

# Washington State Register

**MARCH 18, 1998**

**OLYMPIA, WASHINGTON**

**ISSUE 98-06**



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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.

## PUBLIC INSPECTION OF DOCUMENTS

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

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## 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 March 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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

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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].

**1997 - 1998**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> 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>	<i>First Agency Adoption Date</i>
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9	Oct 4
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23	Oct 18
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7	Nov 1
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21	Nov 15
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4	Nov 29
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25	Dec 20
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9	Jan 3, 1998
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23	Jan 17, 1998
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998	Jan 31
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98-01	Nov 26	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 27	Feb 21
98-02	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 10	Mar 7
98-03	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 4	Feb 24	Mar 21
98-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10	Apr 4
98-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24	Apr 18
98-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7	May 2
98-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21	May 16
98-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5	May 30
98-09	Mar 25	Apr 8	Apr 22	May 6	May 26	Jun 20
98-10	Apr 8	Apr 22	May 6	May 20	Jun 9	Jul 4
98-11	Apr 22	May 6	May 20	Jun 3	Jun 23	Jul 18
98-12	May 6	May 20	Jun 3	Jun 17	Jul 7	Aug 1
98-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21	Aug 15
98-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4	Aug 29
98-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25	Sep 19
98-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8	Oct 3
98-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22	Oct 17
98-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6	Oct 31
98-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27	Nov 21
98-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10	Dec 5
98-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24	Dec 19
98-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8	Jan 2, 1999
98-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22	Jan 16, 1999
98-24	Nov 4	Nov 18	Dec 2	Dec 16, 1998	Jan 5, 1999	Jan 30

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

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

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

<sup>4</sup>A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

## **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;

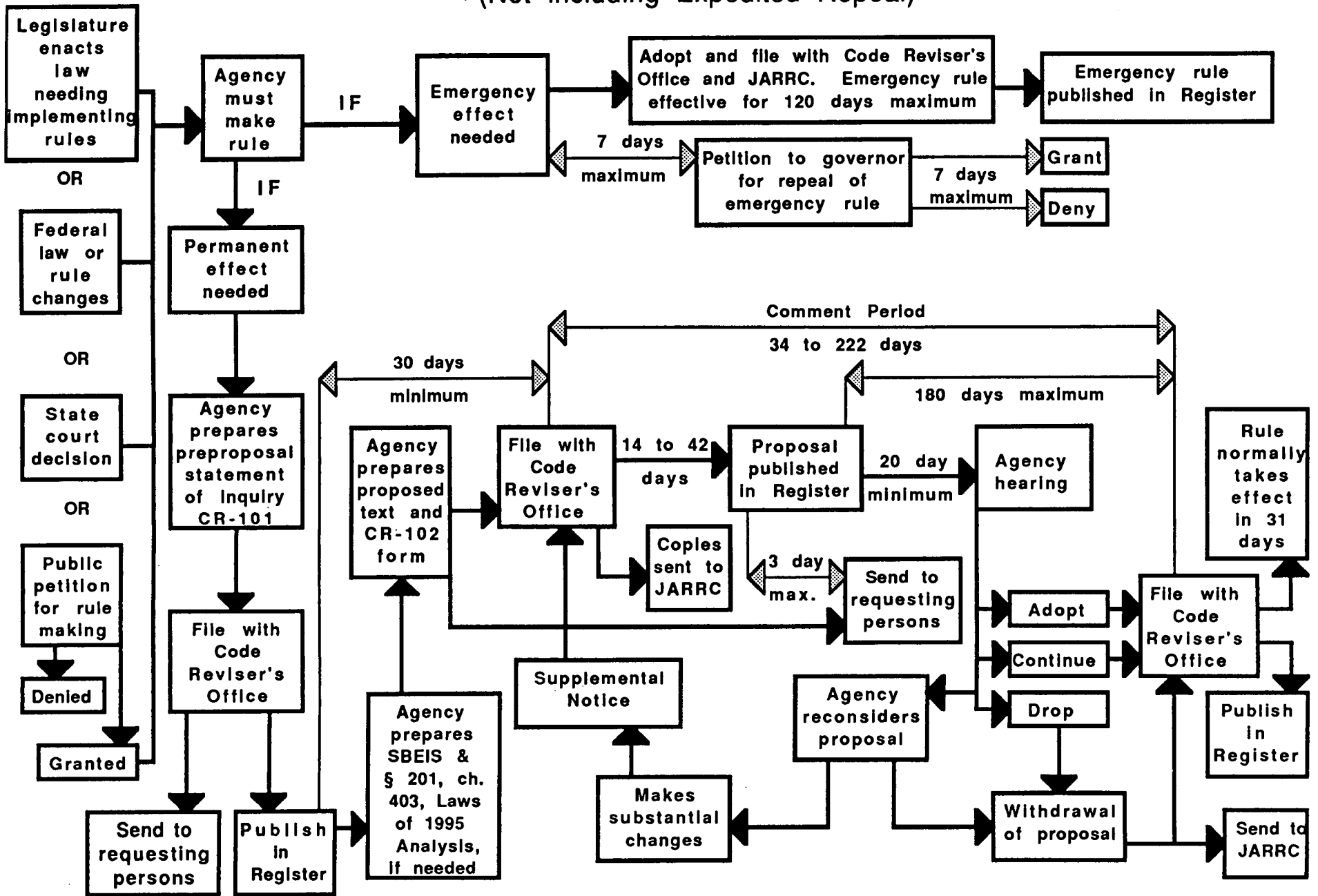
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 98-06-001**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**  
[Filed February 19, 1998, 3:53 p.m.]

February 18, 1998  
Larry Davis  
Executive Director

Subject of Possible Rule Making: Chapter 180-30 WAC, State assistance in providing school plant facilities—Pre-November 1983 applications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The entire chapter is outdated and no longer needed.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 19, 1998  
Larry Davis  
Executive Director

**WSR 98-06-002**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**  
[Filed February 19, 1998, 3:55 p.m.]

Subject of Possible Rule Making: Chapter 180-32 WAC, State assistance in providing school plant facilities—Interdistrict transportation cooperatives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

**WSR 98-06-003**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**  
[Filed February 19, 1998, 3:57 p.m.]

Subject of Possible Rule Making: Chapter 180-31 WAC, State assistance in providing school plant facilities—Interdistrict cooperation in financing school plant construction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 18, 1998  
Larry Davis  
Executive Director

**WSR 98-06-004**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**  
[Filed February 19, 1998, 3:59 p.m.]

Subject of Possible Rule Making: Chapter 180-29 WAC, State assistance in providing school plant facilities—Procedural regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 18, 1998  
Larry Davis  
Executive Director

#### WSR 98-06-005

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed February 19, 1998, 4:01 p.m.]

Subject of Possible Rule Making: Chapter 180-27 WAC, State assistance in providing school plant facilities—Basic state support.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 18, 1998  
Larry Davis  
Executive Director

#### WSR 98-06-006

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed February 19, 1998, 4:04 p.m.]

Subject of Possible Rule Making: Chapter 180-26 WAC, State assistance in providing school plant facilities—Educational specifications and site selection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 18, 1998  
Larry Davis  
Executive Director

#### WSR 98-06-007

##### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed February 19, 1998, 4:05 p.m.]

Subject of Possible Rule Making: Chapter 180-25 WAC, State assistance in providing school plant facilities—Preliminary provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 18, 1998  
Larry Davis  
Executive Director



**WSR 98-06-008****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed February 19, 1998, 4:07 p.m.]

Subject of Possible Rule Making: Chapter 180-33 WAC, State assistance in providing school plant facilities—Modernization.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 18, 1998  
Larry Davis  
Executive Director

**WSR 98-06-018****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed February 20, 1998, 1:17 p.m.]

Subject of Possible Rule Making: Gambling services supplier.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To open discussion regarding what licensing or certification requirements apply to businesses that provide storage, counting, and recordkeeping services for pull tab and punchboard games.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654

ext. 310. Meetings at Holiday Inn Sea-Tac, 17338 International Boulevard, SeaTac, WA 98188, (206) 248-1000; at The Inn at Semi-ah-moo, 9565 Semiahmoo Parkway, Blaine, WA 98230-9326, (360) 371-2000; or at the Maple Hall Convention Center, 104 Community Street, La Conner, WA 98257, (360) 466-3101.

Soojin Kim  
Rules and Policy Coordinator

**WSR 98-06-023****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed February 24, 1998, 8:55 a.m.]

Subject of Possible Rule Making: Revision to WAC 468-38-110 Escort vehicle requirements. Provide minimum requirements for the operation of escort vehicles, what constitutes an escort vehicle, and operator requirements for performing related duties i.e. flagging.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090 Special permits for oversize and overweight movements.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is considerable confusion regarding the performance expectations of vehicles used to escort the transport of over-dimensional loads, as well as the operators of those vehicles. Rules will be proposed to promote consistency, as well as safety, relative to the use of escort vehicles.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol and the Department of Labor and Industries. Agency rules have been reviewed for their contribution to the proposed rule. Agency personnel will be provided copies of the proposed rule change for comment.

Process for Developing New Rule: Negotiated rule making, the Washington State Department of Transportation will draft a proposed rule change which will be reviewed by selected agencies and concerned industry participants.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Administrator, Motor Carrier Services, phone (360) 664-9497, FAX (360) 664-9440. Two "town meeting" forums will be advertised for public/industry question and answer. Drafts of the proposed rule change will be provided to concerned citizens upon request.

February 23, 1998  
Gerald E. Smith  
Deputy Secretary, Operations

**WSR 98-06-028****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed February 25, 1998, 3:06 p.m.]

Subject of Possible Rule Making: WAC 180-51-050 High school credit—Definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide clarification of the definition of high school credit as it relates to adult high school completion course work through a college or university.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 25, 1998  
Larry Davis  
Executive Director

**WSR 98-06-030**

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

[Filed February 26, 1998, 10:50 a.m.]

Subject of Possible Rule Making: New section to chapter 180-78A WAC to establish criteria for a third round of field tests for professional certificate programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010, 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This section sets forth criteria for a third round of field tests of the professional certificate program. The criteria for the third round are based on evidence, to date, from the first two rounds of tests.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 26, 1998  
Larry Davis  
Executive Director

**WSR 98-06-043**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed February 27, 1998, 11:17 a.m.]

Subject of Possible Rule Making: Chapter 296-400A WAC, Certification of competency for journeyman plumbers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.106.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule amendments are necessary to implement SSB 5749 (1997) which created a medical gas piping installer endorsement that can be attached to a journeyman plumber certification. The department will review the chapter and collect ideas from stakeholders and determine if any other amendments are needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This subject is solely regulated by the Department of Labor and Industries. No other state or federal agencies are involved.

Process for Developing New Rule: The person primarily responsible for developing this rule is the department's chief contractor compliance/plumbing certification inspector with major input from plumbing stakeholders and the governor's Advisory Board of Plumbers. The department has relied heavily upon an ad hoc plumbing committee to develop medical gas rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Morris, Chief Contractor Compliance, Plumbing Certification Inspector, phone (360) 902-5578, FAX (360) 902-5292, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44470, Olympia, WA 98504-4470.

February 25, 1998  
Gary Moore  
Director

**WSR 98-06-046**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING  
(Business and Professions Division, Architects)**

[Filed February 27, 1998, 11:34 a.m.]

Subject of Possible Rule Making: Addition of the definition for "structured intern training program" that was added to RCW 18.08.350 (3)(a) and (b) during the 1997 legislature. The board is to approve such a program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.08.340 and 18.08.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide definition for a structured intern training program and designate a specific national program. To disseminate application criteria in advance of the July 2001 effective date for the benefit of interns in the training process.

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

Process for Developing New Rule: Agency study; and survey of other architect licensing jurisdictions that require similar structured intern training programs. Consideration of public comments and suggestions from professional associations and academic programs at University of Washington and Washington State University.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may participate in rule drafting by contacting James D. Hanson, Program Administrator, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 753-1153, FAX (360) 664-2551, TDD (360) 586-2788. All interested persons will be added to the agency's mailing list for this rule proposal and any subsequent rule-amending actions.

February 26, 1998  
James D. Hanson  
Program Administrator

#### WSR 98-06-047

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Business and Professions Division, Architects)

[Filed February 27, 1998, 11:35 a.m.]

Subject of Possible Rule Making: Changes to the application content for the architect examination and registration as listed in WAC 308-12-025. The changes are needed to add the structured intern training documents as required by the 1997 amendments to RCW 18.08.350 (3)(a) and (b), effective July 29, 2001.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.08.340 and 18.08.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide instructions to applicants for examination and registration concerning the content of a complete application. Provide instructions for internal evaluations of applications. To disseminate application criteria in advance of the July 2001 effective date for the benefit of interns in the training process.

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

Process for Developing New Rule: Agency study; and survey of other architect licensing jurisdictions that require this same structured intern training program. Consideration of public comments and suggestions from professional associations and academic programs at University of Washington and Washington State University.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may participate in rule drafting by contacting James D. Hanson, Program Administrator, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 753-1153, FAX (360) 664-2551, TDD (360) 586-2788. All interested persons will be added to the agency's mailing list for this rule proposal and any subsequent rule-amending actions.

February 26, 1998  
James D. Hanson  
Program Administrator

#### WSR 98-06-050 PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Filed February 27, 1998, 1:35 p.m.]

Subject of Possible Rule Making: Rules relating to rate regulation of site operators for the disposal of low-level radioactive waste will be reviewed for content and readability pursuant to Executive Order 97-02, with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. All provisions currently codified in chapter 480-92 WAC might be affected. The review will include consideration of whether substantive changes or additions are required for rate regulation of the disposal of low-level radioactive waste. Docket No. UR-980080.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Executive Order 97-02 requires agencies to review significant rules with attention to the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. This includes review of whether the current rules are providing the results that they were originally intended to achieve and whether the rules are consistent with laws and appropriate and lawful policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Departments of Health and Ecology; United States Department of Energy; and United States Department of Environmental Protection Agency. The commission will invite each of those agencies to participate actively in the rule making and will keep those agencies informed of all rule-related activities.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1160, FAX (360) 586-1150.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UR-980080, not later than March 27, 1998. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the

workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

**Notice of Workshop:** A workshop will be held on June 11, 1998, beginning at 9:30 a.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports are available and will be assigned one to an organization, first come first served. Persons wishing to attend via the teleconference bridge line must contact Mark Halliday at (360) 664-1245 no later than 5:00 p.m., June 9, 1998. Questions may be addressed to Sondra Walsh at (360) 664-1254 or e-mail at [sondra@wutc.wa.gov](mailto:sondra@wutc.wa.gov).

#### NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the Records Center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and FAX numbers referencing Docket No. UR-980080, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and FAX numbers, referencing Docket No. UR-980080, and the words "Please keep me on the mailing list" to [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Please note that all information in the mailings will be accessible through the commission's Internet website at <http://www.wutc.wa.gov/>. THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

February 25, 1998  
Terrance Stapleton  
for Paul Curl  
Acting Secretary

#### WSR 98-06-051 PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed February 27, 1998, 2:31 p.m.]

**Subject of Possible Rule Making:** Amend WAC 390-13-100 Duties of election officials receiving copies of campaign finance reports.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 42.17.370(1) and [42.17].375.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The rule governing the manner in which county election officials handle and process copies of campaign disclosure reports filed with them has not been reviewed since 1983 and it currently does not provide for electronic filing of reports. It is anticipated that if the rule is amended it would neither require filers to make electronic filings, nor require counties to accept electronic

filings. It would address the need for counties that do accept electronically filed reports to have equipment available that allows the public to view the reports and generate paper copies of them.

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

**Process for Developing New Rule:** The possibility of amending this rule, as well as others, will be among the topics discussed at the public meeting scheduled for Friday, March 27, 1998, in the 2nd Floor Conference Room of the Evergreen Plaza Building, 711 Capitol Way, Olympia. As part of this meeting, the Public Disclosure Commission's Rules Review Advisory Committee will provide input to the Public Disclosure Commission staff. The public is welcome to attend and participate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, FAX (360) 753-1112, e-mail [pdcc@wln.com](mailto:pdcc@wln.com). Submit written comments by April 13, 1998. Attend March 27, 1998, meeting referenced above.

February 27, 1998  
Melissa Warheit  
Executive Director

#### WSR 98-06-052 PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed February 27, 1998, 2:34 p.m.]

**Subject of Possible Rule Making:** Repeal WAC 390-16-200 Encouraging expenditures to avoid contributions—Result.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 42.17.370(1).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This rule may not be consistent with the statutory definition of "contribution" as amended by chapter 397, Laws of 1995.

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

**Process for Developing New Rule:** The possibility of repealing this rule will be among the topics discussed at the public meeting scheduled for Friday, March 27, 1998, in the 2nd Floor Conference Room of the Evergreen Plaza Building, 711 Capitol Way, Olympia. As part of this meeting, the Public Disclosure Commission's Rules Review Advisory Committee will provide input to the Public Disclosure Commission staff. The public is welcome to attend and participate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, FAX (360) 753-1112, e-

mail pdc@wln.com. Submit written comments by April 13, 1998. Attend March 27, 1998, meeting referenced above.

February 27, 1998  
Melissa Warheit  
Executive Director

**WSR 98-06-053**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed February 27, 1998, 2:36 p.m.]

Subject of Possible Rule Making: Amend WAC 390-16-207 In-kind contributions and expenditures—Reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Portions of this rule may not be consistent with the statutory provision prohibiting candidates from making transfers to another candidate or political committee (RCW 42.17.095) and with WAC 390-16-238 that requires a candidate's campaign expenditures to be directly related to his or her own campaign.

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

Process for Developing New Rule: The possibility of amending this rule, as well as others, will be among the topics discussed at the public meeting scheduled for Friday, March 27, 1998, in the 2nd Floor Conference Room of the Evergreen Plaza Building, 711 Capitol Way, Olympia. As part of this meeting, the Public Disclosure Commission's Rules Review Advisory Committee will provide input to the Public Disclosure Commission staff. The public is welcome to attend and participate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, FAX (360) 753-1112, e-mail pdc@wln.com. Submit written comments by April 13, 1998. Attend March 27, 1998, meeting referenced above.

February 27, 1998  
Melissa Warheit  
Executive Director

**WSR 98-06-054**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed February 27, 1998, 2:39 p.m.]

Subject of Possible Rule Making: Repeal WAC 390-17-205 Number of registered voters—Calculation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1995, the campaign finance law was amended to address how the number of registered voters should be calculated for purposes of figuring out how much political party and caucus political

committees may contribute to candidates for state office. In 1993, before this statutory direction existed, the commission adopted a rule specifying how to calculate the number of registered voters. Since the rule is superseded by the law, the rule needs to be repealed.

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

Process for Developing New Rule: The possibility of repealing this rule will be among the topics discussed at the public meeting scheduled for Friday, March 27, 1998, in the 2nd Floor Conference Room of the Evergreen Plaza Building, 711 Capitol Way, Olympia. As part of this meeting, the Public Disclosure Commission's Rules Review Advisory Committee will provide input to the Public Disclosure Commission staff. The public is welcome to attend and participate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, FAX (360) 753-1112, e-mail pdc@wln.com. Submit written comments by April 13, 1998. Attend March 27, 1998, meeting referenced above.

February 27, 1998  
Melissa Warheit  
Executive Director

**WSR 98-06-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed February 27, 1998, 2:40 p.m.]

Subject of Possible Rule Making: Amend WAC 390-17-405 Volunteer services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule was initially adopted to clarify a section of law that has since been repealed. However, the rule could be amended to implement existing language in RCW 42.17.020 (14)(b)(vi) by explaining what services an individual may perform for a candidate's campaign or for a political committee without incurring a contribution to that recipient.

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

Process for Developing New Rule: The possibility of amending this rule, as well as others, will be among the topics discussed at the public meeting scheduled for Friday, March 27, 1998, in the 2nd Floor Conference Room of the Evergreen Plaza Building, 711 Capitol Way, Olympia. As part of this meeting, the Public Disclosure Commission's Rules Review Advisory Committee will provide input to the Public Disclosure Commission staff. The public is welcome to attend and participate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Public Disclosure Commission

Assistant Director Vicki Rippie at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 586-4838, FAX (360) 753-1112, e-mail pdc@wln.com. Submit written comments by April 13, 1998. Attend March 27, 1998, meeting referenced above.

