committee

- Date: May 22, 1997
- Time: 10:00 a.m. to 12:00 noon
- Place: GFP Board Room
 Main Terminal Building MT 5110
 South Mezzanine
 Sea-Tac Airport
 SeaTac, Washington

WSR 97-07-019
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—March 11, 1997]

MEETING NOTICE
 THE GOVERNOR'S TASK FORCE
 ON SCHOOL-TO-WORK TRANSITION
 QUARTERLY MEETING
 WEDNESDAY, APRIL 30, 1997
 10:00 A.M. TO 12:00 NOON

At the Association of Washington Business (AWB)
 1414 South Cherry
 Olympia, WA

(The meeting will be held
 in AWB's Main Conference Room)

The task force will discuss progress on STWT implementation, including actions on recommendations to support STWT consortia, to align federally funded local partnerships,

MISCELLANEOUS

and to measure STWT progress. The task force will hear updates on the STWT communication strategy.

The meeting site is barrier free. People needing special accommodations, please call Jan Hills at least ten days in advance at (360) 586-4530.

WSR 97-07-020
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION
 [Memorandum—February 25, 1997]

Below are updated 1997 meeting dates for the Washington Traffic Safety Commission:

- Thursday, January 23
- Thursday, April 17 - Revised**
- Thursday, July 24
- Thursday, October 23

We regret the need to reschedule the April date, and hope it does not present problems.

Each meeting will be held at 1:30 p.m. in the conference room of the Washington Traffic Safety Commission. Please pass this information along to anyone who may be interested.

Please note that the July 24 meeting is a critical one. We need to have the commissioner, in person, in attendance. Please contact Michelle Nicholls for specific information.

For special accommodation needs or to request an auxiliary aid for these meetings, please contact Michelle Nicholls at (360) 753-6197.

WSR 97-07-021
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—March 7, 1997]

BOARD OF TRUSTEES
 NOTICE OF MEETINGS
 TO MEDIA/OTHER
 Revised

The Edmonds Community College board of trustees may attend the following functions during the month of March.

- March 20, 1997*
4:00 - 4:30 p.m. EdCC Board of Trustees
Special Meeting
Sno-King Building Boardroom 103
6600 196th Street S.W.
Lynnwood, WA
- March 20, 1997
4:30 p.m. EdCC Board of Trustees
Regular Meeting
Sno-King Building Boardroom 103
6600 196th Street S.W.
Lynnwood, WA
- March 31, 1997*
4:00 - 5:00 p.m. Student Programs V.I.P. Social
Edmonds Community College
Triton Union Building, Room 202
20200 68th Avenue West
Lynnwood, WA

*These events are being scheduled as special meetings, which are study sessions where no action will be taken.

WSR 97-07-022
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—March 7, 1997]

The board of trustees of Edmonds Community College has changed their monthly meeting time from 4:30 p.m. to 4:00 p.m., effective April 17, 1997. The official meeting schedule was submitted to you in November 1996, which included the following remaining board meeting dates:

- March 20, 1997, 4:30 p.m.
- April 17, 1997, 4:00 p.m.
- May 15, 1997
- June 12, 1997
- July 17, 1997
- August 21, 1997
- September 18, 1997
- October 16, 1997
- November 20, 1997
- December 18, 1997

These meetings are held in the Sno-King Building Boardroom 103, 6600 196th S.W., Lynnwood, WA.

WSR 97-07-025
NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE
 [Memorandum—March 11, 1997]

CHANGE IN THE
 1997 BOARD OF TRUSTEES MEETING SCHEDULE

The Wednesday, June 11, meeting will be **changed to Thursday, June 12**. This special meeting will begin at 9:00 a.m. in Room 3112 of the Daniel J. Evans Library Building on the campus of The Evergreen State College. All other dates remain the same:

- Wednesday, April 9
- Wednesday, May 14
- Changed to Thursday, June 12**
- Wednesday, August 13
- Wednesday, October 8
- Wednesday, December 10

WSR 97-07-038
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—March 12, 1997]

The Washington State Convention and Trade Center (WSCTC) Design Committee will meet on Wednesday, March 19, 1997, from 10:00 a.m. - 1:00 p.m. at Loschky Marquardt and Nesholm, Norton Building, 801 Second Avenue, Level 3 Conference Room, Seattle.

MISCELLANEOUS

A regular meeting of the Washington State Convention and Trade Center board of directors will also be held on Wednesday, March 19, 1997, at 1:30 p.m. in Rooms 307-308 of the Convention Center, 800 Convention Place, Seattle, WA.

If you have any questions regarding these meetings, please call 447-5000.

WSR 97-07-039
NOTICE OF PUBLIC MEETINGS
HEALTH CARE
POLICY BOARD
 [Memorandum—March 14, 1997]

MEETING CANCELLATION NOTICE

The Health Care Policy Board meeting scheduled for Thursday, March 20, 1997, 5:30 - 8:30 p.m. has been cancelled.

The Health Care Policy Board's next meeting is scheduled for April 17, 1997, 5:30 - 8:30 p.m. at the John Cherberg Building, Conference Rooms B and C. Please mark your calendars accordingly. Please call Jessie Brunswig at 407-0152, if you have any questions.

WSR 97-07-040
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—March 12, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

Scandinavian Languages and Literature
Faculty Meeting

Meeting Dates	Location	Time
April 7, 1997	Raitt 314	3:30 p.m.
May 5, 1997	Raitt 314	3:30 p.m.
June 2, 1997	Raitt 314	3:30 p.m.
October 6, 1997	Raitt 314	3:30 p.m.
November 3, 1997	Raitt 314	3:30 p.m.
December 8, 1997	Raitt 314	3:30 p.m.

Technical Communication Faculty

Meeting Dates	Location	Time
April 1, 15, 1997	355 Loew	3:00
May 6, 20, 1997	355 Loew	3:00
June 3, 1997	355 Loew	3:00
September 18, 1997	Battelle Conference Center Laurelhurst area	8:30
October 7, 21, 1997	355 Loew	10:00
November 4, 18, 1997	355 Loew	10:00
December 2, 1997	355 Loew	10:00

WSR 97-07-045
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—March 17, 1997]

Board of Trustees Meeting
 March 20, 1997
 Sno-King Building
 Boardroom 103
 SPECIAL: 4:00 - 4:30 p.m.
 REGULAR: 4:30 p.m.

An executive session may be held for any of those items for which an executive session may be held under the Open Public Meetings Act. Action items as necessary in the discretion of the board as a result of any item properly considered in executive session.

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 97-07-047
ATTORNEY GENERAL'S OFFICE
 [Filed March 17, 1997, 11:25 a.m.]

NOTICE OF REQUEST
FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by April 9, 1997. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by April 9, 1997, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

MISCELLANEOUS

97-03-04 **Request by:**
Tom Fitzsimmons, Director, Department of Ecology
Bruce Miyahara, Secretary, Department of Health

Questions regarding the interpretation of RCW 90.44.050.