February 27, 1998  
Melissa Warheit  
Executive Director

**WSR 98-06-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed February 27, 1998, 4:50 p.m.]

Subject of Possible Rule Making: Personal use rules.  
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080, 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Pacific Fisheries Management Council makes recommendations for salmon harvest each year. Through the North of Falcon process, the state agrees to adopt the recommendations. These rules will allow harvest of available salmon while conserving stocks where necessary. These rules will cover both commercial and recreational harvest and will apply to fresh and salt waters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Fish and Wildlife Service and National Marine Fisheries Service are represented in the Pacific Fisheries Management Council decision process.

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 Bruce Crawford, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2325. Contact by April 21, 1998. Expected proposal filing date April 22, 1998.

February 27, 1998  
Evan Jacoby  
Rules Coordinator

**WSR 98-06-064**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF FINANCIAL MANAGEMENT**

[Filed March 2, 1998, 12:40 p.m.]

Subject of Possible Rule Making: Setting pay dates for state officers and employees for 1999.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.16.010(1) and 42.16.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Office of Financial Management is required by statute to establish pay dates for each calendar year.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State pay dates are coordinated so that they do

not fall on state holidays designated by the Department of Personnel or federal holidays designated by the Federal Reserve System.

Process for Developing New Rule: Criteria established by statute, legal holidays established for the state by the Department of Personnel and for the federal government by the Federal Reserve System, are applied to establish pay dates for state officers and employees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Millie Lund, Office of Financial Management, 406 Legion Way S.E., Olympia, WA 98504-3123, phone (360) 664-3419, FAX (360) 664-3423.

March 4 [2], 1998  
Lynne McGuire  
Rules Coordinator

**WSR 98-06-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed March 2, 1998, 1:22 p.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Pacific Fisheries Management Council has recommended a reduction in lingcod size for conservation. Certain marine protected areas were created to exclude sport fishing and concurrent commercial closures are needed to protect marine life. The Neah Bay catch area is being managed concurrently with Puget Sound and a log book requirement needs to be established for consistency. Additional operators in the Puget Sound shrimp fishery has frustrated efforts to ensure license owner participation; fishers have requested a change to license owner-only with a medical exception.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Marine protected area classification requires coordination with the Department of Natural Resources, which has been consulted in establishing these areas.

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 Bruce Crawford, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2325. Contact by April 21, 1998. Expected proposal filing date April 22, 1998.

March 1, 1998  
Evan Jacoby  
Rules Coordinator

**WSR 98-06-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 [Filed March 2, 1998, 3:52 p.m.]

Subject of Possible Rule Making: Revision of chapter 388-96 WAC, Nursing home accounting and reimbursement system, to make changes to principles of determining Medicaid nursing facility payment rates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.800 and 74.09.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To reflect possible changes made by the 1998 state legislature and to adopt necessary supplementary rules and procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Department of Health and Human Services, Health Care Financing Administration (HCFA). Changes must be submitted to HCFA as state plan amendment, subject to HCFA approval.

Process for Developing New Rule: Changes will be based on 1998 state legislative action and on rules and procedures needed to clarify and complete the Medicaid payment rate system for nursing facilities. The department welcomes and encourages comments and suggestions in developing the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Send comments and suggestions to Robert Gray, Department of Social and Health Services, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, (360) 493-2588, FAX (360) 493-9484.

March 2, 1998  
 Edith M. Rice, Chief  
 Office of Legal Affairs

**WSR 98-06-077**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 [Filed March 3, 1998, 4:52 p.m.]

Subject of Possible Rule Making: Department of Health acting as sponsor for physician visa waivers. This is an optional activity under federal law that allows certain foreign trained physicians to remain in the United States, subject to a full-time employment contract in an area of high need.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.185.020 directs the department to "establish a health professional recruitment and retention clearinghouse," and to carry out activities to support and enhance recruitment.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to Executive Order 97-02, we examined all areas of activity that might confer privilege. Since the action that the federal law allows the state to carry out is limited to 20 sponsorships a year, and since the state has an interest in targeting this action to the areas of highest need, we determined a need to create

rule. This will allow the state to choose among applicants for sponsorship.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Three federal agencies are also involved in this sponsorship activity: The United States Department of Agriculture, the Department of State through United States Information Agency, and the United States Immigration and Naturalization Service. Federal rule has been adopted that we can use to create a program that meets the requirements for the federal agency to act on behalf of a Washington state shortage area community that wishes to hire a foreign trained physician.

Process for Developing New Rule: Public meetings and mailings to stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Verne A. Gibbs, Director, or Callie Wilson, Staff, Department of Health, Office of Community and Rural Health, P.O. Box 47834, Olympia, WA 98504-7834, FAX (360) 664-9273, phone (360) 705-6770. We will draft rule based on input from public meetings we have conducted to solicit input. We will circulate this draft to the Washington State Medical Association and the Washington State Osteopathic Association. We will also circulate to both rural hospitals and community clinics in federally designated areas that might wish to use the program, as well as all existing program participants, including private clinics and currently practicing physicians who have participated in the program.

March 3, 1998  
 Bruce Miyahara  
 Secretary

**WSR 98-06-078**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 [Filed March 3, 1998, 4:55 p.m.]

Subject of Possible Rule Making: Deletion of an unnecessary requirement to report radiation dosimetry results to the department.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.98.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1994, during a major revision of all radiation rules required by the United States Nuclear Regulatory Commission (NRC), a rule requiring certain radioactive materials licensees to annually report the results of personnel dosimetry was inadvertently added to the regulations. The NRC collects and analyzes this data from its own licensees, however, NRC does not require this data from Washington state licensees and there is no reason for the state radiation control agency to demand it from them. Washington state licensees have attempted to comply with this regulation because it exists in WAC. Collecting, copying and sending this information to the state radiation control program is an unnecessary burden for Washington state licensees. The agency desires to remove this requirement from the rules by amending WAC 246-221-265.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The requirement to report certain dosimetry results was patterned after the United States Nuclear Regulatory Commission. This is the only other agency that regulates this subject. The state radiation control agency works closely with the NRC to assure that state regulations are compatible with those of the NRC. This particular federal rule has been determined by NRC to be an area where state rule compatibility is not required.

Process for Developing New Rule: Agency will inform interested parties and solicit comments through mailings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The state radioactive materials licensees affected by this rule and other interested parties will be mailed a copy of the CR-101 and provided twenty days to comment. Contact Terry C. Frazee, Supervisor, Radioactive Materials Section, P.O. Box 47827, Olympia, WA 98504-7827, (360) 236-3221, FAX (360) 236-2255.

March 3, 1998  
Bruce Miyahara  
Secretary

**WSR 98-06-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

(Apple Advertising Commission)

[Filed March 4, 1998, 10:05 a.m.]

Subject of Possible Rule Making: Increase the maximum allowable assessment rate on fresh apples from \$.543 per hundredweight (\$.25 per 46 lb. carton) to \$1.087 per hundredweight (\$.50 per 46 lb. carton).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.24 RCW, Washington Apple Advertising Commission, and chapter 303, Laws of 1997.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington Apple Advertising Commission collects assessments on fresh apples to fund advertising and promotion programs. Since the last assessment increase in 1990, inflation has significantly reduced the impact of available funds, even after accounting for crop increases. In addition, apple production in Washington, the balance of the United States and throughout the world has increased dramatically. As a result, additional promotional funds may be necessary for Washington to maintain its world market share.

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

Process for Developing New Rule: Adoption of the rule requires approval by a majority of the affected producers voting in a referendum under the supervision of the director of agriculture.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public hearings will be held to give interested parties the opportunity to participate and comment on the proposed rule. At the conclusion of the hearing process, a favorable vote by producers will be required prior to

implementation of any funding increase. Contact Steve Lutz, President, Washington Apple Advertising Commission, 2900 Euclid Avenue, P.O. Box 18, Wenatchee, WA 98807, phone (509) 663-9600, FAX (509) 662-5824.

March 4, 1998  
Steve Lutz  
President

**WSR 98-06-088**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed March 4, 1998, 11:07 a.m.]

Subject of Possible Rule Making: Chapter 388-31 WAC, Washington telephone assistance program and related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.36.440 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules identify client eligibility, benefits and how WTAP funds are disbursed. The current rules are being reviewed and revised to provide updated information and conform to regulatory reform criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The program is jointly administered by the Department of Social and Health Services and the Washington Utilities and Transportation Commission. The draft rules will be sent to the commission by mail or FAX, and any return comments considered.

Process for Developing New Rule: Review current rules using clear writing guidelines and appropriate audiences. Copies will be provided to coordinating agencies and interested persons. All comments will be considered. The Economic Services Administration Regulatory Improvement Team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can contact Grace Moy, Program Manager. Meetings will be arranged, if needed. If you would like to participate in the review, contact Grace Moy, Program Manager, Division of Assistance Programs, Adult Programs and Support Services, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3107, FAX (360) 413-3495, e-mail moygc@dshs.wa.gov.

March 3, 1998  
Edith M. Rice, Chief  
Office of Legal Affairs



**WSR 98-06-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 [Filed March 4, 1998, 11:09 a.m.]

Subject of Possible Rule Making: Chapter 388-97 WAC, Nursing homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620 and 18.51.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Governor Gary Locke's Executive Order 97-02 requires review of all state regulations that have significant impact to ensure that they meet standards of need, reasonableness, effectiveness, clarity, fairness, stakeholder involvement, coordination among regulatory agencies and consistency with legislative intent and statutory authority. In accordance with the governor's order, Aging and Adult Services Administration is currently reviewing chapter 388-97 WAC, Nursing homes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health and Human Services, Washington State Department of Health, Office of the State Fire Marshal, Washington State Department of Labor and Industries.

Process for Developing New Rule: In an effort to have as broad participation as possible in the review process, mailings will go to nursing home providers and other interested parties on the mailing list, and public input will be gathered from interested parties who attend meetings or submit written comments. Input from nursing home residents and families, nursing home providers, resident advocacy groups, other state agencies, and the public will assist Aging and Adult Services Administration in identifying areas that need WAC amendment to provide greater clarity or address concerns.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Fay Helmon, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 438-8978, FAX (360) 438-7903, Internet address fhelmon@dshs.wa.gov, TTY 1-800-737-7931 or (360) 407-0212.

March 3, 1998  
 Edith M. Rice, Chief  
 Office of Legal Affairs

**WSR 98-06-090**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**  
 [Order 98-02—Filed March 4, 1998, 11:30 a.m.]

Subject of Possible Rule Making: MSW landfill emission guidelines and new source performance standards, chapter 173-400 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.510 Policy to cooperate with federal government and 70.94.785 Plans approved pursuant to federal Clean Air Act—Enforcement authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule amendment would adopt or incorporate by reference without material change a federal regulation, and the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

There is no federal rule that applies the Environmental Protection Agency's emission guidelines to "existing" MSW landfills. The Environmental Protection Agency's 40 CFR 60.23 mandates that ecology submit a "state plan" to implement the Environmental Protection Agency's emission guidelines. The state plan must include a statement of state authority to carry out various aspects of the plan. If the state does not submit a plan to implement the guidelines, then the Environmental Protection Agency will impose a federal plan on the affected facilities.

There is a federal rule that applies to "new" MSW landfills, 40 CFR 60 subpart WWW. Incorporation of the federal rule into a state rule would authorize state authorities to administer the rule. It is also necessary to streamline the authority element of the "state plan" for implementing the Environmental Protection Agency's emission guidelines for "existing" MSW landfills.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The rule would be implemented and enforced by the local air authorities. The United States Environmental Protection Agency also regulates this subject.

Process for Developing New Rule: Following Administrative Procedure Act notice and comment procedures. This is not a significant legislative rule under RCW 34.05.328 (5)(b)(iii).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Cross, P.O. Box 47600, Olympia, WA 98504, (360) 407-6875, stcr461@ecy.wa.gov.

March 2, 1998  
 Joe Williams  
 Program Manager

**WSR 98-06-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed March 4, 1998, 11:44 a.m.]

Subject of Possible Rule Making: Buckwheat, chick pea, field pea, lentil, millet, soybean, sorghum and small grain seeds, WAC 16-316-474 and 16-316-525.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005, 15.49.310, 15.49.370(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) To respond to industry request to increase seed certification fees for the above. A fee increase would reflect current cost of operating that portion of the seed certification program delegated by the director to the Washington State Crop Improvement Association. (2) Respond to industry request to add and delete eligible varieties.

Process for Developing New Rule: Request from the board of directors of the Washington State Crop Improvement Association (WSCIA).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Graydon Robinson, Program Manager, Washington State Department of Agriculture Seed Program, 2015 South 1st Street, Yakima, WA 98903, phone (509) 575-2750, FAX (509) 454-4395; or Keith Pfeifer, Manager, WSCIA, 414 South 46th Avenue, Yakima, WA 98908, phone (509) 966-2234, FAX (509) 966-2494.

March 4, 1998  
Julie C. Sandberg  
Assistant Director

Process for Developing New Rule: Agency study; and the department will solicit industry comments and inputs on proposed fee structure.

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

March 4, 1998  
Julie C. Sandberg  
Assistant Director

**WSR 98-06-094**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed March 4, 1998, 11:45 a.m.]

Subject of Possible Rule Making: Application for certification for forest reproductive materials, WAC 16-319-041.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005, 15.49.310, 15.49.370(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To respond to industry request to increase seed certification fees for the above. A fee increase would reflect current cost of operating that portion of the seed certification program delegated by the director to the Washington State Crop Improvement Association.

Process for Developing New Rule: Request from the board of directors of the Washington State Crop Improvement Association (WSCIA).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Graydon Robinson, Program Manager, Washington State Department of Agriculture Seed Program, 2015 South 1st Street, Yakima, WA 98903, phone (509) 575-2750, FAX (509) 454-4395; or Keith Pfeifer, Manager, WSCIA, 414 South 46th Avenue, Yakima, WA 98908, phone (509) 966-2234, FAX (509) 966-2494.

March 4, 1998  
Julie C. Sandberg  
Assistant Director

**WSR 98-06-096**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed March 4, 1998, 11:46 a.m.]

Subject of Possible Rule Making: Metrology laboratory fees, chapter 16-575 WAC, Calibration services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.94.190, 19.94.216, 19.94.325.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule change would increase fees to comply with the provisions of RCW 19.94.216.

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

**WSR 98-06-013  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed February 20, 1998, 8:36 a.m.]

Continuance of WSR 98-01-142.

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

Title of Rule: WAC 251-19-105 Accommodation due to disability.

Purpose: This rule pertains to accommodation due to disability.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 12, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by March 5, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by March 10, 1998.

Date of Intended Adoption: March 12, 1998.

February 19, 1998

Dennis Karras  
Secretary

**WSR 98-06-015  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed February 20, 1998, 8:38 a.m.]

Continuance of WSR 98-01-140.

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

Title of Rule: WAC 251-19-100 Transfer—Lateral movement—Voluntary demotion.

Purpose: This rule pertains to transfers, lateral movements, and voluntary demotions.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 12, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by March 5, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by March 10, 1998.

Date of Intended Adoption: March 12, 1998.

February 19, 1998

Dennis Karras  
Secretary

**WSR 98-06-014  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed February 20, 1998, 8:37 a.m.]

Continuance of WSR 98-01-141.

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

Title of Rule: WAC 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption and 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption.

Purpose: The purpose of these rules is to remove any possible conflict between state laws or the Americans with Disabilities Act of 1990 and the Personnel Resources Board rules.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 12, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by March 5, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by March 10, 1998.

Date of Intended Adoption: March 12, 1998.

February 19, 1998

Dennis Karras  
Secretary

**WSR 98-06-016  
PROPOSED RULES  
DEPARTMENT OF TRANSPORTATION**

[Filed February 20, 1998, 10:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-02-032.

Title of Rule: WAC 468-38-070 Maximums for oversize and overweight movements.

Purpose: To set maximum criteria for oversize and overweight vehicles and/or loads carried by vehicles, including height, width, length and weight. Also includes certain exceptions for reducible loads.

Statutory Authority for Adoption: RCW 46.44.090.

Statute Being Implemented: RCW 46.44.090.

Summary: Proposed revision would allow transporters of stacked empty apple bins, and ranchers transporting their own hay for their own consumption, to move these reducible loads at a height not to exceed fifteen feet on preapproved routes.

Reasons Supporting Proposal: Eliminates an economic hardship of making additional trips to transport the necessary cargo. The cargo is of a consistency that it poses no significant threat of damage to permanent overhead structures and the preapproved routes should all but eliminate the chance of hitting a structure and creating a debris hazard to other motorists.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Motor Carrier Services, Washington State Department of Transportation, (360) 664-9497; and Enforcement: Captain Tim Erickson, Commercial Vehicles Division, Washington State Patrol, (360) 753-0302.

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

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule sets the maximum criteria for oversize and overweight vehicles and/or loads carried by vehicles, including height, width, length and weight. Also includes certain exceptions for reducible loads. Proposed revision would allow transporters of stacked empty apple bins, and ranchers transporting their own hay for their own consumption, to move these reducible loads at a height not to exceed fifteen feet on preapproved routes.

Proposal Changes the Following Existing Rules: Adds hay bales to reducible load exceptions in specific instances.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable. Change affects ranchers transporting hay for their own consumption.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Transportation Building, Commission Boardroom 1D2, Olympia, Washington 98504, on April 9, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by March 20, 1998.

Date of Intended Adoption: April 9, 1998.

February 19, 1998

Gerald E. Smith

Deputy Secretary, Operations

**AMENDATORY SECTION** (Amending WSR 96-23-003, filed 11/7/96, effective 12/8/96)

**WAC 468-38-070 Maximums for special permits—Nonreducible.** (1) Overwidth: 14 feet on any two-lane highway; 20 feet on any multiple-lane highway where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes; 32 feet on any multiple-lane undivided highway.

The regulations on movement of buildings are in WAC 468-38-360.

(2) Overheight: A load over 14 feet high must be moved by permit, but the permittee is to be governed by the clearance of overhead obstructions such as bridges, underpasses, wires, overhead signs and other objects. The issuance of a permit does not insure the route to be free of low overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions. Vehicles hauling empty apple bins, or ranchers hauling their own hay for their own livestock, may be issued permits to haul these respective loads up to 15 feet high on preapproved routes within a three-county area.

(3) Overlength: The permit will allow movement on routes on which the permittee can negotiate curves, interchanges, entrance and exit roadways and other obstacles. In all instances the general safety of the public is considered paramount.

(4) Overweight: 22,000 pounds on a single axle; 43,000 pounds on tandem axles. (RCW 46.44.091)

## WSR 98-06-020

### PROPOSED RULES

#### LAKE WASHINGTON TECHNICAL COLLEGE

[Filed February 23, 1998, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-02-050.

Title of Rule: To change provision for board of trustee meetings, WAC 495D-104-010.

Purpose: To amend WAC 495D-104-010 to remove the specific time of day for regular meetings of the board of trustees.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: Chapter 42.30 RCW.

Reasons Supporting Proposal: Board decision on more effective meeting times.

Name of Agency Personnel Responsible for Drafting and Implementation: Gary Cohn, Lake Washington Technical College, (425) 739-8201; and Enforcement: Don Fowler, Lake Washington Technical College, (425) 739-8200.

Name of Proponent: Lake Washington Technical College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Ability to change the meeting dates and times for board of trustee meetings would allow trustees to attend meetings without conflict of schedules for those currently working or attending school. There would be no effect anticipated other than the convenience of meeting times. Meeting schedule to be published in state register per statute.

Proposal Changes the Following Existing Rules: Meetings are currently held the second Wednesday of each month at 6:00 p.m. WAC will no longer specify day or time. Meeting schedule to be published annually in state register per statute.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 11605 132nd Avenue Northeast, Kirkland, WA 98034, on April 7, 1998, at 4:00.

Assistance for Persons With Disabilities: Contact Peggy Green by April 1, 1998, TDD (425) 739-8109, or (425) 739-8200.

Submit Written Comments to: FAX (425) 739-8299, by April 1, 1998.

Date of Intended Adoption: April 7, 1998.

February 20, 1998

Donald W. Fowler

President

#### Chapter 495D-104 WAC BOARD OF TRUSTEES

**AMENDATORY SECTION** (Amending WSR 95-23-043, filed 11/13/95, effective 12/14/95)

**WAC 495D-104-010 Time and place of board meetings.** The board of trustees shall hold one regular meeting (~~on the second Wednesday of~~) each month (~~at 6:00 p.m.~~) and such special meetings as may be requested

by the chair of the board or by a majority of the members of the board. ~~((and))~~ All regular and special meetings of the board of trustees shall be announced in accordance with law. All regular and special meetings of the board of trustees shall be held at Lake Washington Technical College, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions. No official business may be conducted by the board of trustees except during a regular or special meeting.

**WSR 98-06-027**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed February 25, 1998, 2:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-01-093 dated December 15, 1997.

Title of Rule: WAC 230-30-225 Interest in separate business involving gambling activities at different marketing levels.

Purpose: This new rule clarifies the prohibitions and explains the intent behind the restrictions on holding an interest in businesses at different marketing levels.

Statutory Authority for Adoption: RCW 9.46.070 (1), (11).

Summary: This new rule clarifies the prohibitions and explains the intent behind the restrictions on holding an interest in businesses at different marketing levels.

Reasons Supporting Proposal: Rule will safeguard against undue influence over a market by one entity.

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654 ext. 310; Implementation: Ben Bishop, Lacey, (360) 438-7654 ext. 302; and Enforcement: Carrie Tellefson, Lacey, (360) 438-7654 ext. 373.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This new rule adopts the principles of WAC 230-30-220 (currently up for repeal) which prohibits holding interest in separate businesses at different marketing levels. This new rule clarifies the prohibitions and explains the intent behind restrictions on holding an interest in businesses at different marketing levels.

This rule defines marketing level and answers the following questions:

(1) "If I am involved in the supply of pull tabs or punch boards am I prohibited from obtaining another license as an operator?"

(2) "If I am a licensed representative for a manufacturer or distributor can I have any interest in a licensed operator?"

(3) "Can I be licensed as a manufacturer and also be licensed as a distributor?"

(4) "If my spouse is a substantial interest holder in an operator, manufacturer, or distributor, will I be considered a substantial interest holder in the same business?"

This rule clarifies that a person is no longer prohibited from working for an operator as a bartender, wait person, or similar position and working for a distributor or manufac-

turer as either a licensed representative or in an unlicensed position such as a bookkeeper, etc.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: The Inn at Semi-ah-moo, 17228 International Boulevard, Blaine, WA 98230, (360) 371-2000, on April 10, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by April 1, 1998, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Soojin Kim, Mailstop 42400, Olympia, Washington 98504-2400, FAX (360) 438-8652, by March 30, 1998.

Date of Intended Adoption: April 10, 1998.

Soojin Kim  
Rules and Policy Coordinator

NEW SECTION

**WAC 230-30-225 Interest in separate business involving punch boards and pull-tabs at a different marketing level prohibited.** It is in the public interest for gambling activities to be closely controlled and for all income from such activities to be properly recorded. When one person has control over both the supply and the operation of a gambling activity, the opportunity for defrauding players and avoiding the reporting of income increases. Therefore, any person who controls the supply of punch boards, pull-tabs, pull-tab dispensing devices or related equipment shall not also be an operator of punch boards, pull-tabs, pull-tab dispensing devices or related equipment.

*Definitions*

(1) For purposes of this section, "marketing level" means operator level or supplier level; manufacturers or distributors are considered to be at the supplier level.

*If I am involved in the supply of pull-tabs or punch boards am I prohibited from obtaining another license as an operator?*

(2) For purposes of this section, the following scenarios are prohibited for all licensees involved in the supply or operation of pull-tabs or punch boards:

(a) A manufacturer or distributor shall not hold any interest in any other business operating at a different marketing level;

(b) An officer or any other person holding a substantial interest in a manufacturer or distributor shall not have any interest in any other business operating at a different marketing level;

(c) A manufacturer, distributor, or operator shall not allow any other business operating at a different marketing level, or any person with a substantial interest therein, to hold any interest in their business: *Provided*, That this subsection shall not prohibit agreements entered into pursuant to WAC 230-12-340.

*If I am a licensed representative for a manufacturer or distributor can I have any interest in a licensed operator?*

(3) If a licensed representative of a manufacturer or distributor is employed by or holds a substantial interest in a licensed punch board or pull-tab operator, such licensed representative and their employer is prohibited from conducting business of any type with such operator.

*Can I be licensed as a manufacturer and also be licensed as a distributor?*

(4) This section shall not prohibit the same person licensed and operating as a manufacturer from being also licensed and operating as a distributor.

*If my spouse is a substantial interest holder in an operator, manufacturer, or distributor, will I be considered a substantial interest holder in the same business?*

(5) For purposes of this section only, a person may not be considered a substantial interest holder if, after considering the entire circumstances, the director finds no potential for any involvement or influence in the spouse's business interest by the person. In addition to considering one or more of the documents listed below, the director may impose additional requirements on the spouses, including, but not limited to, prohibiting the manufacturer or distributor from conducting business of any type with the operator:

- (a) Community or marital property agreements;
- (b) Separate property agreements;
- (c) Prenuptial agreements; or
- (d) Wills and codicils.

**WSR 98-06-044**

**WITHDRAWAL OF PROPOSED RULES**

**COUNTY ROAD ADMINISTRATION BOARD**

[Filed February 27, 1998, 11:30 a.m.]

This memo is a request to withdraw WSR 98-05-036 submitted on February 10, 1998. We will be resubmitting a completed CR-102.

Eric Berger  
Executive Director

**WSR 98-06-045**

**PROPOSED RULES**

**COUNTY ROAD ADMINISTRATION BOARD**

[Filed February 27, 1998, 11:33 a.m.]

Original Notice.

Title of Rule: Title 136 WAC, the rural arterial program.

Purpose: Amending WAC 136-130-030, 136-130-040, 136-161-080, 136-161-090, 136-200-040, 136-210-030, 136-220-020 and 136-220-030, the rural arterial program.

Statutory Authority for Adoption: Chapter 36.79 RCW. Summary: Revisions for the rural arterial program.

Name of Agency Personnel Responsible for Drafting: Chris Mudgett, Olympia, (360) 753-5989; Implementation: Karen Pendleton, Olympia, (360) 753-5989; and Enforcement: Eric Berger, Olympia, (360) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment will revise the rural arterial program.

Proposal Changes the Following Existing Rules: Amends sections of Title 136 WAC, the rural arterial program.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, on April 9, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by April 1, 1998, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: FAX (360) 586-0386, by April 9, 1998.

Date of Intended Adoption: April 9, 1998.

February 25, 1998

Eric A. Berger

Executive Director

AMENDATORY SECTION (Amending Order 88, filed 6/10/92, effective 7/11/92)

**WAC 136-130-030 Project prioritization in Puget Sound region (PSR).** Each county in the PSR may submit projects requesting RATA funds not to exceed (~~(\$500,000 per project)~~) 80% of the regional allocation total. Each project shall be rated in accordance with the PSR RAP rating procedures. The PSR biennial apportionment shall have a minimum of 25% of the regional allocation committed to projects on roads classified as major collectors (07) or minor collectors (08).

PSR RAP rating points shall be assigned on the basis of 20 points for traffic volume, 25 points for accident history, 15 points for structural condition, 25 points for geometric condition, and 15 points for special use and need. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

**WAC 136-130-040 Project prioritization in north-west region (NWR).** Each county in the NWR may submit projects requesting RATA funds not to exceed \$500,000 per project and 50% of the regional allocation total. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of 40 points for structural condition, 40 points for geometrics, 10 points for traffic volume, 10 points for traffic accidents ~~((and)),~~ 5 points for any project on a major collector (07), and 10 points for any project on a rural principle arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating

PROPOSED

points shown on the project worksheet and the prospectus form of the project application.

**AMENDATORY SECTION** (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

**WAC 136-161-070 RAP program cycle—Selection and approval of projects for RATA funding.** (1) At its last regular meeting before the beginning of each biennium, the CRABoard will select projects and allocate anticipated RATA funds to projects in each region. The preliminary priority arrays as developed in WAC 136-161-060 will be updated to exclude any county which is ineligible under chapter 136-150 WAC, and projects will be selected from these arrays. Selections will be made in each region in declining priority rank order, provided that:

(a) No county shall be allocated RATA funds in excess of its regional county limit as specified in WAC 136-161-080; and

(b) Any projects which were partially funded in the prior biennium shall, unless otherwise requested by the county, be fully funded before new projects are selected. Ties in total rating points will be broken by the CRABoard in favor of the county having the lesser total amount of previously allocated RATA funds.

(2) The state-wide net amount of RATA funds available for allocation to projects in the project program period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation, less estimated administrative costs (~~(, and less any amounts set aside for emergent projects as described in WAC 136-161-100)~~). The total amount of RATA funds available for allocation to projects in a region (i.e., "forecasted regional apportionment amount") will be based on the regional apportionment percentages of the statewide net amount as determined in chapter 136-110 WAC.

(3) For the biennium beginning July 1, 1995, the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999, beginning July 1, 1995, and ending June 30, 1999). For the biennium beginning July 1, 1997, the project program period will begin July 1, 1999 and end June 30, 2001. For each biennium thereafter, the project program period will be two years in length, beginning and ending two years later than the preceding project program period.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to 90% of the net amount estimated to be available to each region for the project program period, with the remaining 10% allocated at such time as deemed appropriate by the CRABoard.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project limits in the final prospectus. All material changes to the scope, design or project limits must be approved by the CRABoard prior to the commencement of construction.

**AMENDATORY SECTION** (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

**WAC 136-161-080 Limitations on allocations of RATA funds to counties.** For any project program period, no county shall receive a RATA fund allocation greater than the following maximum project RATA contribution, or percentage of the forecasted regional apportionment amount:

(1) PSR: ~~No maximum project RATA contribution ((is \$500,000; no));~~ 40% limit on percentage of the forecasted regional apportionment amount;

(2) NWR: Maximum project RATA contribution is \$500,000; 25% (~~(limit on percentage of the forecasted regional apportionment amount));~~

(3) NER: No maximum project RATA contribution; 12.5%;

(4) SWR: No maximum project RATA contribution; 15%;

(5) SER: No maximum project RATA contribution; percentage varies by county as follows:

Asotin County	10%
Benton County	14%
Columbia County	11%
Franklin County	13%
Garfield County	10%
Kittitas County	13%
Klickitat County	14%
Walla Walla County	14%
Yakima County	20%

**AMENDATORY SECTION** (Amending WSR 94-16-111, filed 8/2/94, effective 9/2/94)

**WAC 136-161-090 Limitations on use of RATA funds.** RATA funds requested and allocated to a project are limited to 80% in the (~~PSR and~~) NWR, and 90% in the PSR, SWR, NER and SER, of the total eligible project development costs, which include preliminary engineering and construction costs in all regions, and right of way costs in the PSR, NWR, NER and SER. Even though additional and eligible project development costs may be incurred by a county for a specific project, the maximum amount of RATA funds for that project is limited to the amount allocated and shown in the CRAB/county contract (see chapter 136-170 WAC), unless the allocation is increased pursuant to chapter 136-165 WAC.

**AMENDATORY SECTION** (Amending WSR 97-24-069, filed 12/2/97, effective 1/2/98)

**WAC 136-200-040 Functional classification verification.** Each RAP project application submitted in accordance with WAC (~~(136-160-020)~~) 136-161-050 shall show the functional classification of the road or roads included in the project. Prior to project approval the CRABoard shall verify that the road on which the RAP project is requested is classified as a rural arterial or collector.

PROPOSED

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

**WAC 136-210-030 Deviations from design standards.** Deviation from the specified design standards may be requested by the county engineer in responsible charge of the project when circumstances exist which would make application of adopted standards exceedingly difficult. Whenever a deviation request is to be made on a project, it shall be so noted on the project application submitted in accordance with WAC ((~~136-161-020~~) 136-161-050). Request for deviation shall be made to the WSDOT assistant secretary for transaid.

AMENDATORY SECTION (Amending Order 82, filed 11/6/90, effective 12/7/90)

**WAC 136-220-020 Establishment of matching requirements.** Counties will be required to match RATA funds with a minimum of 20% matching funds in the ((~~PSR and~~) PSR, SWR, NER and SER).

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

**WAC 136-220-030 Use of other funds to match RATA funds.** A county with an approved RAP project may use any other funds available for such project including federal, other state, private and local funds, provided that the county will be required to use such other funds to match any RATA funds allocated to the project with a minimum of 20% other funds in the ((~~PSR and~~) PSR, SWR, NER and SER).

**WSR 98-06-062  
PROPOSED RULES  
PERSONNEL RESOURCES BOARD**

[Filed March 2, 1998, 10:45 a.m.]

Original Notice.

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

Title of Rule: WAC 356-15-060 Shift premium provisions and compensation.

Purpose: This rule pertains to shift premium provisions and compensation.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification is housekeeping in nature. It removes inadvertently retained language.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes when employees are eligible to receive shift premium. Language modified by the board in

January 1998 inadvertently retained some language from previous staff draft proposals. This modification removes the inadvertently retained language.

Proposal Changes the Following Existing Rules: See above.

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. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on April 9, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by April 2, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by April 7, 1998.

Date of Intended Adoption: April 9, 1998.

February 25, 1998

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 98-03-052, filed 1/16/98, effective 3/1/98)

**WAC 356-15-060 Shift premium provisions and compensation.** (1) Basic shift premium shall be paid in the amount specified in WAC 356-15-061. For purposes of this section, regularly scheduled means the permanently assigned work schedule/work shift, not including overtime hours, as determined by the agency.

(2) For purposes of this section, evening shift is defined as a work shift of eight or more hours which ends at or after 10:00 p.m. Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.

(3) Full time employees shall be entitled to basic shift premium under the following circumstances:

(a) Regularly scheduled evening and night shift employees are entitled to shift premium for all hours worked.

(b) Regularly scheduled day shift employees are not entitled to shift premium unless:

(i) The employee's regular or temporary scheduled workshift includes hours after 6:00 p.m. and before 6:00 a.m. where no overtime, schedule change pay, or call-back compensation is received. Shift premium is paid only for those hours actually worked after 6:00 p.m. and before 6:00 a.m.

(ii) The employee is temporarily assigned a full evening or night shift where no overtime, schedule change pay, or call-back compensation is received. Shift premium is paid only for all evening or night-shift hours worked in this circumstance.

(c) Employees regularly scheduled to work at least one, but not all, evening and/or night shifts are entitled to shift premium for those shifts. Additionally, these employees are entitled to shift premium for all hours adjoining that evening or night shift which are worked.

PROPOSED



(4) Part-time and intermittent employees shall be entitled to basic shift premium under the following circumstances:

(a) For all assigned hours of work after 6:00 p.m. and before 6:00 a.m.

(b) For assigned full evening or night shifts, as defined in subsection (2) of this section.

~~((5)) Employees on contingency schedules do not normally receive shift premium with the exception noted in WAC 356-15-090.~~

~~(6))~~ (5) **Monthly shift premium rates:** In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (2) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

~~((7))~~ (6) **Shift premium and overtime:** When an employee is compensated for working overtime during hours for which shift premium is authorized in this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.

~~((8))~~ (7) **Payment during leave and for holidays not scheduled to work:** Employees eligible for shift premium for their regularly scheduled shifts will receive the same proportion of shift premium for respective periods of authorized paid leave and for holidays not worked which fall within their regularly scheduled shift.

**WSR 98-06-067**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed March 2, 1998, 3:55 p.m.]

Supplemental Notice to WSR 98-01-170.

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

Title of Rule: WAC 388-14-200 Eligibility AFDC and FIP Assignment of support rights—Cooperation with office of support enforcement—Effect of noncooperation, 388-14-201 Cooperation with division of child support, 388-14-202 Effects of noncooperation, and 388-14-270 Distribution of support payments.

Purpose: Changes rules to bring them into compliance with federal law, changing nature of assignment made by public assistance recipient as of October 1, 1997; follows requirements of federal law regarding distribution of child support payments and determination of noncooperation. The text of the rule is being substantially changed since it was initially proposed by DCS, and another public rule-making hearing is scheduled.

Statutory Authority for Adoption: RCW 74.20A.310, 26.23.035.

Statute Being Implemented: RCW 74.20.330, 26.23.035, 74.20.040(9), 74.20A.320, 74.20A.275, and 45 CFR 232.12.

Summary: Federal and state law require a change in the effect of the assignment made by a public assistance recipient, and a change in the distribution of child support payments, both effective October 1, 1997. Child support will now be distributed based on the date the payment was received by the Division of Child Support (formerly, it was based on the date the money was withheld from the payor). The public assistance assignment will now permanently assign arrears accruing while the family is on public assistance, but arrearages accrued prior to an assistance period will be temporarily assigned. Determination of noncooperation will now be made by Division of Child Support, instead of the Community Services Office.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, P.O. Box 9162, Mailstop 45860, Olympia, WA 98506, 586-3077.

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

Rule is necessary because of federal law, 45 CFR 232.12.

Explanation of Rule, its Purpose, and Anticipated Effects: Federal and state law require a change in the effect of the assignment made by a public assistance recipient, and a change in the distribution of child support payments, both effective October 1, 1997. Child support will now be distributed based on the date the payment was received by the Division of Child Support (formerly, it was based on the date the money was withheld from the payor). The public assistance assignment will now permanently assign arrears accruing while the family is on public assistance, but arrearages accrued prior to an assistance period will be temporarily assigned. Determination of noncooperation will now be made by Division of Child Support, instead of the Community Services Office.

Proposal Changes the Following Existing Rules: Amends existing WAC 388-14-200, 388-14-201, 388-14-202, and 388-14-270 for clarity and readability.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements of an economic impact.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts the Department of Social and Health Services rules that only to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on April 7, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by March 27, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Paige Wall, Acting Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by April 7, 1998.

Date of Intended Adoption: April 8, 1998.

March 2, 1998  
Edith M. Rice, Chief  
Office of Legal Affairs

AMENDATORY SECTION (Amending WSR 92-13-026, filed 6/9/92, effective 7/10/92)

**PROPOSED**

**WAC 388-14-200 ((Eligibility—AFDC and FIP—Assignment of)) Families accepting assistance must assign certain support rights((—Cooperation with office of support enforcement—Effect of noncooperation)) to the state.** This section ((establishes the initial and continuing requirements of eligibility for aid to families with dependent children and for family independence program services)) applies to all applicants and recipients of cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

(1) ((Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have. This includes support rights of any other family member for whom the applicant/recipient is applying for or receiving financial assistance. It also includes rights to support which have accrued at the time such assignment is executed. Through this assignment, the applicant/recipient authorizes the office of support enforcement to provide support enforcement services for the family, and to continue to provide services after the family stops receiving assistance, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time assistance terminates, until services are terminated under this chapter.

(2) When the applicant/recipient satisfies subsection (1) of this section, the department may require further cooperation by the applicant/recipient as a continuing condition of eligibility for assistance unless the department determines the applicant/recipient has good cause not to cooperate under WAC 388-24-111. The applicant/recipient's cooperation includes, but is not limited to, assisting the office of support enforcement in or by doing the following:

(a) Identifying and locating absent parents by providing:

(i) Relevant information known to, possessed by, or reasonably obtainable by the applicant/recipient about the absent parent, such as the absent parent's:

- (A) Name and known aliases;
- (B) Address;
- (C) Telephone number or numbers;
- (D) Social Security Number;
- (E) Employment history; and
- (F) Physical description.

(ii) Data regarding the date and place of marriage, separation, divorce, or dissolution, and copies of any documents, reasonably obtainable without fee, including any court orders establishing paternity and/or support obligations;

(iii) Information establishing the support debt amount accrued before the application. Applicants shall give information at the time of application and/or at a later time, if requested by the office of support enforcement, to supplement existing information.