WSR 97-07-057
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD
 [Memorandum—March 14, 1997]

REVISED MEETING SCHEDULE

In 1997 the Executive Ethics Board will hold regular monthly meetings on the second Friday of each month, with the following exceptions of August and December when no meetings will be held and May and July as noted below. Under this schedule the board will meet on the following dates:

Friday, January 10
 Friday, February 14
 Friday, March 14
 Friday, April 11
 Tuesday, May 13
 Friday, June 13
 Friday, July 18
 Friday, September 12
 Friday, October 10
 Friday, November 14

Meetings will commence at 9:00 a.m. The meetings will be held at the Washington State Training and Conference Center, 19010 1st Avenue South, Seattle, WA 98418. Interested parties may contact the board secretary for more information at (360) 664-0871.

Individuals requiring reasonable accommodations should contact the board secretary. Such requests should be made at least ten working days in advance of the scheduled meeting date.

WSR 97-07-059
POLICY AND INTERPRETIVE STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 18, 1997, 11:37 a.m.]

POLICY AND INTERPRETIVE STATEMENT

Consultation and Compliance

This policy defines the department's interpretation of recently updated Uniform Building Code (UBC), Section 2304.3.4 regarding snow load duration increases in factory assembled structures.

Contact: Dan Wolfenbarger
 Mailstop 4480
 (360) 902-5225

Frank Leuck, Assistant Director
 Consultation and Compliance

This policy interprets egress door requirements for buildings with more than one area served by individual exits.

Contact: Dan Wolfenbarger
 Mailstop 4480
 (360) 902-5225

Frank Leuck, Assistant Director
 Consultation and Compliance

This policy gives guidelines for enforcement of UMC-Section 608 (HVAC Fan Speed) and requires manufacturers factory assembled structures manufacturers to document HVAC equipment ratings/capacities.

Contact: Dan Wolfenbarger
 Mailstop 4480
 (360) 902-5225

Frank Leuck, Assistant Director
 Consultation and Compliance

This policy designates the appropriate person to make factory assembled structures program "Code Interpretations and Variances" decisions.

The chief pre-fab building specialist has the primary responsibility to the factory assembled structures plan review supervisor, if available. If neither the chief nor the plan review supervisor is available, the person acting for the plan review supervisor, in collaboration with the plan reviewers, and by consensus, will make the decision. Impasses will be referred to the specialty compliance program manager for decision.

Contact: Dan Wolfenbarger
 Mailstop 4480
 (360) 902-5225

Frank Leuck, Assistant Director
 Consultation and Compliance

Insurance Services

Insurance Services Policy Number 3.02 provides guidance for all claim management staff to use when determining validity of an occupational disease claim.

Contact: Linda Norris
 Mailstop 4311
 (360) 902-5003

Ron Gray
 Insurance Services Policy Council

Insurance Services Policy Number 6.71 provides guidance to claim management staff whenever a request is received for pre-job accommodations during a retraining plan or job search.

Contact: Linda Norris
 Mailstop 4311
 (360) 902-5003

Ron Gray
 Insurance Services Policy Council

Insurance Services Policy Number 14.50 provides guidance to claim management staff when calculating permanent partial disability for a worker who has complete tooth loss as a result of an industrial injury.

Contact: Linda Norris
Mailstop 4311
(360) 902-5003

Ron Gray
Insurance Services Policy Council

Insurance Services Policy Number 60-4.6 provides guidelines for policy managers to be used in determining whether to combine accounts of businesses owned by a husband and wife.

Contact: Linda Norris
Mailstop 4311
(360) 902-5003

Ron Gray
Insurance Services Policy Council

Insurance Services Policy Number 91-3.9 provides guidelines for staff to be used in the referral of suspected employer fraud.

Contact: Linda Norris
Mailstop 4311
(360) 902-5003

Ron Gray
Insurance Services Policy Council

Insurance Services Policy Number 91-4.4 provides guidelines for field audit staff to be used in the assessment of the unregistered employer penalty.

Contact: Linda Norris
Mailstop 4311
(360) 902-5003

Ron Gray
Insurance Services Policy Council

Insurance Services Policy Number 91-4.5 provides guidelines for field audit staff when applying the penalty to an employer for failure to keep and preserve records.

Contact: Linda Norris
Mailstop 4311
(360) 902-5003

Ron Gray
Insurance Services Policy Council

Insurance Services Policy Number 91-4.6 provides guidelines for field audit staff in applying the penalty for failure to allow inspection of the books, records and payrolls of the employer.

Contact: Linda Norris
Mailstop 4311
(360) 902-5003

Ron Gray
Insurance Services Policy Council

Administrative Services

Administrative Services Policy Number 73.02 clarifies the role of department staff in negotiating settlement of protests or appeals to a fraud overpayment order issued as a result by an injured worker against the state fund.

Contact: Terry McMaster
Mailstop 4277
(360) 902-5157

John Stanislav
Legal Services

Research and Information Services

Interim Policy 30.10, "Transcutaneous Electrical Nerve Stimulator (TENS) Contract" provides guidance for claim management staff for the rental and purchase of TENS units in the treatment of injured workers.

Contact: Blake Maresh
Mailstop 4322
(360) 902-6564

Joe Bell, Assistant Director
Research and Information Services

POLICY AND INTERPRETIVE STATEMENT

Consultation and Compliance

WISHA Interim Operations Memorandum #97-2-A, "References to Policy Memos as Part of Inspection Documentation," provides guidance to WISHA compliance and consultation staff in the appropriate use of such policies.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Operations Memorandum #97-2-B, "WISHA Jurisdiction Over DOC and Jail Inmates," affirms long-standing practice and elaborates on guidance previously provided by WISHA Interim Interpretive Memorandum #95-11-A.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Interpretive Memorandum #97-2-C, "Sputum Cytology and Chest X-Rays for Arsenic and Coke Oven Emissions," provides guidance to WISHA consultation and compliance staff about the appropriate application of these standards.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Operations Memorandum #97-2-D, "Delayed Enforcement of Changes to the Asbestos Standard," delays enforcement of new asbestos requirements until at least May 1, 1997.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Memorandum #97-2-E, "Agricultural Processing in Relation to Chapter 296-306A WAC," provides guidance regarding the scope of the current standard.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Interpretive Memorandum #97-2-F, "Bullard's Type-CE, Abrasive Blasting Respirators and Lead Protection," provides guidance to staff responsible regarding the use of such respirators.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Operations Memorandum #97-2-G, "Focused Safety Inspections in Construction," reiterates existing guidance to WISHA safety compliance inspection staff to implement the Focused Inspection Program in construction.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Interpretive Memorandum #97-2-H, "Occupational Exposure to Formaldehyde," retains WISHA Regional Directive 91-4 on an interim basis.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Operations Memorandum #97-2-I, "Vertical Food Mixers in Bakeries and Other Establishments," provides guidance to WISHA staff regarding the appropriate application of standards in light of current interpretive and enforcement policy, and incorporates and replaces WIM #96-12-A.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

WISHA Interim Interpretive Memorandum #97-2-J, "Station/Work Uniforms and Other Clothing Under Chapter 296-305 WAC," provides guidance to WISHA consultation and compliance staff regarding the appropriate application of requirements under chapter 296-305 WAC.