(b) Notifying the office of support enforcement when there are changes in information concerning the absent parent;

(c) Establishing the paternity of a child the applicant shall:

(i) Take reasonable action requested by the office, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts, or other agencies in:

- (A) Administrative hearings;
- (B) Actions to establish paternity; or

(C) Investigations preparatory or supplementary to such hearings or actions.

(ii) Assist in the development of medical and anthropological evidence relating to the alleged father's paternity based on tests performed by experts on the mother and the child.

(d) Establishing and collecting support and/or obtaining support payments or other payments or property due the applicant/recipient or a dependent child. The applicant shall take reasonable action requested by the office of support enforcement, the prosecuting attorney, the attorney general, the private attorney compensated under RCW 74.20.350, courts or other agencies in:

- (i) Administrative hearings; or
- (ii) Actions to establish or collect support obligations;

or

(iii) Investigations preparatory or supplementary to such hearings or actions.

(e) Remitting support payments the applicant/recipient receives, from any person or agency, to the office of support enforcement within eight days of receipt of said payments;

(f) Executing a repayment agreement and repaying retained support moneys under the agreement.

(3) An applicant/recipient may attest to the lack of information, under penalty of perjury, if the applicant/recipient:

(a) Submits to an interview:

(i) Conducted by the office of support enforcement, a prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350; and

(ii) Answers questions intended to obtain relevant information.

(b) Does not know, or possess, or cannot reasonably obtain the department's requested information.

(4) The department shall consider an applicant/recipient who attests to the lack of information to be cooperating, as required under this section, unless the:

(a) Applicant/recipient fails or refuses to submit to an interview and answer questions;

(b) Department produces credible evidence which shows that the applicant/recipient's attestation is false; or

(c) Applicant/recipient previously gave inconsistent information for which the applicant/recipient has no reasonable explanation.

(5) The department may not:

(a) Refuse to allow the applicant/recipient to sign an attestation; or

(b) Sanction the applicant/recipient for failure to cooperate merely because previous attempts to identify an absent parent resulted in blood test results excluding the person identified.

However, the applicant/recipient, must cooperate with any necessary retesting.

(6) If the office, the prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350, believes the applicant/recipient is not cooperating,

~~they shall send notice of the alleged noncooperation to the community services office and the applicant/recipient. The notice shall be evidence of noncooperation and shall include a statement:~~

~~(a) Explaining how the applicant/recipient failed to cooperate with that office, including what actions were required;~~

~~(b) Of the action that the office believes the applicant/recipient must take to resume cooperation;~~

~~(c) Informing the applicant/recipient that the:~~

~~(i) Same evidence is furnished to the community services office;~~

~~(ii) Applicant/recipient may contact the community services office immediately if the applicant/recipient disagrees with the evidence, needs assistance in order to cooperate, or believes the action required is unreasonable; and~~

~~(iii) Applicant/recipient's grant may be reduced or terminated if the IV-A agency determines, after a review of all of the evidence, that the applicant/recipient failed to cooperate.~~

~~(7) The department shall include in the notice of planned action either a:~~

~~(a) Copy of the evidence of noncooperation; or~~

~~(b) Statement of the evidence of noncooperation.~~

~~(8) If the applicant/recipient fails to cooperate by missing an interview without reasonable excuse, cooperation resumes when the applicant/recipient appears for a rescheduled interview and either provides information or attests to the lack of information. The office of support enforcement, prosecuting attorney, attorney general, or private attorney shall reschedule the interview within seven business days from the date the applicant/recipient contacts them to reschedule an interview.~~

~~(9) Cooperation resumes when the applicant/recipient performs the required action. The department shall reinstate the grant effective on the date cooperation resumes.~~

~~(10) If the applicant/recipient does not remit support moneys within eight days of receipt as required under WAC 388-14-200 (2)(c) and the applicant/recipient is currently receiving an AFDC grant, or cash benefits under the family independence program, the office of support enforcement shall:~~

~~(a) Document that the applicant/recipient has, in fact, received and retained support money and the amount of said money;~~

~~(b) Issue a notice of debt as provided under WAC 388-13-020 to the applicant/recipient to recover the payments, and the department shall include in such notice the following information:~~

~~(i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support money as a condition of eligibility for public assistance, and the sanction for failure to cooperate;~~

~~(ii) A list of the support money retained, including the dates and amounts as well as copies of any documentary evidence, such as copies of checks, front and back, the office possesses;~~

~~(iii) A proposed repayment agreement that may include a provision for a voluntary grant deduction;~~

~~(iv) An explanation that repaying retained support money according to a repayment agreement is a condition of cooperation;~~

~~(v) A statement that the recipient may request an informal meeting with the office, within twenty days of the date of service of the notice of debt, to:~~

~~(A) Clarify the recipient's responsibilities for cooperation; and~~

~~(B) Resolve differences regarding the existence or amount of the claim for unremitted support money and/or the proposed repayment agreement.~~

~~(vi) A statement that the recipient has the right to request a hearing under WAC 388-13-060 to contest the:~~

~~(A) Department's claim of ownership of the support money identified in the notice; and~~

~~(B) Reasonableness of the proposed repayment agreement.~~

~~(vii) A statement that the office will notify the community services office that the recipient failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting, or requests an adjudicative proceeding.~~

~~(11) The department shall base the repayment agreement on the:~~

~~(a) Applicant/recipient's total income and resources including the AFDC grant or cash benefits under the family independence program; and~~

~~(b) Total amount of retained support money.~~

~~(12) The monthly amount of the repayment shall not exceed ten percent of the:~~

~~(a) Grant payment standard during any month the applicant/recipient remains in public assistance status, or~~

~~(b) Cash benefits paid under the family independence program.~~

~~(13) When an applicant/recipient retains support money but is no longer an active recipient of public assistance money, the office of support enforcement, or the office of financial recovery, shall proceed under RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC 388-14-200(10).~~

~~(14) The office of support enforcement, or the office of financial recovery, shall notify the community services office when the recipient fails to cooperate if the recipient:~~

~~(a) Fails to sign a repayment agreement for the amount of retained support money claimed by the office in the notice of debt or as determined by an administrative law judge if a hearing is requested under WAC 388-13-060;~~

~~(b) Enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.~~

~~(15) The office of support enforcement, or the office of financial recovery, shall promptly notify the community services office when a recipient who has:~~

~~(a) Failed to enter into a repayment agreement, consents to do so and signs a repayment agreement; or~~

~~(b) Defaulted on an agreement or an administrative decision, makes a regularly scheduled payment according to the agreement or decision.~~

~~(16) Nothing in WAC 388-14-200 allows the department to make an otherwise eligible child ineligible for public~~

assistance because of the applicant/recipient's failure to cooperate as defined in this section.) For purposes of this section:

(a) **Family** means "assistance unit."

(b) **Family member** means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

(c) **Assistance** means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

(d) **Unreimbursed assistance** means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

(e) **Permanently assigned arrearages** means those arrearages which shall be collected and retained by the state up to the amount of unreimbursed assistance. Permanently assigned arrearages accrue only under the following conditions:

(i) For those periods prior to the family receiving assistance, for assistance applications dated on or before September 30, 1997; and

(ii) For those periods while a family receives assistance, for assistance applications dated at any time.

(f) **Temporarily assigned arrearages** means those arrearages which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997. Temporarily assigned arrearages are:

(i) Not permanently assigned to the state;

(ii) Collected and retained by the state up to the amount of unreimbursed assistance, if these arrearages are collected by federal income tax refund offset at any time; and

(iii) Collected and retained by the state by any means, up to the cumulative amount of unreimbursed assistance;

(A) Until October 1, 2000 or until the date the family terminates from assistance, whichever date is later; or

(B) Only while the family receives assistance, for assistance periods beginning October 1, 2000 or later.

(2) When a family accepts assistance, the family authorizes the division of child support (DCS) to provide support enforcement services to the family until the support enforcement case is closed pursuant to WAC 388-14-420.

(3) As a condition of eligibility for assistance, a family member must assign to the state the right to collect and keep, subject to the limitation in subsection (4), any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.

(4) Amounts assigned under this section may not exceed the lesser of the total amount of assistance paid to the family or the total amount of the assigned support obligation.

(5) While the family receives assistance, all support collected will be retained by the state to reimburse the total amount of assistance which has been paid to the family.

(6) After the family terminates from assistance, certain accrued arrearages remain assigned to the state in accordance with the following rules:

(a) For assistance applications dated prior to October 1, 1997, the applicant permanently assigns to the state all rights to support which accrued before the application date and which will accrue prior to the date the family terminates from assistance.

(b) For assistance applications dated on or after October 1, 1997, and before October 1, 2000:

(i) The applicant permanently assigns to the state all rights to support which accrue while the family receives assistance; and

(ii) The applicant temporarily assigns to the state all rights to support which accrued before the application date, until October 1, 2000, or such time that the family terminates from assistance, whichever date is later. After this date, if any such remaining arrearage is collected by federal income tax refund offset, the state shall retain such amounts, up to the amount of unreimbursed assistance.

(c) For assistance applications dated on or after October 1, 2000:

(i) The applicant permanently assigns to the state all right to support which accrue while the family receives assistance; and

(ii) The applicant temporarily assigns to the state all rights to support which accrued before the application date, until the date the family terminates from assistance. After this date, if any such remaining arrearage is collected by federal income tax refund offset, the state shall retain such amounts, up to the amount of unreimbursed assistance.

**AMENDATORY SECTION** (Amending WSR 97-13-092, filed 6/18/97, effective 7/19/97)

**WAC 388-14-270 Distribution of support payments.** The definitions contained in WAC 388-14-200 are incorporated into and made a part of this section.

(1) Under state and federal law, the ~~((IV-D agency))~~ division of child support (DCS) shall distribute support money it collects or receives ~~((, in accordance with state and federal law and the provisions of this section,))~~ to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family ~~((unit, household, or a member of the family unit or household));~~

(b) Payee under the order, or to the physical custodian of the child according to WAC 388-14-271;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program and/or a cooperative agreement regarding the delivery of child support services; or

(e) Person or entity making the payment when ~~((the IV-D agency))~~ DCS is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) If ~~((the IV-D agency))~~ DCS is unable to distribute support money because the location of the family or person is unknown, it shall exercise reasonable efforts to locate the family or person. When ~~((the IV-D agency does not locate the family or person, it))~~ the family or person cannot be located, DCS shall handle the money in accordance with chapter 458-65 WAC, the uniform unclaimed property act rules.

(3) ~~((The IV-D agency))~~ When distributing support money, DCS shall ~~((apply))~~ do the following ~~((rules when distributing support money))~~:

(a) Record payments in exact amounts without rounding;

(b) Distribute support money within eight days of the date ~~((the IV-D agency))~~ DCS receives the money, unless it is unable to distribute the payment for one or more of the following reasons:

- (i) The location of the payee is unknown;
- (ii) ~~((The IV-D agency))~~ DCS does not have sufficient information to identify the accounts against which or to which it should apply the money;
- (iii) An action is pending before a court or agency which has jurisdiction over the issue to determine whether support money is owed or how ~~((the IV-D agency))~~ DCS should distribute the money.
- (iv) ~~((The IV-D agency))~~ DCS receives prepaid support money which it is holding for distribution in future months under subsection ~~((4))~~ (5) of this section;
- (v) ~~((The IV-D agency))~~ DCS mails a notice of intent to distribute support money to the physical custodian under WAC 388-14-271; or
- (vi) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of ~~((the IV-D agency))~~ DCS.

(c) Distribute support money based on the date ~~((of collection, except as provided under subsection (3)(f) of this section and WAC 388-14-275. The date of collection is the earliest of the following dates:~~

- ~~((i) The date the IV-D agency or a political subdivision actually making the collection))~~ DCS receives the money, except as provided under subsection (3)(g) of this section;
- ~~((ii) The date the support enforcement agency or other legal entity of another state or political subdivision, actually making the collection, receives the money; or~~
- ~~((iii) The date income, earnings, wages, labor and industries benefits, or employment security benefits were withheld.))~~

(d) ~~((Except as provided in subsection (3)(f) of this section, when the responsible parent has more than one case under Title IV-D or Title IV-E, the IV-D agency shall distribute))~~ Apply support money within each Title IV-D nonassistance case:

- (i) First, to satisfy the current support obligation ~~((on each Title IV-D or foster care case, in proportion to the amount of the current support order on each case; and))~~ for the month DCS received the money;
- (ii) Second, to the ~~((total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D or foster care case, in proportion to the amount of support debt owed by the))~~ responsible ~~((parent on each case; and))~~ parent's support debts owed to the family;
- (iii) Third, ~~((after distribution under subsection (3)(d)(ii) of this section, within each Title IV-D or foster care case according to))~~ to prepaid support as provided for under subsection ~~((3(e)))~~ (5) of this section.

(e) Apply support money within each Title IV-D assistance case:

- (i) First, to satisfy the current support obligation for the month ~~((the IV-D agency, or the support enforcement agency or other legal entity of another state or political subdivision, collected))~~ DCS received the money;
- (ii) Second, to ~~((the responsible parent's))~~ satisfy support debts ~~((owed to the family))~~ which are permanently

assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(iii) Third, to ~~((the responsible parent's))~~ satisfy support debts which are temporarily assigned to the department to reimburse ~~((public))~~ the cumulative amount of assistance ~~((payments))~~ paid to the family;

(iv) Fourth, to prepaid support as provided for under subsection ~~((4))~~ (5) of this section.

(f) Apply ~~((intercepted federal income tax refunds in accordance with 45 CFR 303.72(h), as follows))~~ support money within each Title IV-D former-assistance case:

(i) First, ~~((under federal law to the responsible parent's))~~ to satisfy the current support ~~((debts assigned to the department to reimburse public assistance payments; and))~~ obligation for the month DCS received the money;

(ii) Second, to ~~((support debts that are not assigned to the department; and~~

~~((iii) To support debts only, not to current and future support obligations. The IV-D agency shall refund any excess to the responsible parent))~~ satisfy support debts which accrued after the family's most recent period of assistance;

(iii) Third, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(iv) Fourth, to satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

(v) Fifth, to satisfy support debts which exceed the cumulative amount of unreimbursed assistance which has been paid to the family;

(vi) Sixth, to prepaid support as provided for under subsection (5) of this section.

(g) Apply intercepted federal income tax refunds in accordance with 42 U.S.C. Sec. 657, as follows:

(i) First, to support debts which are permanently assigned to the department to reimburse public assistance payments; and

(ii) Second, to support debts which are temporarily assigned to the department to reimburse public assistance payments; and

(iii) Third, to support debts that are not assigned to the department; and

(iv) To support debts only, not to current and future support obligations. DCS shall refund any excess to the responsible parent.

(h) Apply amounts to a support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution between support debts owed to different families, when:

(i) Proportionate distribution is administratively inefficient; or

(ii) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the physical custodian a judgment lien for child support; or

(iii) The collection resulted from a contempt order in a particular case.

~~((h))~~ (i) Report amounts distributed to a family, receiving public assistance, to the community services office. This requirement shall not relieve the recipient of the duty to report receipt of support money ~~((; and~~

~~((i) Pay a family, receiving cash assistance under the aid to families with dependent children program, up to the first~~

fifty dollars of each child support payment as provided under WAC 388-14-275)).

(4) Except as provided in subsection (3)(g) of this section, when the responsible parent has more than one Title IV-D case, DCS shall distribute support money:

(a) First, to the current support obligation on each Title IV-D case, in proportion to the amount of the current support order on each case; and

(b) Second, to the total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D case, in proportion to the amount of support debt owed by the responsible parent on each case; and

(c) Third, after distribution under subsection (3)(d)(ii) of this section, within each Title IV-D case according to subsection (3)(e) of this section.

(5) ~~If ((the IV-D agency))~~ DCS receives or collects support money representing payment on the required support obligation for future months, it shall:

(a) Apply the support money to future months when the support debt is paid in full;

(b) Distribute the support money on a monthly basis when payments become due in the future; and

(c) Mail a notice to the last known address of the person entitled to receive support money. The notice shall inform the person that:

(i) ~~((The IV-D agency))~~ DCS received prepaid support money;

(ii) ~~((The IV-D agency))~~ DCS will distribute the prepaid money as support payments become due in the future; and

(iii) ~~((If the support order is a court order, the person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money; or~~

~~((iv) If the support order is an administrative order,))~~ The person may request a conference board under WAC 388-14-385 to determine if the prepaid support money should be immediately distributed.

(d) ~~((The IV-D agency))~~ DCS shall not mail the notice referred to in ~~((4))~~ (5)(c) of this section if the prepaid support is equal to or less than one month's support obligation.

## NEW SECTION

**WAC 388-14-201 Cooperation with division of child support.** (1) An applicant/recipient (also called the "client") must cooperate with the division of child support (DCS), which is the state IV-D agency, unless the department determines there is good cause not to cooperate under WAC 388-215-1400 through 388-215-1490. For purposes of this section and WAC 388-14-202, DCS includes those acting on behalf of DCS (its "agents"), namely the prosecuting attorney, the attorney general, or a private attorney paid per RCW 74.20.350.

(2) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

(a) Identify and locate the responsible parent;

(b) Establish the paternity of the child(ren) on assistance in the client's care; and

(c) Establish or collect support payments or resources such as property due the client or the child(ren).

(3) The client must also cooperate by sending to DCS any child support received by the client while on assistance, as required by RCW 74.20A.320. If the client keeps these payments, known as retained support, the client must sign an agreement to repay under RCW 74.20A.275.

(4) There may be penalties, called sanctions, for not cooperating with DCS. These sanctions and the noncooperation process are described in WAC 388-14-201.

(a) The client will not be sanctioned:

(i) Because he or she provided information on a possible parent who was then excluded by genetic testing. In this event the client must continue to cooperate in naming other possible parents and taking part in any resulting genetic testing; or

(ii) If the client swears, under penalty of perjury, to his or her lack of information in an interview held by DCS or its agent.

(b) A client will be sanctioned if:

(i) The client does not go to scheduled interviews and answer questions;

(ii) There is credible evidence showing that the client could have given the information but did not; or

(iii) The client has been giving inconsistent or false information without a good reason.

(c) The client must be given the opportunity to swear he or she does not have the information.

(5) The client may not be able to help DCS if the client does not know, does not possess, or cannot reasonably obtain the requested information.

## NEW SECTION

**WAC 388-14-202 Effects of noncooperation.** (1) When the division of child support (DCS) or its agents believe an applicant/recipient (also called "the client") is not cooperating as defined in WAC 388-14-201, a notice is sent to the client and to the community service office (CSO) of the alleged noncooperation and must explain to both the following:

(a) How the noncooperation was determined, including what actions were required;

(b) What actions must be taken to resume cooperation;

(c) That this notice was sent to the CSO;

(d) That the client may contact the CSO immediately if he or she disagrees with the notice, needs help in order to cooperate, believes the actions required are unreasonable, or wants to claim good cause under WAC 388-215-1400 through 388-215-1490; and

(e) That the CSO may sanction the client by either reducing or terminating the grant.

(2) The CSO will send a notice of planned action to the client as provided by WAC 388-245-1700.

(3) If the noncooperation was due to missing an interview without reasonable excuse, cooperation resumes when the client appears for a rescheduled interview and either provides information or attests to the lack of information. DCS or its agent must reschedule the interview within seven business days from the date the client contacts them to reschedule an interview.

(4) If the noncooperation was due to not taking a required action, cooperation resumes when the client takes that action.

**WSR 98-06-069**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY AND TECHNICAL COLLEGES**

[Filed March 3, 1998, 8:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Definition of resident student and procedures for classification.

Purpose: Rules review in compliance with Governor's Executive Order 97-02.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Rules review in compliance with Governor's Executive Order 97-02.

Summary: Defines residency for student enrollment purposes and procedures for clarification.