Contact: Teri Neely
Mailstop 4648
(360) 902-5503

Michael Silverstein, Assistant Director
Consultation and Compliance

Marie Myerchin-Redifer
Rules Coordinator

WSR 97-07-060
ATTORNEY GENERAL OPINION
Cite as: AGO 1997 No. 2
[March 13, 1997]

PUBLIC RECORDS - DEPARTMENT OF HEALTH - AUTHORITY OF STATE RECORDS COMMITTEE TO SET RETENTION PERIOD FOR CERTAIN RECORDS PRODUCED BY DEPARTMENT OF HEALTH

1. Diet information forms submitted to the Department of Health pursuant to a federal/state program, and computer analyses generated with the information submitted, are public records for purposes of the Public Disclosure Act, RCW 42.17.
2. Diet information forms submitted to the Department of Health pursuant to a federal/state program, and computer analyses generated with the information provided, contain personal information which is exempt from public inspection and copying; if this personal information is deleted, the remainder of the records are subject to public disclosure.
3. Diet information forms submitted to the Department of Health pursuant to a federal/state program, and computer analyses generated with the information provided, generally do not meet the definition of "official public record" contained in RCW 40.14, the Records Retention Law; however, the Records Committee has authority to classify the records as "official public records" if it wishes to do so.
4. The Records Committee created in RCW 40.14.050 has authority to approve a retention schedule for agency records which permits an agency not to retain a record for any time at all beyond the time necessary to generate the record; or the committee may choose to require that such records be kept for such period as the committee deems appropriate.

Requested by:
The Honorable Ralph Munro
Secretary of State
P.O. Box 40232
Olympia, WA 98504-0232

WSR 97-07-067
OFFICE OF
MARINE SAFETY
[Filed March 19, 1997, 9:01 a.m.]

The following accepted industry standards for fishing vessels are adopted effective March 17, 1997, in accordance with WAC 317-31-230. The standards were published for

comment in WSR 97-03-119 on February 5, 1997. The comment period closed on March 7, 1997.

Comments were received from two fishing industry stakeholders. Based on the comments the applicability statement and record-keeping requirements in the standards have been clarified. In addition, the structural integrity standard has been revised to cover watertight integrity and structural fire protection.

The accepted industry standards form the basis for the Office of Marine Safety fishing vessel inspection program. The inspection program is designed to identify vessels that pose a substantial risk to the environment and public health and safety. When a vessel has been identified as a substantial risk, the accepted industry standards serve as guidelines for the vessel owner or operator to help reduce that risk to an acceptable level.

Questions, comments, and requests for copies should be addressed to: Office of Marine Safety, Attn: Stan Norman, P.O. Box 42407, Olympia, WA 98504-2407, phone (360) 664-9110, FAX (360) 664-9184.

The following standards apply to all fishing vessels 300 gross registered tons and larger while operating in state waters:

I. OPERATING PROCEDURES

Navigation Watch Composition

Owners and/or operators should require that each navigation watch on a fishing vessel 300-1600 gross tons consist of at least one licensed deck officer and one lookout.

In addition, the navigation watch on fishing vessels larger than 1600 gross tons should include a helmsman. Vessels larger than 1600 gross tons that are designed and equipped with an integrated bridge system which allows a licensed deck officer to adequately perform the functions of safe navigation, collision avoidance, and communications do not require a helmsman as part of the navigation watch. Integrated bridge systems meeting this criteria will be approved by OMS.

Lookouts may be assigned no other duties that would interfere with the maintenance of a proper lookout in accordance with the International Regulations for Preventing Collisions at Sea (COLREGS).

Navigation Watch Procedures

Owners and/or operators should require each vessel master to have written procedures or standing orders for safe navigation practices and operating in restricted visibility conditions.

Gyrocompass and magnetic compass courses should be recorded at least once every 6 hours, or more often if necessary.

Daily vessel logs or records should be maintained that include vessel position, weather observations, and gyrocompass and magnetic compass courses, at least once every six hours.

Navigational Readiness

Owners and/or operators should require a documented voyage planning and readiness system that includes the

following preparations by vessel licensed officers prior to commencing a voyage:

1. Review of general waterway characteristics as described on current charts, navigational publications, and notices to mariners.
2. Review of navigational aids available, including buoys, lights, ranges, and the Global Positioning System (GPS).
3. Review of expected environmental conditions (weather and currents).
4. Review of expected vessel traffic and vessel traffic services (VTS) procedures and communications.
5. Tests or inspections of all navigation, communications, bridge control equipment and alarm systems in accordance with 33 CFR 164.25 no more than 12 hours prior to entering or operating in state waters. Completion of tests or inspections should be recorded.
6. Comparison of the gyrocompass and magnetic compass and comparison of the master gyrocompass and all repeaters. Determination of radar range error if practicable. Errors should be recorded and/or posted for the use of navigation watchstanders.
7. Procedures for response to loss of propulsion, steering, and electrical power should be reviewed.

Ground Tackle Readiness

Owners and/or operators should require vessel anchors to be operational and ready to drop at all times. A crew member should be available to drop the anchor immediately if required.

Anchor Watch

Owners and/or operators should require a properly trained crew member to be standing watch and monitoring nearby traffic, communications, the vessel's position, and ground tackle while anchored in state waters.

Security Rounds

Owners and/or operators should require security rounds of vessels to be conducted and documented at least once every six hours while underway or anchored in state waters. Security rounds should be conducted at least daily when moored. Vessels in lay-up status are not affected by this standard, if adequate monitoring for fires and flooding is provided.

Vessel masters should designate spaces on the vessel to be visited during security rounds. Steering gear should be checked during each security round when underway. The primary purpose of security rounds is to detect and report fires, flooding, or other emergency conditions.

Engineering Watch Composition & Procedures

Owners and/or operators should require that a licensed engineer or properly trained engineer be on watch in the engine room or immediately available to respond to machinery space problems while operating in state waters.

Daily vessel logs or records should be maintained that include major equipment operating conditions, such as pressures and temperatures, at least once every six hours.

Engineering Readiness

Owners and/or operators should require all critical vessel propulsion, steering and electrical systems, to be tested or inspected in accordance with 33 CFR 164.25 no more than 12 hours prior to entering or operating in state waters. Completion of machinery tests and inspections should be recorded.

Procedures for response to loss of propulsion, steering, and electrical power should be reviewed.

Fuel and oil tank levels should be determined and recorded no more than 12 hours prior to entering or operating in state waters.

Stability

Owners and/or operators should require a stability information system complying with 46 CFR 28.530, regardless of the date the vessel keel was laid or date of conversion.

Stability information books and documents should be easy to read and understand, and include samples of various loading conditions.

Emergency Procedures

Owners and/or operators should require emergency instructions outlining crew member responsibilities for firefighting, flooding, abandon ship, heavy weather and man overboard in accordance with 46 CFR 28.265. Fire plans containing the general arrangement of the vessel and the location of all firefighting equipment should be posted on board.

In addition, written procedures should be required for responding to:

1. Oil spills.
2. Loss of propulsion.
3. Loss of steering.
4. Loss of electrical power.
5. Being towed in an emergency. The emergency towing procedures should clearly indicate the specific equipment on board the vessel that will be used for being towed.

Emergency Equipment

Owners and/or operators should require vessels to have a damage control kit or locker with sufficient equipment to control unintentional minor flooding. Each vessel should carry at least two complete fireman's outfits, including Self Contained Breathing Apparatus (SCBAs) and two spare cylinders as described in 46 CFR 28.205.

Vessel engine rooms and interior passageways should have installed emergency lighting.

All personnel assigned to emergency duties should be trained for the operation of all emergency equipment.

Vessel Access

Owners and/or operators should require safe access, with appropriate lighting, to be provided while vessels are moored alongside a dock or pier, or moored outboard of another vessel, in accordance with 29 CFR 1915.74 and 1918.21. Where practical, a gangway or accommodation ladder should be provided.

Fire plans containing the general arrangement of the vessel and the location of all firefighting equipment should be located at or near the access point(s) for vessels in port.

II. PERSONNEL POLICIES

Fatigue

Owners and/or operators should require vessel navigation and engineering watchstanders to be off watch at least 10 hours per day, except in an emergency or to participate in a drill, while operating in state waters. At least 6 hours of off watch time each day should be consecutive and uninterrupted.

In addition, owners and/or operators should require a system for documenting off watch periods in order to monitor and reduce fatigue.

Alcohol & Drug Policy

Owners and/or operators should require policies prohibiting the use of alcohol and/or dangerous drugs by vessel crew members and document compliance with federal regulations for testing programs, training, and Employee Assistance programs.

Orientation Training

Owners and/or operators should require orientation training to be conducted and recorded for each crew member that has not received previous orientation training on that specific vessel prior to getting underway. Training should include the provisions outlined in 46 CFR 28.265 & 270(a), plus the applicable provisions of the international convention for Prevention of Pollution from Ships (MARPOL).

Position-specific orientation training should be required for navigation and engineering watchstanders for the proper operation of navigation, propulsion, steering, and electrical power equipment.

Drills & Instructions

Owners and/or operators should require a drills and instructions program that complies with 46 CFR 28.265 & 270 and includes semi-annual drills and instruction in oil spill response and being towed in an emergency.

English Proficiency

Owners and/or operators should require all navigation watch officers and other crew members standing anchor watch to be sufficiently proficient in the English language to accomplish their duties safely.

III. MANAGEMENT PRACTICES

Management System

The owner and/or operator's management system should include the company-wide exchange of environmental protection and public health and safety information, and participation by vessel and corporate management.

In addition, the management system should include management oversight that requires vessel visits by a management representative at least semi-annually. The management representative should review operating and management issues, and consult with the officers on the vessel.

Pollution Prevention

Owners and/or operators should equip vessels with spill containment and clean-up equipment to respond to a one-half barrel on-deck spill. The equipment should be adequate for preventing the spill from entering the water.

Each vessel master should require that an oil record book and garbage logs be maintained in accordance with MARPOL.

Maintenance Program

Owners and/or operators should require a documented maintenance program for vessels. The program should include planned maintenance and periodic equipment tests or inspections, as appropriate, for all propulsion, steering, electrical, dewatering, and firefighting systems.

Vessels should also be inspected by a third party surveyor or an operator representative at least annually.

Watertight Integrity and Structural Fire Protection

Owners and/or operators should maintain procedures for, and obtain, technical approval of all structural modifications and repairs. Penetrations of watertight boundaries and fire boundaries should be maintained tight, consistent with the standard of the vessel side-shell, deck or bulkhead penetrated.

**WSR 97-07-070
POLICY STATEMENT
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed March 19, 1997, 10:09 a.m.]**

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Tobacco Free Pharmacies.

Issuing Entity: Washington State Board of Pharmacy.

Subject: The board has adopted the following policy statement: Given that the use of tobacco products is the most preventable cause of death and disability, and that pharmacists promote a healthy lifestyle to their patients, the board urges pharmacists to remove all tobacco products from their pharmacies and to actively support their patients' efforts to quit using tobacco in any form.

Effective Date: February 19, 1997.

Contact Person: Donald H. Williams, Executive Director, Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, (360) 753-6834.

**WSR 97-07-071
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed March 19, 1997, 10:10 a.m.]**

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Uniform Policy For Obtaining Investigative Materials, D09.02.

Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This revises the current division policy. The policy establishes the policy and procedures for department staff to follow in obtaining investigative materials.

Effective Date: March 7, 1997.

Contact Person: Diana Ehri, Administrator, Department of Health, Health Policy and Constituent Relations, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 753-9177.

**WSR 97-07-072
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed March 19, 1997, 10:11 a.m.]**

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Suspension of License for Default of Student Loans, D18.02.

Issuing Entity: Health Professions Quality Assurance Division, Department of Health.

Subject Matter: This revises the current division policy. The policy establishes the policy and procedures for department staff to follow in suspending licenses, registrations or certifications for nonpayment of student loans.

Effective Date: March 7, 1997.

Contact Person: Diana Ehri, Administrator, Department of Health, Health Policy and Constituent Relations, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 753-9177.

MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited repeal

Note: These filings will appear in a special section of Issue 97-14

No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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132V-12-431	REP-P	97-03-128	180-75-082	REP	97-04-088	180-78A-155	NEW	97-04-084
132V-12-431	REP	97-07-048	180-75-083	DECOD	97-04-082	180-78A-160	NEW	97-04-084
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180-75-005	REP	97-04-088	180-78A-060	NEW	97-04-084	180-79-303	REP	97-04-088
180-75-016	REP	97-04-088	180-78A-063	NEW	97-04-084	180-79-305	REP	97-04-088
180-75-017	REP	97-04-088	180-78A-065	NEW	97-04-084	180-79-311	REP	97-04-088
180-75-045	REP	97-04-088	180-78A-068	NEW	97-04-084	180-79-312	REP	97-04-088
180-75-047	REP	97-04-088	180-78A-073	NEW	97-04-084	180-79-315	REP	97-04-088
180-75-048	REP	97-04-088	180-78A-074	NEW	97-04-084	180-79-317	REP	97-04-088
180-75-050	REP	97-04-088	180-78A-075	NEW	97-04-084	180-79-320	REP	97-04-088
180-75-055	REP	97-04-088	180-78A-080	NEW	97-04-084	180-79-322	REP	97-04-088
180-75-060	REP	97-04-088	180-78A-135	NEW	97-04-084	180-79-324	REP	97-04-088
180-75-061	REP	97-04-088	180-78A-140	NEW	97-04-084	180-79-326	REP	97-04-088
180-75-065	REP	97-04-088	180-78A-142	NEW	97-04-084	180-79-328	REP	97-04-088