Reasons Supporting Proposal: Rules review in accordance with Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting and Implementation: Rhonda Coats, 319 Seventh Avenue, Olympia, WA, (360) 753-4694; and Enforcement: Howard Fischer, Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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: Minor changes in compliance with Governor's Executive Order 97-02 regarding rules review by all state agencies.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, WA 98504, on April 9, 1998, at 3 p.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, (360) 753-7413, by March 31, 1998, (360) 586-6440.

Submit Written Comments to: Rhonda Coats, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by March 31, 1998.

Date of Intended Adoption: April 9, 1998.

March 2, 1998  
Claire C. Krueger  
Executive Assistant  
Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

**WAC 131-12-020 Definition of resident student and procedures for classification.** ~~((For tuition purposes, an applicant or enrolled student shall be deemed to be a resident student if he or she has been domiciled in the state of Washington for a full year prior to commencement of the quarter for which enrolled, or is a military personnel, or a staff member of the community college, or the child or spouse of such military personnel residing within the state or of a staff member of the community college. The definition of "domicile" shall be the legal definition.))~~ Students enrolled in a technical college are subject to the residency procedures of that technical college. For students of community colleges, residency, for purpose of tuition, shall be determined under the provisions of RCW 28B.15.012 and 28B.15.013.

The following procedures shall be followed by community colleges in making residency classifications:

(1) Upon receipt of an application for admission to the community college the applicant shall be classified as either a resident or nonresident as the facts may indicate.

(2) The notice of acceptance shall be accompanied by a statement of the applicant's residency classification and, in the case of those classified as nonresidents, a statement of the criteria and procedures to be followed for establishing resident status.

(3) Changes in residency classifications of applicants or enrolled students shall be made by the authorized college official as follows:

(a) In the case of applicants or enrolled students who have been classified as nonresident, upon presentation by the applicant or student or an authorized representative of sufficient proof that the applicant or enrolled student ~~((has been legally domiciled in the state of Washington for one year, or is a military personnel, or a staff member of the community college, or the child or spouse of a military personnel residing within the state or of a staff member of the community college))~~ meets the provisions of RCW 28B.15.012 and 28B.15.013; and

(b) In the case of applicants or enrolled students who have been classified as residents, upon presentation or discovery of proof that such individual is legally domiciled outside the state of Washington.

(4) In the event of dispute or question regarding the residency status of any applicant or enrolled student, the matter shall be referred to the office of attorney general for advice.

AMENDATORY SECTION (Amending Order 3, filed 6/19/69)

**WAC 131-12-030 Districts authorized to restrict enrollment in classes, courses or programs.** A community and technical college district may establish:

(1) Enrollment limits for any class, course or program when such restrictions are necessary because of limitations of physical facilities or operating funds or when such restrictions are consistent with generally accepted educational practices regarding efficient maximum class sizes.

PROPOSED

(2) Reasonable prerequisites for enrollment in any class, course or program to insure that a student will profit or benefit from the particular class, course or program.

**AMENDATORY SECTION** (Amending Order 3, filed 6/19/69)

**WAC 131-12-040 Districts shall establish rules allowing intercampus and intercollege enrollment.** (~~Community~~) College districts that offer instruction in more than one location shall establish reasonable rules and procedures that will allow intercampus and intercollege enrollment of students without penalty or additional cost above the normal tuition, special fees, and incidental fees charged by the district for attendance at any single campus or college therein.

**AMENDATORY SECTION** (Amending Order 23, filed 12/18/73)

**WAC 131-12-041 Interdistrict registration of students.** Pursuant to authority granted in chapter 28B.50 RCW, the following regulations shall be observed by the community college districts in the interdistrict enrollment of students without the payment of additional tuition and fees as required by RCW 28B.15.500.

(1) Interdistrict registration shall mean the concurrent enrollment of a student in community colleges operated by two or more community college districts.

(2) Interdistrict registration shall occur only on the basis of a specific agreement between the two or more colleges.

(3) If the student registers and pays (including loans, grants, waivers, and other forms of financial aid) the maximum tuition and fees in one college, a second college may allow such student to register for additional courses without payment of additional fees provided that the courses will not be offered by the first college in a manner that will enable the student to complete his or her program in a timely manner.

(4) If the student so enrolled under this interdistrict registration provision has paid less than the maximum amount of tuition and fees required by RCW 28B.15.500, the second college shall assess tuition and fees at the standard rate for the course registrations in that college up to that maximum. Withdrawal from the college or reduction of course load in the college of initial registration shall invalidate any cost-free registration at a second college unless the appropriate additional tuition and fees are paid.

(5) Students enrolled in a second college under the provisions of this regulation shall be required to comply with the regular registration procedure of such second college and shall be required to pay any additional special fees—such as laboratory, supply, use or records fees normally charged to students enrolled at that college.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Special service programs—Running start (WAC 131-46-135 adopts running start rules by reference to WAC 392-169-005 through 392-169-125, inclusive of 1995 amendments thereto and repeal of WAC 392-169-035).

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Rules review in compliance with Governor's Executive Order 97-02.

Summary: Repeals WAC 131-46-020, 131-46-025, 131-46-027, 131-46-029, 131-46-030, 131-46-035, 131-46-040, 131-46-045, 131-46-050, 131-46-055, 131-46-060, 131-46-065, 131-46-070, 131-46-075, 131-46-080, 131-46-085, 131-46-090, 131-46-095, 131-46-105, 131-46-110, 131-46-115, 131-46-120, and 131-46-125.

Reasons Supporting Proposal: Rules review and updating in compliance with Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting and Implementation: Ron Crossland, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA 98504, (360) 753-3674; and Enforcement: Howard Fischer, Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Repeals a number of sections to be in compliance with rules review, Governor's Executive Order 97-02. The sections were duplicative because the majority of the program rules are adopted by reference to WAC 392-169-005 through 392-169-125 inclusive of 1995 amendments thereto and repeal of WAC 392-169-135.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, WA 98504, on April 9, 1998, at 3 p.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, (360) 753-7413, by March 31, 1998, (360) 586-6440.

Submit Written Comments to: Claire Krueger, 319 7th Avenue, Olympia, WA 98504, FAX (360) 586-6440, by March 31, 1998.

Date of Intended Adoption: April 9, 1998.

March 2, 1998  
Claire C. Krueger  
Executive Assistant  
Agency Rules Coordinator

**WSR 98-06-070**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY AND TECHNICAL COLLEGES**

[Filed March 3, 1998, 8:31 a.m.]

Original Notice.



**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 131-46-020	Running start program— Definition.
WAC 131-46-025	Eligible student—Definition.
WAC 131-46-027	Running start student— Definition.
WAC 131-46-029	College day—Definition.
WAC 131-46-030	Full-time equivalent (FTE) running start enrollment— Definition.
WAC 131-46-035	Annual average full-time equiv- alent (AAFTE) running start enrollment—Definition.
WAC 131-46-040	Community and technical col- leges—Definition.
WAC 131-46-045	School district—Definition.
WAC 131-46-050	Enrollment—General require- ments and conditions.
WAC 131-46-055	Enrollment—High school cred- it—Prior confirmation.
WAC 131-46-060	Enrollment—Extent and dura- tion.
WAC 131-46-065	Enrollment—Extent and dura- tion of combined high school and running start enrollment.
WAC 131-46-070	Enrollment—Exception from tuition and fees.
WAC 131-46-075	Enrollment—Continuing eligi- bility.
WAC 131-46-080	Academic standards and disci- pline—Jurisdiction of educa- tional agencies.
WAC 131-46-085	Compliance with federal and state requirements of law— Special education program requirements—Necessary coop- erative agreements.
WAC 131-46-090	High school credit—Award by school districts.
WAC 131-46-095	Finance—Generation and ap- portionment of state basic education moneys.
WAC 131-46-105	Running start enrollment count dates.
WAC 131-46-110	Finance—Community college and technical college reporting requirements.
WAC 131-46-115	Finance—School district report- ing requirements.
WAC 131-46-120	Finance—Limitations on enroll- ment counts.
WAC 131-46-125	Finance—Documentation re- quirements.

**WSR 98-06-071****PROPOSED RULES****STATE BOARD FOR****COMMUNITY AND TECHNICAL COLLEGES**

[Filed March 3, 1998, 8:34 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: General description of state board organization and operations.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Rules review in compliance with Governor's Executive Order 97-02.

Summary: General description of state board organization and operations.

Reasons Supporting Proposal: Rules review in compliance with Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy Wall, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, (360) 586-2157; and Enforcement: Howard Fischer, Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal does not change existing rules. Just minor changes for smoother readability.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, WA 98504, on April 9, 1998, at 3 p.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, (360) 753-7413, by March 31, 1998, FAX (360) 586-6440.

Submit Written Comments to: Claire Krueger, State Board for Community and Technical Colleges, 319 7th Avenue, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by March 31, 1998.

Date of Intended Adoption: April 9, 1998.

March 2, 1998

Claire C. Krueger  
Executive Assistant  
Agency Rules Coordinator

**AMENDATORY SECTION** (Amending Order 136, Resolution No. 92-05-23, filed 6/8/92, effective 7/9/92)

**WAC 131-08-005 General description of state board organization and operations.** (1) The state board for community and technical colleges consists of nine members appointed by the governor. (~~Successors of the~~) Members (~~initially appointed~~) serve for terms of four years.

(2) The executive officer and secretary of the board is the executive director of the state system of community and technical colleges. The executive director is in charge of the

offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. The executive director exercises, in the name of the board, all powers and duties delegated by the board and at the direction of the board executes, together with the chair of the board, all contracts entered into by the board.

(3) It is the board's duty to exercise general supervision and control over the state system of community and technical colleges consistent with the specific powers and duties set forth in the Community and Technical College Act of 1991, chapter 28B.50 RCW.

(4) The board's office is located in Olympia, Washington, 319 Seventh Avenue, 98504.

(5) Information about specific meeting places and times may be obtained at the board office. Formal submission or requests to the state board should be addressed to the executive director at the Olympia office.

**AMENDATORY SECTION** (Amending Order 136, Resolution No. 92-05-23, filed 6/8/92, effective 7/9/92)

**WAC 131-08-007 Presentations to state board.** Any interested individual or organization, upon written request and receipt by the state board office at least two weeks in advance of the next scheduled board meeting, may request that any relevant matter concerning the state community and technical college system be placed on the board meeting agenda. The chair or the executive director of the state board may, however, waive this two week notification procedure, if in the judgment of either, sufficient emergency exists.

The following format shall be used by individuals or organizations in making their request for additions to the board meeting agenda:

- (1) Title of the item to be considered;
- (2) A brief descriptive background which includes relevant facts and documentary evidence, including written materials, personal interviews, expert testimony or matters of record;
- (3) Identification of the requesting party, including relevant organizational affiliations and job titles.

It shall be the prerogative of the board not to take any action on matters that come before the board pursuant to this rule.

In the case of presentations to the board on behalf of organizations, special interest groups, and other multimember bodies, testimony shall normally be limited to one individual representative.

In the case of all presentations, the board reserves the right, without notice, to limit the length of any particular presentation or to reschedule presentations when, in its judgment, the demands of public business before the board necessitate making such limitations.

It is the intent of the state board that procedures set forth in this regulation shall be liberally interpreted to the end that all interested citizens and organized groups shall be able to address the board on any matter relevant to its responsibilities and duties in the operations of Washington's community and technical college system. Notwithstanding any of the provisions of this section, impromptu comments

or questions by members of the public or organization representative may be presented at any meeting of the board consistent with the provisions of chapter 42.30 RCW, the Open Public Meetings Act.

In the case of adoption, amendment or repeal of rules, which are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW, the provisions of that chapter regarding the presentation of data, views or arguments to shall govern.

**AMENDATORY SECTION** (Amending Order 136, Resolution No. 92-05-23, filed 6/8/92, effective 7/9/92)

**WAC 131-08-008 Special meetings of the state board.** Special meetings of the state board may be called by the chair or by a majority of the members of the state board (~~by delivery personally or by mail written notice to each member~~). Notification of such a meeting must be made at least twenty-four hours before the time of such meeting. Such notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Notice of such special meetings also shall be provided twenty-four hours prior to such meetings to each local newspaper of general circulation and to each local radio and television station which has on file with the state board a written request to be notified of such special meetings or of all meetings of the state board.

**WSR 98-06-072**

**PROPOSED RULES**

**STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

[Filed March 3, 1998, 8:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Tuition and fees for community colleges established.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Rules review in compliance with Governor's Executive Order 97-02.

Summary: See Title of Rule above. Minor changes in compliance with Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Morgan, 319 Seventh Avenue, Olympia, WA 98504, (360) 753-0880; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor changes to bring rules in compliance with Governor's Executive Order 97-02.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, WA, on April 9, 1998, at 3 p.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, (360) 753-7413, by March 31, 1998, (360) 586-6440.

Submit Written Comments to: Scott Morgan, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by March 31, 1998.

Date of Intended Adoption: April 9, 1998.

March 2, 1998

Claire C. Krueger

Executive Assistant

Agency Rules Coordinator

### NEW SECTION

**WAC 131-28-005 Tuition and fees for community colleges established.** Tuition and fees for community colleges are established in chapter 28B.15 RCW. Technical colleges are not subject to the general provisions of chapter 28B-15 RCW. Technical colleges are required to administer tuition and tuition waivers under policies and procedures of their respective boards of trustees. This chapter applies only to community colleges unless technical colleges are specified.

**AMENDATORY SECTION** (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

**WAC 131-28-02501 Waivers.** Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall not (~~waive~~) waive the building fee or services and activities fee at a percentage rate greater than the percentage rate of waiver for operating fees.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount waived to the nearest dollar.

**AMENDATORY SECTION** (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

**WAC 131-28-025 Method of assessing tuition and fee charges.** (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, (~~provided:~~

~~That))~~ respectively. Partial credits shall be assessed on a proportionate basis. The respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the tuition fee charged to full-time students.

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such courses.

(3) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

**AMENDATORY SECTION** (Amending WSR 96-03-049, filed 1/12/96, effective 1/12/96)

**WAC 131-28-026 Tuition charges for certain ungraded courses.** (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journeyperson training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English as a second language, GED preparation: No charge.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent education students taking eleven to eighteen credits shall not be charged for those credits.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: ~~((Sixty percent))~~ Two-thirds reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour ~~(: Provided, That until June 1, 1997, the waiver shall be two-thirds))~~. Colleges may not deduct the tuition owed from training contract with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

AMENDATORY SECTION (Amending Order 101, Resolution No. 84-58, filed 10/23/84)

WAC 131-28-027 Community and technical college costs and special fees for contracted educational services.

(1) College districts that choose to offer contractual educational courses or services, as authorized by RCW 28B.50-140(16), to private or governmental entities shall establish a special fee for the service or course to be paid by the entity involved. Such special fee shall be set forth in the contractual agreement establishing such courses or services.

(2) Contractual educational courses or services may be offered when a district makes a determination that it is not reasonably feasible for financial or other reasons, to offer such courses or services as a part of the regular curriculum. Upon making such determination, the district may offer such courses or services and shall limit participation therein to employees, agents, clients or members of the particular entity.

(3) ~~((Contractual educational courses or services are those instructional courses which may be provided to meet special instructional needs of military, corporate, or other governmental or private entities where enrollments will be limited to the membership of the entity and includes administrative, organizational, research, public service or program development services of the college district.~~

~~(4))~~ Any enrollments generated through contracts for educational courses or services developed ~~((pursuant to this regulation))~~ shall be excluded from the official state funded enrollment level of the college so that there will not be any state funding for such courses or services.

~~((5))~~ (4) The special fee charged for any such contractual educational course or service shall be retained by the college district to defray the cost of such course or service and may be used for the general operations and maintenance of the college district.

~~((6))~~ (5) The special fees charged pursuant to this regulation shall be sufficient to offset the full instructional costs of offering the course or service. Calculation of the full instructional cost level shall include all direct and indirect costs ~~((such as those for salaries and related benefits; supplies; public information; business services for budgeting; auditing; financial reporting; purchasing; payroll; and cashing; mail service; postage; telephone; admissions; registration; data processing; and maintenance of any public facilities used)).~~

~~((7))~~ (6) If the instructor for any course performs such services as a paid employee or personal services contractor of another state agency, the course shall be considered a contract course subject to the provisions of this section, except when reimbursement for such services is made to the other agency by the college district.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740. (1) ~~((Tuition and fee waivers for needy students in any fiscal year shall not exceed three percent of any community college district's estimated total collections of tuition and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.~~

~~(2) The estimated total collection of tuition and service and activities fees shall be based on budgeted, state supported, four quarter annual average enrollment.~~

~~(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.~~

~~(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of the state board, or designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.~~

~~(5) At least three fourths of the total amount waived by any district shall be for needy students who are eligible to pay resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and the remainder may be for other students as determined by the board of trustees, except that no such waivers shall be based on participation~~

~~in intercollegiate athletic programs.)~~ Community colleges may waive the tuition and service and activities fees for needy resident students under the provisions of RCW 28B.15.740. The amount that can be waived under this provision is limited by the waiver limits set forth in RCW 28B.15.910.

(2) In addition, colleges may waive up to three-quarters of one percent of the estimated gross collection of tuition and service and activities fees for other students. These waivers are not to be awarded based on participation in intercollegiate athletics. The estimated gross collection of tuition and service and activities fees shall be based on budgeted, state supported, annual average enrollment, after deducting the portion of the gross amount which is attributed to the difference between resident and nonresident tuition and fees.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 131-28-080 Tuition and fee waivers for senior citizens.
- WAC 131-28-085 Tuition and fee waivers for full-time community college employees.
- WAC 131-28-090 Tuition and fee waivers for unemployed and underemployed resident students.

**WSR 98-06-073  
PROPOSED RULES  
STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

[Filed March 3, 1998, 8:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Pertaining to prior approval by the state board by college districts for capital projects and acquisition of real property.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Rules review in compliance with Governor's Executive Order 97-02.

Summary: See Title of Rule above.

Reasons Supporting Proposal: Updating rules in compliance with Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Morgan/Tom Henderson, 319 7th Avenue, Olympia, (360) 753-0880; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor changes in compliance with updating agency rules in accordance with Governor's Executive Order 97-02.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, WA 98504, on April 9, 1998, at 3 p.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, (360) 753-7413, by March 31, 1998, (360) 586-6440.

Submit Written Comments to: Tom Henderson, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by March 31, 1998.

Date of Intended Adoption: April 9, 1998.

March 31 [3], 1998

Claire C. Krueger  
Executive Assistant  
Agency Rules Coordinator

**AMENDATORY SECTION** (Amending Order 3, filed 6/19/69)

**WAC 131-24-010 Districts shall obtain prior approval of state board for capital projects and acquisition of realty.** (~~Community~~) College districts that wish to contract for or otherwise cause the construction, reconstruction, erection, equipping, disposal, demolition, or alteration of buildings, facilities, or other capital assets; or to acquire, by purchase or lease, sites, right of way, easements, improvements, or appurtenances to real property and shall first obtain the approval of the state board for community and technical colleges (~~education~~) pursuant to the procedures established for such approval and action.

**AMENDATORY SECTION** (Amending Order 56, filed 4/2/76)

**WAC 131-24-020 College district revenue bond issues—Approval required.** (1) (~~Community~~) College districts that wish to issue revenue bonds pursuant to RCW 28B.50.140(6) must receive the prior approval of the state board and the state finance committee, as required by RCW 28B.50.409.

(a) District requests for state board approval shall consist of a written presentation describing the proposed use of the bond revenue, the need for the facility, cost projections, source and anticipated annual revenue pledged to debt service, and the characteristics of the bond issue proposed.

(b) After receiving state board approval, the requesting district and the state director or his designee will jointly prepare a request to the state finance committee for approval of the proposed issue.

(2) Following approval of a revenue bond issue, the district shall establish a bond retirement fund as required by RCW 28B.50.330. Subject to the provisions of RCW 28B.50.320, the district shall select a local depository into which it shall place all revenue pledged to debt service for such revenue bond issue. Any federal or state funds or other grants, bequests, gifts, or income therefrom pledged to the retirement of such revenue bond issue shall be deposited as

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herein provided; except, that if such funds could not be obtained if so deposited, they shall be deposited according to the applicable law or term of the trust, bequest, or gift.

(3) Nothing in this section shall be construed to change the current status of any revenue bond issues approved prior to the effective date of this rule and pursuant to WAC 131-04-010, which section is hereby repealed.

AMENDATORY SECTION (Amending Order 58, filed 5/10/76)

**WAC 131-24-030 Capital construction projects—SEPA policies and procedures.** (1) It shall be the policy of the state board for community and technical colleges (~~education~~) that capital projects proposed by (~~community~~) college districts shall be developed in a manner consistent with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and chapter 197-10 WAC, guidelines for SEPA implementation.

(2) A (~~community~~) college district initiating a request for approval of any capital construction expenditure shall be considered the "lead agency" for the purpose of carrying out the provisions of chapter 43.21C RCW and chapter 197-10 WAC.

~~((3) Community college districts seeking state board approval of capital project construction expenditures pursuant to WAC 131-24-010 shall provide as part of such requests a draft "declaration of significance/nonsignificance" regarding the potential adverse effects the proposed project would have on the environment.~~

~~(4) The draft "declaration of significance/nonsignificance" shall conform in both form and supporting documentation, if such is required, to the provisions of WAC 197-10-355.~~

~~(5) When the declaration required by subsection (3) of this section indicates a finding that there exists a reasonable belief by the lead agency that the proposed project could have a significant adverse effect on the environment, the request for state board approval of capital project construction funds shall be construed to be an affirmation that the district has complied with the provisions for preparation and circulation of draft and final environmental impact statements in WAC 197-10-410 through 197-10-695.)~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-24-040 Capital projects funded on the basis of voluntary student fees.

**WSR 98-06-074  
PROPOSED RULES  
STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**  
[Filed March 3, 1998, 8:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Institutional financial aid fund.

Purpose: Various amendments made when the Washington Student Loan Guarantee Association was replaced with the Northwestern Education Loan Association; giving parameters on the use of the fund; replacing outdated references and restrictions with current rules and regulations.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Rules review in compliance with Executive Order 97-02.

Summary: Updating rules in compliance with Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting and Implementation: Rhonda Coats, 319 Seventh Avenue, Olympia, WA, (360) 753-4694; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor changes to be in compliance with the Governor's Executive Order 97-02 and reflecting changes from the Washington Student Loan Guarantee Association was replaced with the Northwestern Education Loan Association, and to bring rules in line with current regulations.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, WA 98504, on April 9, 1998, at 3 p.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, (360) 753-7413, by March 31, 1998, FAX (360) 586-6440.

Submit Written Comments to: Rhonda Coats, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by March 31, 1998.

Date of Intended Adoption: April 9, 1998.

March 2, 1998  
Claire C. Krueger  
Executive Assistant  
Agency Rules Coordinator

**Chapter 131-36 WAC  
INSTITUTIONAL (~~LONG TERM LOAN~~) FINAN-  
CIAL AID FUND**

AMENDATORY SECTION (Amending Order 90, Resolution 81-66, filed 9/23/81)

**WAC 131-36-010 Purpose and intent.** (1) The purpose of chapter 131-36 WAC is to implement the institutional (~~long term loan program~~) financial aid fund established by (~~section 9, chapter 257, Laws of 1984~~) RCW 28B.15.820.

(2) It is the intent of this chapter to provide for a (~~loan~~) financial aid program that will be operational in all

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Washington community colleges (~~no later than spring quarter, 1982~~).

(3) Each community college and technical college shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in to the institutional financial aid fund.

(4) These funds shall be used in addition to and not to replace institutional funds that would otherwise support locally administered financial aid programs.

AMENDATORY SECTION (Amending Order 90, Resolution 81-66, filed 9/23/81)

**WAC 131-36-050 Definitions.** For the purposes of chapter 131-36 WAC, the following definitions shall apply:

(1) "Fund" shall mean the institutional (~~long term loan~~) fund established by (~~section 9, chapter 257, Laws of 1984~~) RCW 28B.15.820.

(2) (~~"Private financial institution" shall mean an eligible lender as defined by the rules of the WSLGA.~~

(3) (~~"Uniform")~~ Current federal methodology shall mean the method of determining financial need (~~based on a comparison of assets and income with estimated costs of college attendance~~) as prescribed by the United States Department of Education.

(~~4~~) "WSLGA" (3) "NELA" shall mean (~~the Washington student loan guarantee~~) Northwestern Education Loan Association, a private student loan guaranteeing association authorized to guarantee educational loans in Washington granted pursuant to 20 U.S. Code Section 1071.

(~~5~~) (4) "Operational" shall mean that the institution has been approved as a lender and is eligible to provide loans guaranteed by (~~the WSLGA~~) NELA.

(5) "Needy student" shall mean any post high school student who demonstrates the financial inability to meet the cost of attending college using current federal methodology (RCW 28B.10.802).

(6) "Other institutional financial aid" shall be defined as locally administered, need-based institutional employment tuition and fee scholarships or grants.

#### NEW SECTION

**WAC 131-36-055 Use of fund.** Moneys in this fund shall be used for student financial aid:

(1) Long-term loans;

(2) Short-term loans; and

(3) Locally administered need-based grants, tuition scholarships and institutional employment programs for needy, resident students. The moneys in this fund shall not be used for college operating expenses.

AMENDATORY SECTION (Amending Order 90, Resolution 81-66, filed 9/23/81)

**WAC 131-36-100 Eligibility.** (1) (~~Loans from the fund shall be~~) Long-term loans and other institutional financial aid to needy students shall be made only to (resident, needy) students who (are enrolled for six or more credit hours of instruction or the equivalent thereof, except as otherwise provided in this section) qualify as residents under RCW 28B.15.012 and 28B.15.013 and are

enrolled for six or more credit hours of instruction or the equivalent.

(2) (~~The following individuals who have been granted statutory resident status for tuition and fee purposes pursuant to RCW 28B.15.014 and 28B.15.553 shall not be eligible to receive loans from the fund:~~

(a) ~~Persons employed twenty hours or more per week at a Washington public higher education institution and their children and spouses;~~

(b) ~~Military and federal employees residing or stationed in the state of Washington and their children or spouses;~~

(c) ~~Veterans, as defined by RCW 41.04.005, whose final permanent duty station was in the state of Washington, so long as such veteran is receiving federal vocational or educational benefits concurred by virtue of his or her military service;~~

(d) ~~Nonimmigrant aliens residing in the state of Washington pursuant to a treaty of commerce and navigation and their children and spouses.~~

(3) ~~No individual shall be eligible for a loan from the fund unless he or she shall have applied for and been unable to obtain an educational loan from at least one private financial institution in the state of Washington known to be granting or with a record of having granted such loans.~~

(4) ~~Students seeking loans from the fund shall provide the college with either a letter of denial from a private financial institution or with an affidavit attesting to such denial if unable to obtain evidence of denial in writing.~~

(5) ~~No individual shall be eligible for loans from the fund if currently in default on any WSLGA or other federally guaranteed loan.)~~ Priorities for use of other institutional financial aid shall be given to:

(a) Needy students who have accumulated excessive educational loan burdens;

(b) Needy single parents for educational expenses, including child care and transportation; and

(c) Other eligible needy students.

(3) Short-term loans may be made to any student enrolled in the institution.

(4) For long-term and short-term loans, institutions must have ample evidence that students have the capability of repaying the loan within the time frame specified by the institution.

(5) No individual shall be eligible for long-term loans, short-term loans or other institutional financial aid for needy students if currently in default or delinquent in the payment on any educational loan or who owes a repayment on any federal or state grant.

AMENDATORY SECTION (Amending Order 90, Resolution 81-66, filed 9/23/81)

**WAC 131-36-150 Limitation on amount (of loans).** (1) No long-term or short-term loan (of) shall be made from the fund (in an amount) that exceeds either the demonstrated financial need of an eligible student or the maximum allowed under the federal guaranteed need-based loan program.

(2) All long-term loans granted from the fund for periods in excess of one academic quarter shall be disbursed in quarterly installments through proration of the total loan amount.

(3) For purposes of this section, demonstrated financial need shall be the amount determined by application of uniform methodology as defined by WAC 131-36-050(3).

**AMENDATORY SECTION** (Amending Order 90, Resolution 81-66, filed 9/23/81)

**WAC 131-36-200 Terms and conditions of loans.** (1)

The terms and conditions of long-term loans made from the fund, including, but not limited to, maximum annual loan amount, maximum aggregate loan amount, loan initiation fee, guarantee fee, repayment, cancellation, consolidation of loans, deferment, default, and forbearance shall be the same as those set forth by the ~~((WSLGA and))~~ federal need-based guaranteed student loan regulations.

(2) All long-term loans granted from the fund for periods in excess of one academic quarter shall be disbursed in quarterly installments through proration of the total loan amount.

(3) For short-term loans only, students must repay in one year.

**AMENDATORY SECTION** (Amending Order 90, Resolution 81-66, filed 9/23/81)

**WAC 131-36-250 Initiating, servicing, and collecting loans.** (1) Community colleges shall utilize the loan collecting and servicing agency designated by the state ~~((board))~~ director for community and technical colleges education and the ((WSLGA)) NELA.

(2) The state director of community and technical colleges shall determine and designate on behalf of the state board an appropriate entity to conduct servicing and collection activities with regard to loans made from the fund.

(3) The state director of community and technical colleges shall, when (s)he determines that it is in the best interest of the college system, determine and designate on behalf of the state board an appropriate entity to perform loan initiation activities and transaction reporting regarding loans made from the fund.

(4) Subsequent to granting loans from the fund each college shall cooperate with the ~~((WSLGA))~~ NELA and the servicing and collection agency through informing students of their rights and responsibilities regarding such loans; timely provision of student status verification information and information pertaining to determinations of default, forbearance, and deferment of loans; consolidation of loans; and records maintenance.

**AMENDATORY SECTION** (Amending Order 90, Resolution 81-66, filed 9/23/81)

**WAC 131-36-300 Investment of fund principal.** (1) Moneys in the fund not committed to long-term loans may be invested by each college ~~((for periods of time not inconsistent with the efficient operation of the loan program, provided that such investments may be made only after all eligible students have been afforded a reasonable opportunity to apply for loans from the fund.~~

~~((2) Investment of moneys from the fund shall be confined to certificates, notes, or bonds of the United States or other obligations of the United States or its agencies, or~~

~~of any corporation wholly owned by the government of the United States)).~~

(3) Colleges shall comply with all ~~((other))~~ laws or regulations regarding the investment of state funds ~~((when investing uncommitted portions of the fund)).~~

(4) Interest earned through such investments shall be credited to the fund.

Reviser's note: The typographical 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 98-06-075**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY AND TECHNICAL COLLEGES**  
[Filed March 3, 1998, 8:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: TIAA/CREF retirement plan rules.

Purpose: Adoption of retirement plan rules to qualify the TIAA/CREF plan under Section 403(a) of the Internal Revenue Code with a Section 414 (h)(2) Employer Pick-up of Contributions.

Other Identifying Information: Preproposal statement of inquiry filed as WSR 97-21-012; and emergency rules filed under WSR 98-01-108.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Qualifying the TIAA/CREF plan under Section 403(a) of the IRS code with a Section 414 (h)(2) employer pick-up of contributions.

Summary: On January 1, 1997, the system TIAA/CREF retirement plan structure was converted to be a mandatory plan under the Internal Revenue Code. The January 1 changes were intended to enable greater voluntary tax-deferrals for participants; streamline administration; and allow greater flexibility. Now the system would like to qualify the plan under Section 403(a) of the IRS code, with a Section 414 (h)(2) employer pick-up of contributions.

Name of Agency Personnel Responsible for Drafting and Implementation: John Boesenberg, State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, WA, (360) 753-3661; and Enforcement: Howard Fischer, Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, public and governmental.

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

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

Proposal Changes the Following Existing Rules: The proposed changes would qualify the plan under Section 403(a) of the Internal Revenue Service Code, with a Section 414 (h)(2) employer pick-up of contributions.

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



RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, WA 98513 [98504], on April 9, 1998, at 3 p.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, (360) 753-7413, by March 31, 1998, FAX (360) 586-6440.

Submit Written Comments to: John Boesenberg, Director of Personnel, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, by March 31, 1998.

Date of Intended Adoption: April 9, 1998.

March 1, 1998  
Claire C. Krueger  
Executive Assistant  
Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-10-069, filed 5/5/97, effective 7/8/97)

**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))~~ provide such employees ~~((to purchase retirement annuities from))~~ with an employer sponsored retirement plan through 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. On and after January 1, 1998, this retirement plan is intended to comply with the requirements of a qualified plan under Section 403((b)) (a) of the Internal Revenue Code of 1986, as amended and the provisions of the plan document filed with the Internal Revenue Service on October 29, 1997. Prior to January 1, 1998, the plan was intended to comply with the requirements of Section 403(b) of the Internal Revenue Code of 1986, as amended. ((Notwithstanding the previous sentence, 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 WSR 97-10-069, filed 5/5/97, effective 7/8/97)

**WAC 131-16-011 Definitions.** For the purpose of WAC 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any employee who is eligible to purchase retirement annuities through the TIAA/CREF plan 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—))~~ and 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 and technical colleges ~~((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 WSR 97-10-069, filed 5/5/97, effective 7/8/97)

**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))~~ whose employment meets the requirements for an "eligible position" as defined by 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))~~ Optional participation in tax-deferred annuities other than this qualified plan as offered by individual colleges is permitted consistent with the Internal Revenue Code: *Provided*, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases. Optional tax-deferred annuities are provided through a salary reduction agreement between the employee and employer. There is no employer contribution for optional tax-deferred annuities.

(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) 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))~~ in this plan 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 131-16-031 Participation in the plan.** ~~((1))~~ Participation in the TIAA/CREF plan is required of all otherwise eligible new employees: *Provided*, That any such new employee, who at the time of employment is a member of the Washington state teachers retirement system or the Washington public employees retirement system, and whose college or state board employment meets the requirements of

an "eligible position" as defined by such plan, may irrevocably elect to retain such membership or, if not vested in that system, retain membership until vesting occurs and then irrevocably elect to participate in the TIAA/CREF plan.

~~((2) College district or state board employees who are members of retirement plans other than the TIAA/CREF plan may participate in the TIAA/CREF plan, without a matching employer contribution, through tax deferred annuity purchase agreements with the employing college district or the state board, to the extent allowed by the applicable United States Internal Revenue Code provisions.))~~

**AMENDATORY SECTION** (Amending WSR 93-22-008, filed 10/21/93, effective 11/21/93)

**WAC 131-16-045 Transfers to and from plans other than TIAA/CREF.** (1) A participant employed in a Washington state community or technical college or the state board for community and technical colleges may directly transfer into his or her TIAA/CREF account any account balances from other employers' retirement plans: ~~((*Provided*, That such other plans are authorized under Section 403(b) of the Internal Revenue Code, and:))~~ *Provided* ~~((*further*)),~~ That such other employers' plans permit transfers out of their plans and such other employers' plans are covered by the same sections of the Internal Revenue Code as this plan.

(2) A participant who leaves the employment of all Washington state community and technical colleges and the state board for community and technical colleges, may choose to transfer his or her existing TIAA/CREF account balances, subject to the rules established by TIAA/CREF for transfers, to any other employer's retirement plan ~~((authorized under Section 403(b) of the Internal Revenue Code))~~: *Provided*, That such other employer's plans will accept the transferred balances and such other employers' plans are covered by the same sections of the Internal Revenue Code as this plan.

**AMENDATORY SECTION** (Amending WSR 97-10-069, filed 5/5/97, effective 7/8/97)

**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; seven and one half percent each pay period thereafter 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)) On and after January 1, 1998, the employing college or state board shall make employee contributions on behalf of participants in lieu of paying an equal amount of each participant's salary, and such contributions shall be treated as employer contributions pursuant to Internal Revenue Code Section 414 (h)(2) in determining the tax treatment under the code. Such contributions shall be made by the employer in lieu of employee contributions.

(2) Contributions made under subsection (1) of this section shall be paid from the same source of funds as used in paying salary for affected participants. Participants do not have the option to receive the amounts contributed under subsection (1) of this section directly.

(3) The amounts of the contributions made under subsection (1) of this section shall be limited as follows:

(a) Five percent of salary each pay period until the participant attains age thirty-five;

(b) Seven and one-half percent of salary for each pay period from age thirty-five through and including age forty-nine; and

(c) Ten percent of salary for each pay period after attaining age fifty.

(4) The employing college or state board shall contribute an additional sum equal to the contributions required by subsection (3) of this section.

(5) 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) In addition to the required salary reduction or deduction agreement in subsection (1) of this section, an eligible employee may enter into a voluntary agreement with the college district or state board to reduce the employee's monthly salary by a supplemental amount, within the limits prescribed in the Internal Revenue Code.))~~

AMENDATORY SECTION (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

**WAC 131-16-055 Options for self-directed investment of retirement plan contributions and accumulations.** While actively employed, participants may exercise any or a combination of the following options for allocation of current premiums or transfer of accumulated TIAA or CREF fund accumulated balances.

(1) Current premiums may be allocated among the TIAA account and the CREF accounts in any whole percentage proportions.

(2) CREF ~~((fund))~~ account and TIAA real estate account accumulations resulting from previously contributed premiums may be transferred in whole or in part among any of the CREF ~~((subsidiary))~~ and TIAA real estate accounts or to the TIAA traditional annuity account, subject to procedures established by TIAA/CREF.

(3) TIAA ~~((fund))~~ traditional annuity accumulations resulting from previously contributed premiums or from transfers from ~~((CREF))~~ other accounts may be transferred to any CREF accounts on the basis of an irrevocable ten-year schedule of payments, subject to procedures established by TIAA/CREF.

AMENDATORY SECTION (Amending WSR 95-13-069, filed 6/20/95, effective 7/21/95)

**WAC 131-16-056 Hardship withdrawals.** (1) In the event of a financial hardship consistent with requirements of subsection (2) of this section and Section 403 (b)(11) of the Internal Revenue Code, a participant may withdraw all or part of the following plan funds:

(a) Pre-1998 employee contributions ~~((and))~~;  
 (b) Any pre-~~((1988))~~ 1989 earnings on employee contributions~~((?))~~;

(c) Any Section 414 (h) employer pick-up contributions; and

(d) Any contributions transferred to this plan from another employer's plan. Such funds may be withdrawn from the participant's Washington community and technical college system TIAA/CREF retirement account while actively employed ~~((or after termination of employment))~~. Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus taxes on withdrawn funds and early withdrawal penalties. Employer contributions (other than Section 414 (h) pick-up contributions) and earnings on the employer contributions may not be withdrawn as a hardship withdrawal.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code (Section 1.401(k)-1(d)(2)) requires that the college president or designee shall verify that the participant has certified in writing that:

(a) The participant has an immediate and heavy financial need; and

(b) The participant has no other resources reasonably available to meet the need.

Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

(i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;

(ii) Payments to prevent the participant's impending bankruptcy; and/or

(iii) Unreimbursable medical expenses incurred by the participant, spouse, dependent children, and/or dependent parents.

The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

(A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer. ~~((Note:))~~ Contributions to the employer-sponsored retirement plan must continue while the employee remains eligible for the plan.

(3) Hardship withdrawals from the community and technical college TIAA/CREF plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from ~~((the~~

~~employer sponsored~~) this qualified TIAA/CREF plan may not be replaced at a later date.

**AMENDATORY SECTION** (Amending Resolution No. 91-20, Order 129, filed 6/14/91, effective 7/15/91)

**WAC 131-16-061 Supplemental retirement benefits.**

(1) A participant is eligible to receive supplemental retirement benefit payments if at the time of retirement the participant is age sixty-two or over and has at least ten years of full-time service in the TIAA/CREF plan at a Washington public institution of higher education: *Provided*, That the amount of the supplemental retirement benefit, as calculated in accordance with the provisions of this section, is a positive amount.