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180-79-330	REP	97-04-088	180-79A-302	NEW	97-04-088	180-85-120	REP	97-04-086
180-79-332	REP	97-04-088	180-79A-304	NEW	97-04-088	180-85-135	REP	97-04-086
180-79-333	REP	97-04-088	180-79A-306	NEW	97-04-088	180-85-200	AMD	97-04-086
180-79-334	REP	97-04-088	180-79A-308	NEW	97-04-088	180-85-210	AMD	97-04-086
180-79-336	REP	97-04-088	180-79A-310	NEW	97-04-088	180-85-211	NEW	97-04-086
180-79-338	REP	97-04-088	180-79A-311	NEW	97-04-088	180-85-215	AMD	97-04-086
180-79-340	REP	97-04-088	180-79A-312	NEW	97-04-088	180-86-011	NEW	97-04-082
180-79-342	REP	97-04-088	180-79A-315	NEW	97-04-088	180-86-013	RECOD	97-04-082
180-79-344	REP	97-04-088	180-79A-317	NEW	97-04-088	180-86-014	RECOD	97-04-082
180-79-346	REP	97-04-088	180-79A-320	NEW	97-04-088	180-86-080	NEW	97-05-008
180-79-348	REP	97-04-088	180-79A-322	NEW	97-04-088	180-86-080	NEW-W	97-05-043
180-79-350	REP	97-04-088	180-79A-324	NEW	97-04-088	180-86-086	NEW-W	97-05-043
180-79-352	REP	97-04-088	180-79A-326	NEW	97-04-088	180-86-116	NEW	97-05-008
180-79-354	REP	97-04-088	180-79A-328	NEW	97-04-088	180-86-116	NEW-W	97-05-043
180-79-356	REP	97-04-088	180-79A-330	NEW	97-04-088	180-110	PREP	97-05-027
180-79-358	REP	97-04-088	180-79A-332	NEW	97-04-088	180-115	PREP	97-05-026
180-79-360	REP	97-04-088	180-79A-333	NEW	97-04-088	182-08-160	AMD-E	97-06-071
180-79-362	REP	97-04-088	180-79A-334	NEW	97-04-088	182-08-175	AMD-E	97-06-071
180-79-364	REP	97-04-088	180-79A-336	NEW	97-04-088	182-12-117	AMD-E	97-06-070
180-79-366	REP	97-04-088	180-79A-338	NEW	97-04-088	182-25-030	AMD-E	97-06-069
180-79-368	REP	97-04-088	180-79A-340	NEW	97-04-088	182-25-040	AMD-E	97-06-069
180-79-370	REP	97-04-088	180-79A-342	NEW	97-04-088	182-25-090	AMD-E	97-06-069
180-79-372	REP	97-04-088	180-79A-344	NEW	97-04-088	196-12-010	PREP	97-03-029
180-79-374	REP	97-04-088	180-79A-346	NEW	97-04-088	196-12-020	PREP	97-03-029
180-79-376	REP	97-04-088	180-79A-348	NEW	97-04-088	196-12-030	PREP	97-03-029
180-79-378	REP	97-04-088	180-79A-350	NEW	97-04-088	196-12-050	PREP	97-03-029
180-79-379	REP	97-04-088	180-79A-352	NEW	97-04-088	196-12-060	PREP	97-03-029
180-79-380	REP	97-04-088	180-79A-354	NEW	97-04-088	196-24-030	PREP	97-03-029
180-79-382	REP	97-04-088	180-79A-356	NEW	97-04-088	196-24-040	PREP	97-03-029
180-79-384	REP	97-04-088	180-79A-358	NEW	97-04-088	196-24-050	PREP	97-03-029
180-79-386	REP	97-04-088	180-79A-360	NEW	97-04-088	196-24-085	PREP	97-03-029
180-79-388	REP	97-04-088	180-79A-362	NEW	97-04-088	196-24-100	PREP	97-03-029
180-79-390	REP	97-04-088	180-79A-364	NEW	97-04-088	196-24-105	PREP	97-03-029
180-79-392	REP	97-04-088	180-79A-366	NEW	97-04-088	197-11	PREP	97-03-130
180-79-394	REP	97-04-088	180-79A-368	NEW	97-04-088	204-10-035	NEW	97-03-087
180-79-396	REP	97-04-088	180-79A-370	NEW	97-04-088	204-10-045	PREP	97-03-042
180-79-398	REP	97-04-088	180-79A-372	NEW	97-04-088	204-10-045	NEW-P	97-07-036
180-79A-003	NEW	97-04-088	180-79A-374	NEW	97-04-088	204-41-060	PREP	97-03-043
180-79A-005	NEW	97-04-088	180-79A-376	NEW	97-04-088	204-41-060	NEW-P	97-07-037
180-79A-010	NEW	97-04-088	180-79A-378	NEW	97-04-088	204-60	AMD	97-04-054
180-79A-012	NEW	97-04-088	180-79A-379	NEW	97-04-088	204-60-010	AMD	97-04-054
180-79A-013	NEW	97-04-088	180-79A-380	NEW	97-04-088	204-60-030	AMD	97-04-054
180-79A-015	NEW	97-04-088	180-79A-382	NEW	97-04-088	204-72-040	PREP	97-06-100
180-79A-020	NEW	97-04-088	180-79A-384	NEW	97-04-088	204-90-040	AMD	97-04-055
180-79A-022	NEW	97-04-088	180-79A-386	NEW	97-04-088	204-91A-060	AMD-S	97-04-053
180-79A-025	NEW	97-04-088	180-79A-388	NEW	97-04-088	204-91A-060	AMD-E	97-04-056
180-79A-101	NEW	97-04-088	180-79A-390	NEW	97-04-088	204-91A-140	AMD-S	97-04-053
180-79A-105	NEW	97-04-088	180-79A-392	NEW	97-04-088	204-91A-140	AMD-E	97-04-056
180-79A-110	NEW	97-04-088	180-79A-394	NEW	97-04-088	204-95-030	NEW	97-03-127
180-79A-115	NEW	97-04-088	180-79A-396	NEW	97-04-088	204-95-080	NEW	97-03-127
180-79A-117	NEW	97-04-088	180-79A-398	NEW	97-04-088	208-440-030	AMD-W	97-03-074
180-79A-120	NEW	97-04-088	180-79A-403	NEW	97-04-088	208-630-020	AMD-P	97-06-092
180-79A-122	NEW	97-04-088	180-79A-405	NEW	97-04-088	208-630-021	NEW-P	97-06-092
180-79A-125	NEW	97-04-088	180-79A-415	NEW	97-04-088	208-630-022	NEW-P	97-06-092
180-79A-126	NEW	97-04-088	180-79A-417	NEW	97-04-088	208-630-023	NEW-P	97-06-092
180-79A-130	NEW	97-04-088	180-79A-420	NEW	97-04-088	208-680D-050	AMD-W	97-04-071
180-79A-131	NEW	97-04-088	180-79A-422	NEW	97-04-088	212-17	PREP	97-05-028
180-79A-140	NEW	97-04-088	180-79A-423	NEW	97-04-088	220-20-020	AMD-P	97-04-080
180-79A-150	NEW	97-04-088	180-79A-424	NEW	97-04-088	220-20-020	AMD	97-07-043
180-79A-160	NEW	97-04-088	180-79A-430	NEW	97-04-088	220-20-021	AMD-P	97-04-080
180-79A-161	NEW	97-04-088	180-79A-433	NEW	97-04-088	220-20-021	AMD	97-07-043
180-79A-165	NEW	97-04-088	180-79A-435	NEW	97-04-088	220-32-05100X	NEW-E	97-04-046
180-79A-170	NEW	97-04-088	180-79A-440	NEW	97-04-088	220-32-05100X	REP-E	97-04-046
180-79A-200	NEW	97-04-088	180-79A-445	NEW	97-04-088	220-32-05100X	REP-E	97-07-044
180-79A-205	NEW	97-04-088	180-79A-503	NEW	97-04-088	220-32-05100Y	NEW-E	97-07-044
180-79A-210	NEW	97-04-088	180-79A-510	NEW	97-04-088	220-32-05700U	REP-E	97-03-002
180-79A-215	NEW	97-04-088	180-79A-515	NEW	97-04-088	220-32-05700U	NEW-E	97-03-002
180-79A-220	NEW	97-04-088	180-79A-517	NEW	97-04-088	220-33-01000M	NEW-E	97-04-013
180-79A-225	NEW	97-04-088	180-79A-520	NEW	97-04-088	220-33-01000M	REP-E	97-04-013
180-79A-230	NEW	97-04-088	180-85-025	AMD	97-04-086	220-33-01000N	NEW-E	97-05-042
180-79A-236	NEW	97-04-088	180-85-030	AMD	97-04-086	220-33-020	AMD-P	97-04-080
180-79A-241	NEW	97-04-088	180-85-110	REP	97-04-086	220-33-020	AMD	97-07-043
180-79A-300	NEW	97-04-088	180-85-115	REP	97-04-086	220-33-04000C	NEW-E	97-04-014

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220-33-04000C	REP-E	97-05-041	230-02-020	AMD	97-03-094	242-02-010	AMD	97-04-008
220-33-04000D	NEW-E	97-05-041	230-02-520	AMD-P	97-03-093	242-02-030	AMD	97-04-008
220-48-015	AMD	97-07-053	230-04-138	AMD-P	97-03-093	242-02-040	AMD	97-04-008
220-52-03000K	NEW-E	97-07-050	230-08-060	AMD-P	97-03-093	242-02-060	AMD	97-04-008
220-52-03000K	REP-E	97-07-050	230-12-230	AMD-P	97-03-093	242-02-070	AMD	97-04-008
220-52-04000D	NEW-E	97-05-029	230-20-070	AMD-P	97-05-060	242-02-074	AMD	97-04-008
220-52-04600T	NEW-E	97-05-029	230-20-115	AMD-P	97-03-092	242-02-110	AMD	97-04-008
220-52-04600T	REP-E	97-06-054	230-20-240	AMD	97-05-056	242-02-130	AMD	97-04-008
220-52-04600U	NEW-E	97-06-054	230-20-247	AMD	97-05-061	242-02-210	AMD	97-04-008
220-52-07300L	REP-E	97-03-045	230-20-600	AMD-P	97-03-093	242-02-220	AMD	97-04-008
220-52-07300M	NEW-E	97-03-045	230-20-630	AMD-P	97-03-093	242-02-240	AMD-W	97-04-009
220-52-07300M	REP-E	97-03-101	230-20-685	AMD-P	97-03-093	242-02-250	AMD	97-04-008
220-52-07300N	NEW-E	97-03-101	230-20-700	AMD-P	97-03-093	242-02-260	AMD	97-04-008
220-52-07300N	REP-E	97-04-011	230-30-025	AMD-P	97-05-057	242-02-270	AMD	97-04-008
220-52-07300P	NEW-E	97-04-011	230-30-025	AMD-E	97-05-062	242-02-310	AMD	97-04-008
220-52-07300P	REP-E	97-04-049	230-50-005	NEW	97-03-095	242-02-510	AMD	97-04-008
220-52-07300Q	NEW-E	97-04-049	232-12	AMD-C	97-05-075	242-02-520	AMD	97-04-008
220-52-07300Q	REP-E	97-05-025	232-12-001	AMD	97-07-076	242-02-52001	NEW	97-04-008
220-52-07300R	NEW-E	97-05-025	232-12-011	AMD-P	97-06-115	242-02-52002	NEW	97-04-008
220-56	AMD-C	97-05-075	232-12-018	AMD	97-07-076	242-02-521	AMD	97-04-008
220-56-100	AMD	97-07-078	232-12-024	AMD-W	97-06-084	242-02-522	AMD	97-04-008
220-56-103	AMD	97-07-078	232-12-024	AMD	97-07-076	242-02-532	AMD	97-04-008
220-56-105	AMD	97-07-078	232-12-619	AMD	97-07-076	242-02-533	AMD	97-04-008
220-56-128	AMD	97-07-078	232-28	AMD-C	97-05-075	242-02-550	AMD	97-04-008
220-56-180	AMD	97-07-078	232-28-02201	AMD	97-06-050	242-02-554	REP	97-04-008
220-56-205	AMD	97-07-078	232-28-02202	AMD	97-06-049	242-02-560	AMD	97-04-008
220-56-225	AMD-C	97-07-052	232-28-02203	AMD	97-06-048	242-02-570	AMD	97-04-008
220-56-235	AMD	97-07-078	232-28-02204	AMD	97-06-044	242-02-634	AMD-W	97-04-009
220-56-24000F	REP-E	97-03-001	232-28-02205	AMD	97-06-043	242-02-650	AMD	97-04-008
220-56-24000G	NEW-E	97-03-001	232-28-02206	AMD	97-06-041	242-02-660	AMD	97-04-008
220-56-255	AMD	97-07-078	232-28-02210	AMD	97-06-042	242-02-670	AMD	97-04-008
220-56-27000A	NEW-E	97-06-035	232-28-02220	AMD	97-06-059	242-02-670	AMD	97-04-008
220-56-285001	NEW-E	97-06-036	232-28-02230	AMD	97-06-061	242-02-710	AMD	97-04-008
220-56-285001	REP-E	97-06-036	232-28-02240	AMD	97-06-060	242-02-820	REP	97-04-008
220-56-310	AMD	97-07-078	232-28-02250	AMD	97-06-058	242-02-830	AMD	97-04-008
220-56-31000N	REP-E	97-05-011	232-28-02260	AMD	97-06-057	242-02-832	NEW	97-04-008
220-56-31000P	NEW-E	97-05-011	232-28-02270	AMD	97-06-056	242-02-834	NEW	97-04-008
220-56-320	AMD	97-07-078	232-28-02280	AMD-W	97-06-084	242-02-840	REP	97-04-008
220-56-325	AMD	97-07-078	232-28-02290	AMD	97-06-055	242-02-850	REP	97-04-008
220-56-330	AMD	97-07-078	232-28-240	AMD	97-06-127	242-02-860	REP	97-04-008
220-56-336	NEW	97-07-078	232-28-240	AMD-P	97-06-047	242-02-870	REP	97-04-008
220-56-350	AMD	97-07-078	232-28-242	AMD	97-06-116	242-02-880	AMD	97-04-008
220-56-355	AMD	97-07-078	232-28-242	AMD	97-06-053	242-02-890	AMD-W	97-04-009
220-56-36000T	NEW-E	97-04-045	232-28-242	AMD-P	97-06-117	242-02-892	AMD	97-04-008
220-56-36000T	REP-E	97-04-045	232-28-248	AMD	97-06-052	242-04-050	AMD	97-04-008
220-56-36000U	NEW-E	97-07-051	232-28-249	AMD	97-06-051	246-100-011	AMD-P	97-06-110
220-56-36000U	REP-E	97-07-051	232-28-252	AMD-P	97-06-118	246-100-036	AMD-P	97-06-110
220-56-375	AMD	97-07-078	232-28-253	AMD-P	97-06-119	246-100-072	AMD-P	97-06-110
220-56-380	AMD	97-07-078	232-28-254	AMD-P	97-06-120	246-100-206	AMD-P	97-06-110
220-57	AMD-C	97-05-075	232-28-260	AMD	97-06-038	246-100-207	AMD	97-04-041
220-57-160	AMD	97-07-078	232-28-260	AMD-P	97-06-121	246-100-209	AMD-P	97-06-110
220-57-16000H	NEW-E	97-06-036	232-28-262	AMD	97-06-039	246-232-060	AMD-P	97-03-126
220-57-17500G	NEW-E	97-06-036	232-28-263	AMD	97-06-037	246-235-075	AMD-P	97-03-126
220-57-31000U	NEW-E	97-06-036	232-28-264	NEW	97-06-045	246-290-990	AMD-P	97-07-073
220-95-013	AMD-W	97-03-075	232-28-265	NEW	97-06-046	246-321-001	REP	97-03-080
220-95-018	AMD-W	97-03-075	232-28-265	AMD-P	97-06-122	246-321-010	REP	97-03-080
220-95-022	AMD-W	97-03-075	232-28-266	NEW	97-05-074	246-321-012	REP	97-03-080
220-95-032	AMD-W	97-03-075	232-28-267	NEW-P	97-06-123	246-321-014	REP	97-03-080
220-110-010	AMD-P	97-07-077	232-28-268	NEW-P	97-06-124	246-321-015	REP	97-03-080
220-110-020	AMD-P	97-07-077	232-28-269	NEW-P	97-06-125	246-321-017	REP	97-03-080
220-110-031	NEW-P	97-07-077	232-28-270	NEW-P	97-06-126	246-321-018	REP	97-03-080
220-110-035	AMD-P	97-07-077	232-28-619	AMD	97-07-076	246-321-020	REP	97-03-080
220-110-331	NEW-P	97-07-077	232-28-61900A	REP-E	97-04-001	246-321-025	REP	97-03-080
220-110-332	NEW-P	97-07-077	232-28-61900B	NEW-E	97-03-039	246-321-030	REP	97-03-080
220-110-333	NEW-P	97-07-077	232-28-61900C	NEW-E	97-03-099	246-321-035	REP	97-03-080
220-110-334	NEW-P	97-07-077	232-28-61900D	REP-E	97-03-099	246-321-040	REP	97-03-080
220-110-335	NEW-P	97-07-077	232-28-61900D	NEW-E	97-03-100	246-321-045	REP	97-03-080
220-110-336	NEW-P	97-07-077	232-28-61900D	REP-E	97-03-100	246-321-050	REP	97-03-080
220-110-337	NEW-P	97-07-077	232-28-61900E	NEW-E	97-04-001	246-321-055	REP	97-03-080
220-110-338	NEW-P	97-07-077	232-28-61900F	NEW-E	97-06-034	246-321-990	REP	97-03-080
222-12-090	AMD-E	97-07-054	232-28-61900F	REP-E	97-06-034	246-828-015	NEW	97-04-042
222-16-030	PREP	97-05-033	232-28-61900G	NEW-E	97-07-056	246-828-990	AMD	97-04-043
222-16-030	AMD-E	97-07-054	232-28-61900G	REP-E	97-07-056	246-838	PREP-W	97-03-066
			236-48-198	AMD	97-04-025	246-838	PREP-W	97-03-067