(2) Subject to the provisions of subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after attainment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The combined retirement benefit from the TIAA/CREF annuity and any other Washington state public retirement system as a result of service while employed by a Washington public higher education institution that the participant would receive in the first month of retirement multiplied by twelve: *Provided*, That the TIAA/CREF benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to the TIAA traditional annuity and fifty percent to the CREF stock ~~((fund))~~ account during each year of full-time service: *Provided*, That benefit calculations related to contributions made prior to July 1, 1974, shall be computed on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA/CREF annuity accumulations, including all dividends payable by TIAA and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA accumulations, including dividends, were settled on an installment refund option and the CREF accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA/CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of higher education TIAA/CREF retirement plan shall be excluded.

(iv) For the purposes of this calculation, the assumptions applied to the TIAA/CREF accumulation settlement shall

also apply to settlement of the benefit from any other retirement plan.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five: *Provided*, That the supplemental retirement benefit for an otherwise qualified participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's TIAA and/or CREF annuity accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's TIAA and/or CREF annuity.

(e) The selection of a TIAA/CREF retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined TIAA/CREF retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than ten dollars, such benefit payments may be paid at longer intervals as determined by the state board.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse or designated beneficiary after the retiree's death. Notification of such choice shall be filed in writing with the state board and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as any TIAA/CREF survivor annuity option potentially payable to and elected by the participant. If a designation of a survivor's option is not made and the participant dies after attaining age sixty-two but prior to retirement, any supplemental benefit payable shall be based on the two-thirds benefit to survivor option.

(c) Prior to making any supplemental benefit payments, the state board shall obtain a document signed by the participant and spouse, if any, or designated beneficiary acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five months duration in any fiscal year. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC 131-16-021.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 131-16-015 Retirement benefit goal established.
- WAC 131-16-040 Disability retirement provisions for TIAA/CREF participants.
- WAC 131-16-060 Cashability.
- WAC 131-16-062 Benefit options after termination of employment.
- WAC 131-16-065 Optional retirement transition benefit.
- WAC 131-16-066 Single sum death benefit to spouse beneficiaries.

**WSR 98-06-076  
WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(By the Code Reviser's Office)  
[Filed March 3, 1998, 9:07 a.m.]

WAC 388-49-360, 388-49-380 and 388-49-385, proposed by the Department of Social and Health Services in WSR 97-17-021, appearing in issue 97-17 of the State Register, which was distributed on September 3, 1997, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 98-06-080  
PROPOSED RULES  
DEPARTMENT OF LICENSING**

[Filed March 4, 1998, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-03-023.

Title of Rule: General provisions, chapter 308-04 WAC.

Purpose: (1) Clarify instructions and update monetary increase for reasonable handling fee for dishonored checks; and (2) to meet the criteria set forth in Governor Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 46.01.110 and 43.24.023.

Summary: Clarify WAC 308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty and 308-04-020 Reasonable handling fee for dishonored checks in payment of vehicle licenses, etc.

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

Name of Agency Personnel Responsible for Drafting: Patrick Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Walt Fahrer, 1125 Washington Street S.E., Olympia, (360) 902-3640.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule explains what is required on drafts made to the department for vehicle and vessel registration and certificates of ownership as well as what happens when a check is dishonored by the bank. The purpose is to make clear to those that use the WAC to understand the procedures involved when accepting a check and what happens when that check has been dishonored as well as the maximum amount that may be charged and kept by the receiving party for the handling fee for the dishonored check. Make more clear the procedures and show the increase in handling charges for dishonored checks.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). 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 content of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 406, 1125 Washington Street, Olympia, WA 98507, on April 9, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Pat Zlateff by April 8, 1998, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by April 8, 1998.

Date of Intended Adoption: April 22, 1998.

February 23, 1998

Nancy S. Kelly, Administrator  
Title and Registration Services

**AMENDATORY SECTION** (Amending Order 86-1, filed 4/1/86)

**WAC 308-04-010 Requirements for checks in payment of ~~((licenses, certificates, etc.—Penalty))~~ department of licensing transactions.** ~~(((1) All checks must be made payable to the state treasurer or department of licensing, except those checks written in payment for transactions through the department's vehicle and vessel licensing agents may be made payable to the county auditor, who is acting as the agent.~~

~~(2) State warrants which bear a reasonable relationship to the amount of license fee due shall be accepted when tendered for payment of license fees. Proper identification will be required.~~

~~(3) Checks must be for the exact amount of the license fee due and the purpose for which the check is intended should be noted on its face.~~

~~(4) The drawer's name (licensee) and address should appear upon each check. All NSF checks will be redeposited once. If they fail to clear at the time of the second deposit, the following action will be taken:~~

PROPOSED

~~(a) The drawer (licensee) will be sent a letter by certified mail advising him or her that the license will be canceled unless a money order or cashier's check for the amount due is received within fifteen days.~~

~~(b) Upon the failure to receive said moneys the state patrol or other appropriate law enforcement agency will be notified.~~

~~(c) The failure to pay a license fee or tax due after notice of dishonor has been given will result [in] cancellation of any service, license, permit, or registration provided.~~

~~(d) In cases where a dishonored check is given for professional, securities or real estate fee the field representative of said agency will first contact the party and their license will be surrendered.~~

~~[(5)][(e)] No checks written on foreign banks (outside of the United States) will be accepted and only those foreign postal money orders made payable in U.S. dollars at the Olympia Post Office will be acceptable for payment of any license fees[,] provided, however, that Canadian checks marked "Payable in U.S. funds," shall be an exception and will be acceptable for payment.)~~ (1) Checks shall be made payable to the state treasurer or department of licensing. Checks written in payment for transactions through the department's vehicle and vessel licensing agents appointed under RCW 46.01.140(1) may be made payable to the county auditor.

(2) State warrants equal to or less than the amount of license fees due shall be accepted when tendered for payment of a department of licensing transaction. If the warrant is for vehicle or vessel license, title or permit fees or taxes and is less than the amount due, the applicant shall pay the difference by cash, check, or money order.

(3) Checks may not be for more than the amount due for the transaction being processed. The purpose for which the check is intended should be noted on the face.

(4) The drawer's (licensee's) name and address shall be shown on the check.

(5) Checks written on foreign banks and foreign postal money orders (outside of the United States) shall be payable in U.S. funds and so indicated.

(6) Proper identification shall be required of all applicants for vehicle and vessel transactions.

AMENDATORY SECTION (Amending Order TL/RG 38, filed 10/9/87)

WAC 308-04-020 ((Reasonable handling fee for) Requirements for processing dishonored checks ((in payment of vehicle licenses, etc)). ((Whenever registrations, licenses, or permits relating to the licensing or registration of vehicles or vessels have been paid for by checks to county auditors, agents, and subagents appointed or approved by the director pursuant to RCW 46.01.140, if the check has been dishonored by nonacceptance or nonpayment, a handling fee, in an amount not to exceed fifteen dollars may be assessed for each such instrument. County auditors, agents, and subagents, may collect restitution, and where they have collected restitution may retain the reasonable handling fee.)) (1) In cases where a dishonored check is given for professional or real estate fees, the field representative of said agency will first contact the party and their license will be surrendered.

(2) In cases where a check given for a vehicle or vessel transaction is subsequently dishonored:

(a) The check may be redeposited once.

(b) If the check fails to clear the second time, the department, its agent or subagent will send the drawer (licensee) a letter by first class mail advising the drawer that the license or permit is subject to cancellation due to a dishonored check. Cancellation will not proceed if the amount due, including the handling fee, payable by cash, money order, certified check, or cashier's check, is received and receipted within fifteen days.

(c) Failure to make restitution of a dishonored check used to pay for a department of licensing transaction will result in cancellation of any service, license, permit or registration provided. If the dishonored check is for a vehicle or vessel transaction, the dishonored check will be referred to a collection agency for collection.

(3) The handling fee for dishonored checks written for vehicle and vessel transactions shall not exceed twenty-five dollars. The office that collects restitution may retain the handling fee.

## WSR 98-06-082

### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed March 4, 1998, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-24-098.

Title of Rule: Hop rootstocks—Certification.

Purpose: To reevaluate the current rule due to recent introduction of hop powdery mildew, a plant disease formerly absent in this state. Also, updating obsolete requirements and language.

Statutory Authority for Adoption: Chapter 15.14 RCW.

Statute Being Implemented: Chapter 15.14 RCW.

Summary: The introduction of hop powdery mildew, a pest not previously occurring in Washington state, made reevaluation of this rule necessary.

Reasons Supporting Proposal: The existing requirement for a 0% tolerance for hop powdery mildew is no longer feasible. The hop industry feels monitoring the disease through an additional field inspection will furnish information necessary to regulate rootstock effectively in the future. In addition, the age of the existing rule makes updating it necessary, so that it is consistent with current industry and program practices.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984.

Name of Proponent: Washington Hop Commission and Washington State Department of Agriculture, Laboratory Services Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The hop certification program was established to ensure to the extent possible relatively disease-free, healthy,

and genetically uniform rootstock is available to the hop growers. The existing rule allowed 0% tolerance for hop powdery mildew in certified mother blocks, as this disease was not present in the state until recently. Hop powdery mildew is now widespread, and the Hop Commission has proposed monitoring the disease through a third inspection to determine more information about it, rather than enforcing an arbitrary tolerance. The existing rule is obsolete or contradictory in other areas - for instance, in not acknowledging the role of greenhouse grown stock in establishment of mother blocks, in neglecting to specifically authorize the longstanding postharvest practice of inspection for grade, in requiring inspection of rootstock at digging (an obsolete practice), etc. The proposal makes the rule consistent with current industry and program practice.

Proposal Changes the Following Existing Rules: Described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. (1) This program is voluntary. (2) There are only six active participants in this program. (3) Fees were put into place at the request of the affected industry.

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

Hearing Location: Washington State Fruit Commission, 105 South 18th Street, Yakima, WA 98901, phone (509) 453-4837, on April 7, 1998, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by March 31, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Mary Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2094, by April 7, 1998.

Date of Intended Adoption: April 14, 1998.

February 18, 1998

Mary A. Martin Toohey  
Assistant Director

AMENDATORY SECTION (Amending Order 5083, filed 8/28/95, effective 9/28/95)

**WAC 16-354-005 Hop rootstock—General.** (1) Rootstocks of hops and hop plants (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock ~~((and))~~ or certified stock ~~((when inspected, tested and found to be discernibly free from))~~, if the rootstocks and plants from which they were produced have been inspected and tested in accordance with procedures and requirements outlined in rule. At a minimum, these procedures and requirements deal with Ilar viruses and virus-like diseases, downy mildew, ((powdery mildew,)) verticillium wilt, crown gall, rootknot nematode, hop cyst nematode ((or)) and other serious pests((, by procedures and inspections outlined in this program)).

(2) ~~((The))~~ Issuance of a state of Washington certified plant tag ((or)), stamp, or other document under this chapter ((affirms)) means only that the tagged ((or)), stamped ((hop rootstock)), or otherwise documented rootstock or plant stock has been subjected to ((certification)) procedures and requirements described in this chapter and determined to ((determine)) be in compliance with its standards ((by the

~~department)) and requirements.~~ The department disclaims all express or implied warranties, including without limitation ~~(( ))~~ implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official ~~(( ))~~ or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the hop rootstock certification program ~~((shall be))~~ is voluntary.

AMENDATORY SECTION (Amending Order 5083, filed 8/28/95, effective 9/28/95)

**WAC 16-354-010 Definitions.** ~~((1)) "Ilar virus" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.~~

~~((2)) "Virus-like" means a transmissible disorder of unknown cause.~~

~~((3)) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.~~

~~((4)) "Foundation rootstock" means slips or rhizomes, cuttings and rooted plants taken from hop stocks established and maintained by Washington State University, that are indexed, and believed to be free from known viruses and which will be genetically uniform. Cuttings or rooted plants, which shall be used to establish certified mother blocks shall be furnished to the applicant for a fee determined by Washington State University.~~

~~((5)) "Certified mother block" means a planting of hop stocks established from foundation rootstock.~~

~~((6)) "Certified rootstock" means rootstock produced from certified mother blocks and meeting the requirements as herein provided.~~

~~((7)) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. or hop strains of this organism.~~

~~((8)) "Downy mildew and/or black rot" means the disease caused by *Pseudoperonospora humuli* Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.~~

~~((9)) "Powdery mildew" means the disease caused by *Sphaerotheca humuli* (DC) Burrill = *Sphaerotheca macularis* (WALLR.: FR) Lind.~~

~~((10)) "Crown gall" means the disease caused by *Agrobacterium tumefaciens* E. F. Sm. & Towns., Conn.~~

~~((11)) "Rootknot nematode" means the nematode *Meloidogyne* sp.~~

~~((12)) "Hop cyst nematode" means the nematode *Heterodera humuli* Filipjev.~~

~~((13)) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for one or two years.~~

~~((14)) "Fairly fresh" means that the roots or cuttings are not excessively wilted.~~

(15) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(16) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(17) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(18) "Free from damage caused by mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(19) "Free from damage caused by freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

(20) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

(21) "Department" means the Washington state department of agriculture.

(22) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.) (1) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

(2) "Certified mother block" means a planting of hop stocks established from foundation rootstock.

(3) "Certified rootstock" means rootstock produced from certified mother blocks and meeting the requirements as herein provided.

(4) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for one or two years.

(5) "Crown gall" means the disease caused by *Agrobacterium tumefaciens* E. F. Sm. & Towns., Conn.

(6) "Department" means the Washington state department of agriculture.

(7) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(8) "Downy mildew and/or black rot" means the disease caused by *Pseudoperonospora humuli* Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.

(9) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(10) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(11) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(12) "Foundation rootstock" means planting material taken from hop stocks established and maintained by Washington State University, which are indexed and believed to be free from known viruses. Such stock must, as much as practicable, be genetically uniform.

(13) "Free from damage caused by freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

(14) "Free from damage caused by mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(15) "Hop cyst nematode" means the nematode *Heterodera humuli* Filipjev.

(16) "Ilar virus" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(17) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(18) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(19) "Powdery mildew" means the disease caused by *Sphaerotheca humuli* (DC) Burrill = *Sphaerotheca macularis* (WALLR.: FR) Lind.

(20) "Rootknot nematode" means the nematode *Meloidogyne* sp.

(21) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. or hop strains of this organism.

(22) "Virus-like" means a transmissible disorder of unknown cause.

AMENDATORY SECTION (Amending Order 5000, filed 8/10/93, effective 9/10/93)

**WAC 16-354-020 Field standards for production of certified hop rootstock.** (1) ~~(Land)~~ Certified rootstock may be produced only from certified mother blocks. In order to be a certified mother block, a proposed hop planting site must meet all of the following requirements:

~~((a) New land (land that has never grown hops), proposed for the establishment of certified mother blocks, shall be approved by the department prior to planting.~~

~~(b) A certified mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production for three years (poles and trellis removed). The site shall be inspected the season prior to planting. Provided that greenhouse grown certified plants may be planted the same year of site approval, with planting starting on or after August 15th. Sites with residual hop plants or with hop hullings present shall be rejected.~~

~~(c) Hop hullings shall not be spread over proposed planting sites prior to and/or during certified rootstock production.~~

~~(2) Isolation requirements:~~

~~(a) A field to be eligible for production of certified hop rootstock shall be separated by a strip of ground at least twenty-one feet in width from any other hop plants.~~

~~(b) A grower of certified hop rootstocks may grow more than one hop variety or strain: Provided, That each variety or strain is separated by a hop plant free buffer strip not less than twenty-one feet in width.~~

~~(3) Plant requirements:~~

~~(a) Only foundation rootstock shall be planted to establish a certified mother block for the production of certified rootstock.~~

~~(b) Certified mother blocks shall remain in place no more than four growing seasons: Provided, That after four years, rootstock to be certified may be moved, if approved~~



by the department after consultation with a Washington State University pathologist, to a new approved site.

~~(e) If, during inspection, a male plant is found and that plant has pollinated female hop plants (seeded), the mother block site will be disqualified beginning in the year following discovery of the male plants. For the growing season in which the male plants are detected, the rootstock from that site may be dug and sold as certified while in the dormant stage.~~

~~(d) In roguing, growers shall dig and immediately destroy all low yielding, unhealthy appearing, diseased or otherwise abnormal plants.~~

~~(e) Plant pests and weeds shall be effectively controlled.)~~ (a) The site must be inspected and approved by the department during the growing season immediately prior to planting. An exception may be made to allow inspection and planting during the same growing season, if exclusively greenhouse grown certified plants are planted on or after August 15th.

(b) The site must have been out of hop production, and all poles and trellis removed, for a minimum of three full growing seasons prior to planting.

(c) The site must be entirely free of residual hop plants or hop hullings.

(d) The site must be separated from any other hop plants by a strip of land at least twenty-one feet wide.

(2) A certified mother block must meet the following requirements:

(a) The certified mother block must consist of no more than one hop variety or strain. Certified mother blocks of different varieties or strains must be separated at all points by a strip of land at least twenty-one feet wide and free of hop plants.

(b) Any material planted in a certified mother block must meet one of the following criteria:

(i) Foundation rootstock produced by Washington State University;

(ii) Rootstock from another certified mother block;

(iii) Growing plants or cuttings from foundation mother plants grown by Washington State University; or

(iv) Growing plants or cuttings from another certified mother block.

(c) Plant material, including rootstock and plants described in (b)(ii) and (iv) of this subsection, may be moved from one certified mother block to another certified mother block site only after appropriate testing by a Washington State University plant pathologist and written approval by the department.

(d) A certified mother block must be kept free of hop hullings at all times.

(e) No certified mother block location may retain certification for more than:

(i) Four consecutive growing seasons, if the certified mother block was produced from rootstock; or

(ii) Five consecutive growing seasons, if the certified mother block was produced from cuttings or growing plants.

(f) If a male plant or pollinated female plant is found during any inspection, the grower may harvest certified rootstock from the certified mother block for the subsequent harvest only. After this harvest, the mother block site must be decertified.

(g) Plant pests and weeds must be effectively controlled.

(h) Growers shall rogue (i.e., dig and remove) and immediately destroy all male, diseased, unhealthy appearing or otherwise abnormal plants. For purposes of assessing disease intensity, an exception may be made for plants exhibiting powdery mildew symptoms.

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-354-030 ((Hop rootstock)) Certified mother block inspections. ((1) The first inspection shall be for downy mildew, and other diseases and pests.

(2) The second inspection, depending on suitable weather conditions, shall be primarily for detection of Ilar viruses, and virus-like diseases.

(3) The presence of verticillium wilt, detected in any inspection, shall disqualify the field.

(4) Rootstocks. The planting material (slips or rhizomes, layered stem cuttings, or crowns) shall be inspected at digging and/or at planting time to determine freedom from serious pests.) (1) A minimum of three inspections per year will be conducted by the department at each certified mother block. Additional inspections may be conducted as needed.

(2) Timing and inspection methods will vary, depending on weather conditions, the disease or pest being sought, and other factors.

(3) The first inspection is intended primarily to detect downy mildew, as well as other diseases and pests.

(4) The second inspection is intended primarily to detect Ilar viruses and virus-like diseases.

(5) The third inspection is intended primarily to detect powdery mildew, as well as other diseases and pests.

(6) Inspection reports may contain observations and information on diseases, pests, and other factors for which no specific tolerances are established or which do not affect the certification status of the rootstock or hop plants.

(7) The presence of verticillium wilt, detected at any time, shall cause immediate decertification of the site. The grower must dig and destroy all affected plants immediately. Affected material may be removed from the site under suitable precautions only by a Washington State University plant pathologist or the department for diagnostic or verification purposes.

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-354-040 Hop rootstock certification application and fees. (1) Application for inspection and testing of certified mother blocks and certified stock shall be filed with the department by April 1 of each year accompanied by a seventy-five dollar application fee.

(2) As a condition of participation in the hop rootstock certification program, the applicant grower ((shall)) must furnish to the department all requested information pertinent to the operation of the ((hop rootstock certification)) program and ((shall)) must give ((his/her)) consent to the department to take material from certified mother blocks and/or greenhouses for examination and testing.

((2) Application for inspection and testing of certified mother blocks and certified stocks shall be filed with the department by April 1 of each year accompanied by a seventy-five dollar application fee.))