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262-02-030	PREP	97-06-112	296-23A-0200	NEW	97-06-066	296-46-140	AMD-P	97-03-083
262-03	PREP	97-07-068	296-23A-0210	NEW	97-06-066	296-46-150	REP-P	97-03-083
275-27-023	AMD-E	97-03-033	296-23A-0220	NEW	97-06-066	296-46-21008	AMD-P	97-03-083
275-27-220	AMD-E	97-03-033	296-23A-0230	NEW	97-06-066	296-46-21052	AMD-P	97-03-083
275-27-221	REP-E	97-03-033	296-23A-0240	NEW	97-06-066	296-46-225	AMD-P	97-03-083
275-27-223	AMD-E	97-03-033	296-23A-0250	NEW	97-06-066	296-46-23028	AMD-P	97-03-083
275-27-400	AMD-E	97-03-033	296-23A-0300	NEW	97-06-066	296-46-23062	AMD-P	97-03-083
284-04	NEW-C	97-03-023	296-23A-0310	NEW	97-06-066	296-46-30001	AMD-P	97-03-083
284-04	NEW-C	97-03-120	296-23A-0350	NEW	97-06-066	296-46-360	AMD-P	97-03-083
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284-13-515	NEW	97-05-012	296-23A-0400	NEW	97-06-066	296-46-514	AMD-P	97-03-083
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284-13-530	NEW	97-05-012	296-23A-0420	NEW	97-06-066	296-46-700	AMD-P	97-03-083
284-13-535	NEW	97-05-012	296-23A-0430	NEW	97-06-066	296-46-725	AMD-P	97-03-083
284-13-540	AMD	97-05-012	296-23A-0440	NEW	97-06-066	296-46-910	AMD-P	97-03-083
284-13-550	AMD	97-05-012	296-23A-0450	NEW	97-06-066	296-46-915	AMD-P	97-03-083
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296-23A-0150	NEW	97-06-066	296-24-084	AMD-P	97-03-085	296-400-020	REP-P	97-03-084
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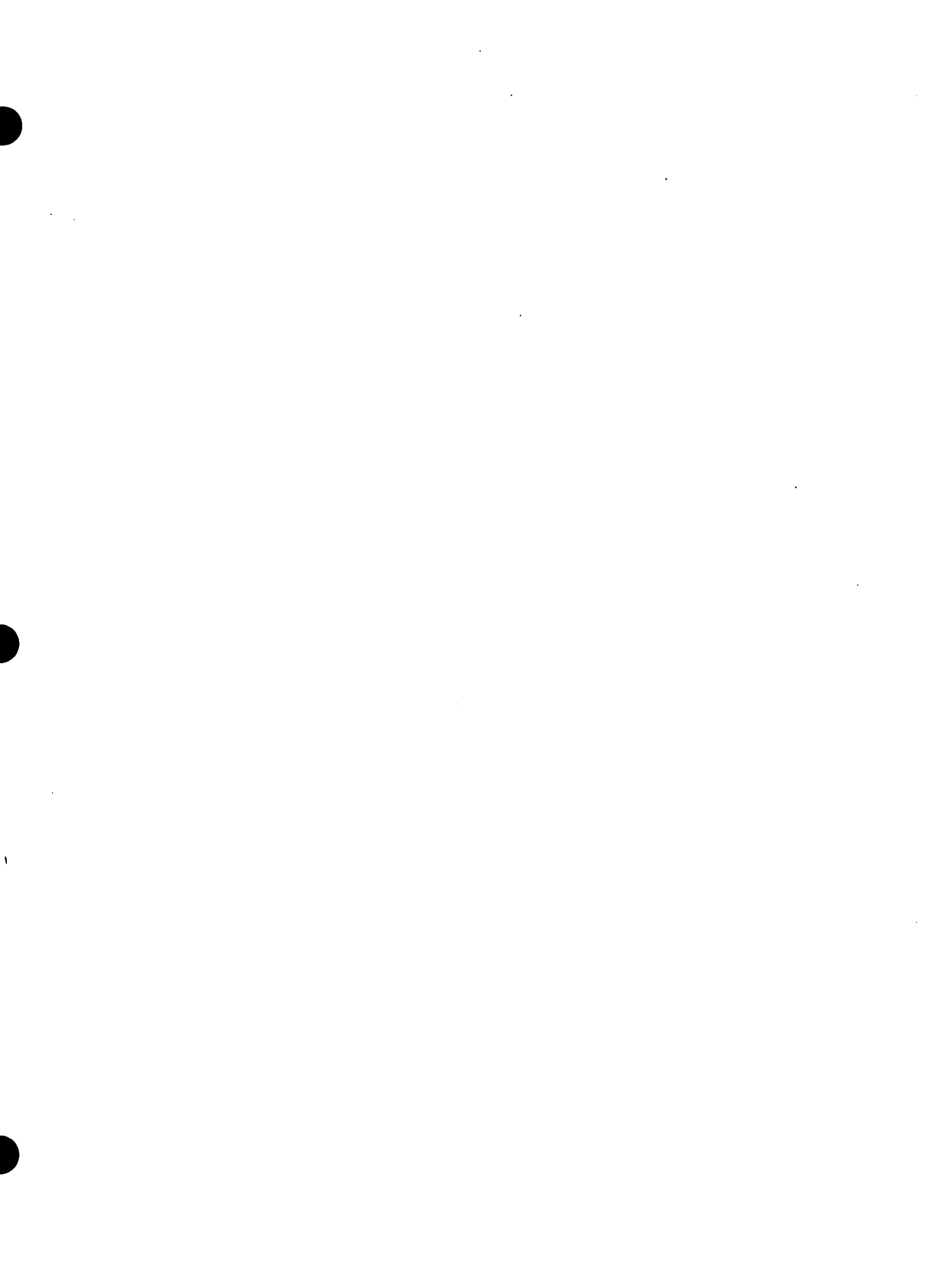
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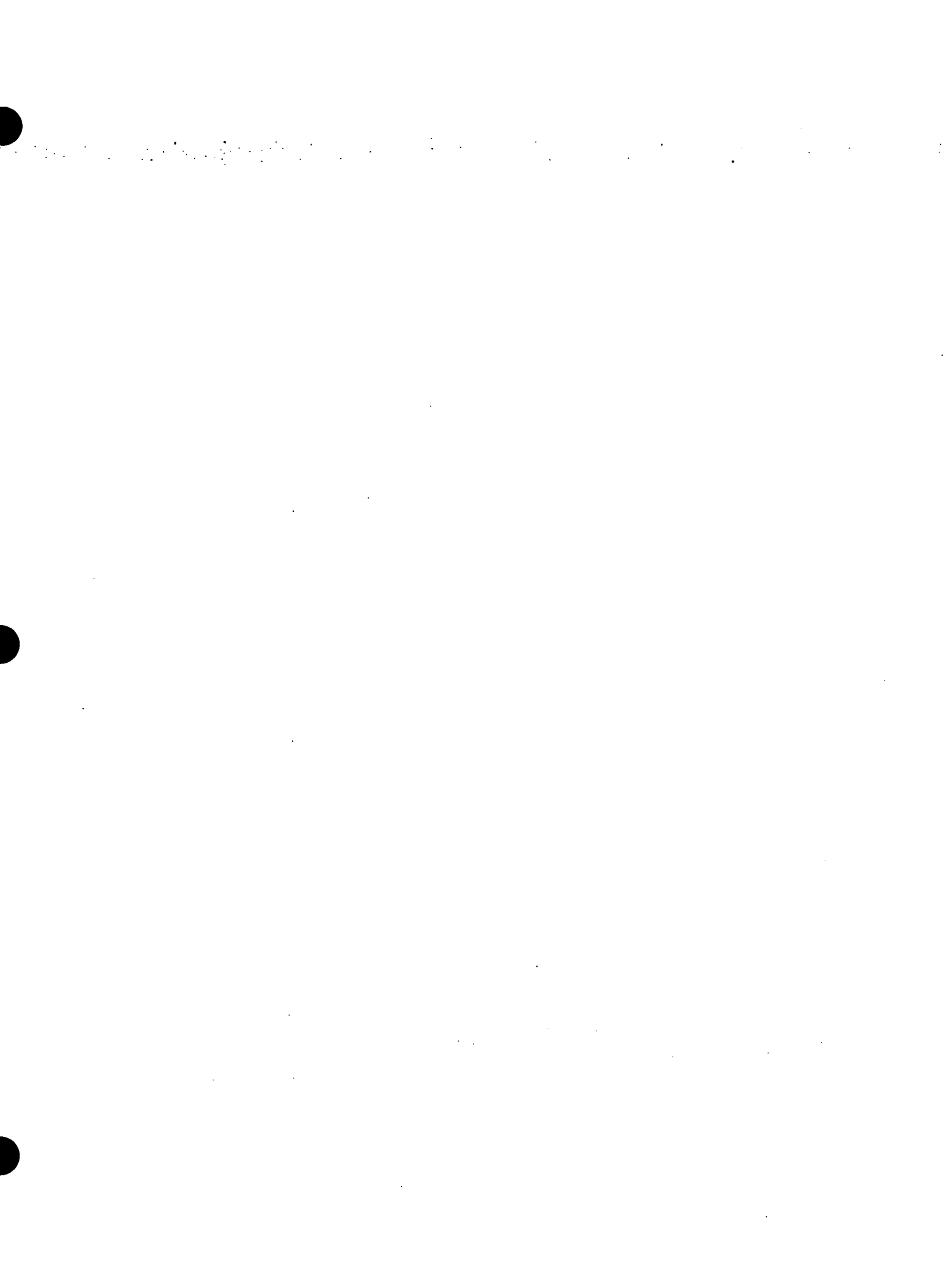
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Meetings

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