PROPOSED

(3) ~~Field inspection fees ((shall be))~~ are sixteen dollars for each acre per inspection with a minimum fee of eighty dollars for five acres or less per inspection.

(4) Fees for inspection of harvested rootstock for grade, phytosanitary certification, or other purposes are assessed at the appropriate rate established in WAC 16-401-025.

(5) Payment for each inspection ((of certified mother blocks and nursery stock for registration and certification shall be made)) is due upon completion of the inspection. Billing ((to the nursery stock grower shall)) may be ((made by the plant services division)) arranged subject to department policies and processes.

AMENDATORY SECTION (Amending Order 1867, filed 7/16/85)

WAC 16-354-050 Hop rootstock ((tagging)) tags and identity. (1) ~~((Tagging. The department shall issue a certificate covering hop rootstock that meets the requirements of the hop rootstock certification program and authorize the use of official certification tags for the identification of such rootstock.))~~ Application for inspection and testing of certified mother blocks and certified stock shall be filed with the department by April 1 of each year accompanied by a seventy-five dollar application fee.

(2) ~~((Identity.))~~ Any person selling ((certified)) or offering for sale hop rootstock ((shall be)) bearing a certification tag or otherwise identified as certified is responsible for the ((identity of the stock bearing each tag and for the stock meeting the requirements of the hop rootstock certification program.)) following:

(a) Accurately identifying the rootstock as to variety and year of harvest;

(b) Accurately identifying the rootstock as complying with all of the conditions of the certified hop rootstock program.

(3) Any person((s)) issued ((tags authorized by the certification program shall account for stock produced and sold, and keep records as may be necessary. Containers for hop rootstocks shall be new)) certification tag(s) must keep written records of stock produced and sold. These records must be produced at the request of the department.

AMENDATORY SECTION (Amending Order 5083, filed 8/28/95, effective 9/28/95)

WAC 16-354-070 Hop rootstock field standards. (1) The unit of certification ((shall be the entire lot within the field standing at the time of inspection)) is the entire certified mother block.

(2) ~~((Specific requirements. (Percentage tolerances))~~ Each entire certified mother block may have no more than the following percent of affected plants:

	<u>((Certified)) Tolerance</u>
Downy mildew	1%
<u>Visible nematode((s (visible))) damage</u>	1%
Verticillium wilt	0
Ilar viruses	0
<del>((Powdery mildew))</del>	<del>0))</del>

AMENDATORY SECTION (Amending Order 2077, filed 3/27/91, effective 4/27/91)

WAC 16-354-100 Hop rootstock tolerances. (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of six percent, by count, of the rootstocks in any lot shall fail to meet the requirements of Washington No. 1, and not more than six percent of the rootstock shall have rhizomes or layered stem cuttings less than five inches in length.

(2) In order to insure lot uniformity, no individual container within a lot may contain more than one and one-half times the established tolerance.

(3) Hop plants shall be packed to retain a fresh condition.

(4) The department may inspect rootstock from certified mother blocks after harvest and packing for the purpose of verifying that it meets grades and standards established in rule.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-354-002 Promulgation.

**WSR 98-06-087**  
**PROPOSED RULES**  
**PUGET SOUND AIR**  
**POLLUTION CONTROL AGENCY**  
[Filed March 4, 1998, 10:14 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Amend Regulation I, Sections 9.03, 9.09, 12.01, and 12.03; adopt Regulation I, Section 9.04; and rescind Regulation I, Sections 12.02 and 12.04.

Purpose: To more clearly define compliance for sources that are required to have continuous emission monitors.

Other Identifying Information: Article 9 pertains to Emission Standards and Article 12 pertains to Standards of Performance for Continuous Emission Monitoring Systems.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: This proposal changes the procedural requirements for sources that are required to have continuous emission monitoring in order to more clearly define compliance.

Reasons Supporting Proposal: The procedural requirements for sources required to have continuous emission monitors needs to be clarified.

Name of Agency Personnel Responsible for Drafting: Jay Willenberg, 110 Union Street #500, Seattle, WA 98101, (206) 689-4052; Implementation: Dave Kircher, 110 Union Street #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments; and the agency is also proposing to change the penalty policy and the proposed changes are available for review and comment on our web page at [www.psapca.org/whtsnew.htm](http://www.psapca.org/whtsnew.htm).

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will clarify the procedural requirements for sources that are required to have continuous emission monitoring.

Proposal Changes the Following Existing Rules: The requirements for continuous emission monitoring will be clarified.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street #500, Seattle, WA 98101, on April 9, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by April 2, 1998, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street #500, Seattle, WA 98101, FAX (206) 343-7522, by March 30, 1998.

Date of Intended Adoption: April 9, 1998.

March 3, 1998  
J. M. Willenberg  
Senior Engineer

## AMENDATORY SECTION

### **REGULATION I SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD**

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03 (a)(1).

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, motor vehicles when operated on public roads, or aircraft.

(e) Section 9.03(a) shall not apply to any source (~~which meets the requirements of Section 9.09(e))~~ that has obtained a General Regulatory Order under Section 3.03 or an Order of Approval for a Notice of Construction under Section 6.07 that correlates the particulate matter concentration with opacity such that any violation of the alternate opacity standard accurately indicates a violation of the applicable emission standards of Section 9.09(a).

## NEW SECTION

### **REGULATION I SECTION 9.04 CONTINUOUS OPACITY MONITORING SYSTEMS**

(a) Applicability. This section shall apply to all equipment required to be equipped with a continuous emission monitoring system for opacity.

(b) The following equipment shall be equipped with a continuous emission monitoring system for opacity:

(1) Cement kilns;

(2) Clinker coolers;

(3) Glass furnaces, rated at greater than 1 ton per hour, that burn fuel;

(4) Fuel burning equipment, rated at 100 million Btu per hour or greater, that burns wood, coal, or residual oil; and

(5) Refuse burning equipment rated at greater than 12 tons per day.

(c) It shall be unlawful for any person to cause or allow the emission of any air contaminant from any equipment subject to this section during any hour that:

(1) Averages greater than 5% opacity; or

(2) Contains any consecutive 6-minute period averaging greater than 20% opacity.

(d) Section 9.04 (c)(1) shall not apply to:

(1) Glass furnaces that are tested annually for compliance with the applicable particulate emission standard in Section 9.09 of this Regulation; or

(2) Equipment with an alternate opacity standard in an Order of Approval that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standard in Section 9.09 of this Regulation.

(e) This section shall not apply to sources controlled by a Venturi scrubber, provided that:

(1) The source is tested annually for compliance with the applicable particulate emission standard in Section 9.09 of this Regulation;

(2) The pressure drop across the scrubber is continuously monitored and recorded; and

(3) The scrubbing liquid flow rate and temperature are continuously monitored and recorded.

(f) This section shall not apply to fuel burning equipment that burns residual oil less than 31 days per year, provided that the source implements an alternate opacity monitoring plan under a General Regulatory Order issued under Section 3.03 of this Regulation or a Notice of Construction Order of Approval issued under Section 6.07 of this Regulation.

**AMENDATORY SECTION**

**REGULATION I SECTION 9.09 PARTICULATE MATTER EMISSION STANDARDS**

~~((a)) It shall be unlawful for any person to cause or allow the emission of particulate matter in excess of the following concentrations:~~

**Refuse Burning Equipment:**

- 1. Rated at 12 tons per day or less without heat recovery and without hydrochloric acid control equipment . . . . . 0.10 gr/dscf @ 7% O<sub>2</sub>
- 2. Rated at 12 tons per day or less without heat recovery and with hydrochloric acid control equipment . . . . . 0.05 gr/dscf @ 7% O<sub>2</sub>
- 3. Rated at 12 tons per day or less with heat recovery . . . . . 0.02 gr/dscf @ 7% O<sub>2</sub>
- 4. Rated at greater than 12 tons per day . . . . . 0.01 gr/dscf @ 7% O<sub>2</sub>

**Fuel Burning Equipment:**

- 1. Burning wood . . . . . 0.20 gr/dscf @ 7% O<sub>2</sub>
- 2. Burning wood and installed after March 13, 1968 or located within the urbanized area . . . . . 0.10 gr/dscf @ 7% O<sub>2</sub>
- 3. Burning wood, rated at 100 million Btu per hour or greater, and located within the urbanized area . . . . . 0.04 gr/dscf @ 7% O<sub>2</sub>
- 4. Burning wood and installed after March 1, 1986 . . . . . 0.02 gr/dscf @ 7% O<sub>2</sub>
- 5. Burning fuel other than wood . . . . . 0.05 gr/dscf @ 7% O<sub>2</sub>
- 6. Burning coal or other solid fossil fuel and installed after March 1, 1986 . . . . . 0.01 gr/dscf @ 7% O<sub>2</sub>

**Equipment Used in a Manufacturing**

**Process:** . . . . . 0.05 gr/dscf

~~((b) It shall be unlawful for any person to cause or allow the emission of any air contaminant (as determined by a continuous emission monitoring system) that is:~~

- ~~(1) Greater than 20% opacity for a period or periods aggregating more than 3 minutes in any 1 hour; or~~
- ~~(2) Greater than 5% opacity for a 1-hour average.~~

~~(e) The provisions of Section 9.09 (b)(2) shall not apply to any source that has obtained an Order of Approval for a Notice of Construction that correlates the particulate matter concentration with opacity such that any violation of the alternate opacity standard accurately indicates a violation of the applicable emission standard of Section 9.09(a).~~

~~(d) The provisions of Section 9.09 (b)(2) shall not apply to any glass furnace that annually tests for compliance with the applicable emission standard of Section 9.09(a).)~~

**AMENDATORY SECTION**

**REGULATION I SECTION 12.01 APPLICABILITY (INTRODUCTION)**

~~((Section 12.02 requires the continuous monitoring and periodic source testing of particulate matter emitted from certain sources which could have a substantial impact on the~~

~~maintenance of ambient air quality standards for particulate matter. It also requires continuous emission or operation monitors for certain new sources. Nothing in Section 12.02 shall be construed to limit the Control Officer's authority to require continuous monitoring or source testing pursuant to Articles 3 or 6 of this Regulation.~~

~~Sections 12.03 and 12.04 establish the design specifications, performance specifications, performance test procedures, quality assurance requirements, and data storage and reporting requirements for all continuous emission monitoring (CEM) systems.~~

~~A CEM system will be considered inoperative until it has been certified as meeting the EPA or Agency performance specifications using instrumental performance test procedures of 40 CFR Part 60, Appendix B, or those approved by the Agency. The Agency must be advised in writing at least 2 weeks prior to performance specification testing and provided the opportunity to observe and participate in all testing. The Agency reserves the right to require an approved test plan prior to any performance specification testing and to audit a CEM system at any time to determine if it meets the performance specifications.)~~

~~This article shall apply to all continuous emission monitoring systems (CEMS) required under an order, operating permit, or regulation of the Agency. This article shall not be construed to relieve anyone of the responsibility to comply with any requirement of 40 CFR Parts 60, 61, and 63.~~

**REPEALER**

**REGULATION I SECTION 12.02 CONTINUOUS EMISSION MONITORING REQUIREMENTS**

**AMENDATORY SECTION**

**REGULATION I SECTION 12.03 CONTINUOUS EMISSION MONITORING SYSTEMS ((QUALITY ASSURANCE REQUIREMENTS))**

~~((a) All continuous monitors shall meet the performance specifications contained in 40 CFR Part 60, Appendix B. Where there is no EPA performance specification the monitor shall meet a performance specification established by the Agency.~~

~~(b) All temperature monitors shall be accurate within 5°F.~~

~~(c) All devices for monitoring pressure loss through a scrubber shall be accurate within 1 inch of water.~~

~~(d) All devices for monitoring scrubber liquid supply rate shall be accurate within 5% of the design scrubbing liquid supply rate.~~

~~(e) All gaseous continuous emission monitors shall be maintained in accordance with the requirements of 40 CFR Part 60, Appendix F, or alternate requirements approved by the Agency.~~

~~(f) All continuous opacity monitors shall be maintained in accordance with the EPA "Recommended Quality Assurance Procedures for Opacity Continuous Emission Monitoring Systems" (EPA 340/1-86-010).~~

PROPOSED

(g) All temperature, scrubber pressure drop and scrubber liquid supply rate monitors shall be maintained in accordance with the manufacturer's recommendations.

(h) Continuous monitoring data shall be considered invalid if any of the following conditions occur:

(1) The monitor is not operated in accordance with the requirements of Sections 12.03 (a) through (g).

(2) The monitor is being zeroed, spanned, or is otherwise inoperative.

(3) An hour contains less than 75% valid data readings.

(4) A day contains less than 90% valid hours when the source is in operation.))

(a) Continuous Monitoring. It shall be unlawful for any person to cause or allow the operation of any equipment required to have a continuous emission monitoring system unless the emissions are continuously monitored in accordance with the requirements of this section.

(b) Data Recovery. The owner or operator shall recover valid hourly monitoring data for at least 95% of the hours that the equipment (required to be monitored) is operated during each calendar month and for any additional hours during which the monitored equipment operates and the monitoring system is capable of recovering valid data, and at all other times except for:

(1) Periods of monitoring system breakdown, provided that the owner or operator demonstrates to the Control Officer that the breakdown was not a result of inadequate design, operation, or maintenance, or any other reasonably preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner;

(2) Other periods where the Control Officer has approved an alternate monitoring method in an order approved under Article 3, Article 6, or Article 7 of Regulation I.

(c) Quality Assurance. The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the current quality assurance procedures in Appendix F of 40 CFR Part 60 and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA 340/1-86-010).

(d) Data Recording. Monitoring data commencing on the clock hour and containing at least 45 minutes of monitoring data shall be reduced to 1-hour averages. Monitoring data for opacity shall also be reduced to 6-minute averages. All monitoring data shall be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit.

(e) Data Retention: The owner or operator shall retain all monitoring data averages for at least 2 years, including copies of all reports submitted to the Agency and records of all repairs, adjustments, and maintenance performed on the monitoring system. All such data collected after October 1, 1998 shall be retained for at least 5 years.

(f) Data Reporting. The owner or operator shall submit a monthly report to the Agency within 30 days after the end of the month in which the data were recorded. This report shall include:

(1) The date, time period, magnitude (in the units of the standard) and cause of each emission that exceeded an applicable emission standard;

(2) The date and time of all actions taken to correct the problem, including any actions taken to minimize the emissions during the exceedance and any actions taken to prevent its recurrence;

(3) The number of hours that the equipment (required to be monitored) operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;

(4) The date, time period, and cause of each failure to meet the data recovery requirements of Section 12.03(b) and any actions taken to ensure adequate collection of such data in the future;

(5) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90% of the hours that the equipment (required to be monitored) was operated each day and any actions that the owner or operator will take to ensure collection of such data in the future.

(6) The results of all cylinder gas audits conducted during the month; and

(7) A certification signed by the person responsible for the report's accuracy.

(g) Relative Accuracy Tests. All relative accuracy tests shall be subject to the provisions of Section 3.07 of this Regulation.

(h) Exemptions. The data recording and reporting requirements of Sections 12.03(d) and 12.03(f) shall not apply to continuous VOC monitoring systems required under Section 2.05 of Regulation II. Further, relative accuracy tests shall not be required of these monitoring systems and may be waived for any other monitoring system not otherwise subject to 40 CFR Part 60, Appendix F, provided that the owner or operator demonstrates to the Control Officer that the emissions are consistently below 10% of the applicable emission standard.

## REPEALER

### REGULATION I SECTION 12.04 RECORD KEEPING AND REPORTING REQUIREMENTS



**NO EXPEDITED ADOPTIONS FILED IN THIS ISSUE**

EXPEDITED ADOPTION





**WSR 98-06-009**  
**PERMANENT RULES**  
**PUGET SOUND AIR**  
**POLLUTION CONTROL AGENCY**

[Filed February 19, 1998, 4:25 p.m., effective April 1, 1998]

Date of Adoption: February 12, 1998.

Purpose: To clarify the asbestos control standards.

Citation of Existing Rules Affected by this Order:  
 Amending Regulation III - Sections 4.01, 4.05, and 4.06.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-02-072 on January 7, 1998.

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: April 1, 1998.

February 18, 1998

James Nolan

Director - Compliance

## AMENDATORY SECTION

### REGULATION III SECTION 4.01 DEFINITIONS

(a) **AHERA BUILDING INSPECTOR** means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.3) and whose certification is current.

(b) **AHERA PROJECT DESIGNER** means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.

(c) **ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

(d) **ASBESTOS-CONTAINING MATERIAL** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix A, Subpart F, 40 CFR Part 763, Section I, Polarized Light Microscopy.

(e) **ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-

contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

(f) **ASBESTOS PROJECT** means any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of asbestos-containing material, or any other action that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of stored asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.

(g) **ASBESTOS SURVEY** means a written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86), or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.

(h) **COMPETENT PERSON** means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate them, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).

(i) **COMPONENT** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.

(j) **DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.

(k) **FRIABLE ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

(l) **LEAK-TIGHT CONTAINER** means a dust-tight and liquid-tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

(m) **NONFRIABLE ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

(n) **OWNER-OCCUPIED, SINGLE-FAMILY RESIDENCE** means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is currently used (~~or was once used, occupied, or designed to be occupied~~) by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room".

This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

(o) **PERSON** means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(p) **RENOVATION** means altering a facility or a component in any way, except demolition.

(q) **SURFACING MATERIAL** means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing materials on structural members, or other materials on surfaces for decorative purposes.

(r) **SUSPECT ASBESTOS-CONTAINING MATERIAL** means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and siding.

(s) **THERMAL SYSTEM INSULATION** means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

## AMENDATORY SECTION

### **REGULATION III SECTION 4.05 PROCEDURES FOR ASBESTOS PROJECTS**

#### **(a) Training Requirements**

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current.

This certification requirement does not apply to asbestos projects conducted as part of a renovation in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

#### **(b) Asbestos Removal Work Practices**

Except as provided in Section 4.06 of this Regulation, it shall be unlawful for any person to cause or allow the removal of asbestos-containing material unless all the following requirements are met:

(1) The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.

(2) If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

(3) Absorbent, asbestos-containing materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. ~~((Wetting shall continue until all the material is permeated with the wetting agent.))~~ Any unsaturated, absorbent, asbestos-containing materials ~~((surfaces))~~ exposed during removal shall be ~~((wetted))~~ immediately saturated with a liquid wetting agent.

(4) Nonabsorbent, asbestos-containing materials, such as cement asbestos board or vinyl asbestos tile, shall be

continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. ~~((They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers.))~~ Any dry surfaces of nonabsorbent, asbestos-containing materials exposed during removal shall be ~~((wetted))~~ immediately coated with a liquid wetting agent.

(5) Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material ~~((do not require wetting of the asbestos-containing material))~~ are exempt from the requirements of Sections 4.05 (b)(3) and 4.05 (b)(4) if all access to the asbestos-containing material is welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.

(6) Except for surfacing materials being removed inside a negative pressure enclosure, asbestos-containing materials that are being removed, have been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise damaged.

(7) All asbestos-containing waste material ~~((shall be kept wet and))~~ shall be sealed in leak-tight containers ~~((free of all asbestos residue) while still wet.))~~ as soon as possible after removal but no later than the end of each work shift.

(8) All absorbent, asbestos-containing waste material shall be kept saturated with a liquid wetting agent until sealed in leak-tight containers while saturated with a liquid wetting agent. All nonabsorbent, asbestos-containing waste material shall be kept coated with a liquid wetting agent until sealed in leak-tight containers while coated with a liquid wetting agent.

~~((8))~~ (9) The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

~~((9))~~ (10) Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

~~((10))~~ (11) Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.

~~((11))~~ (12) The asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

#### **(c) Method of Removal for Nonfriable Asbestos-Containing Roofing Material**

The following asbestos removal method shall be employed for asbestos-containing roofing material that has been determined to be nonfriable by a Competent Person or an AHERA Project Designer:

(1) The nonfriable asbestos-containing roofing material shall be removed using methods such as spud bar and knife. Removal methods such as sawing or grinding shall not be employed;

(2) Dust control methods shall be used as necessary to assure no fugitive dust is generated from the removal of nonfriable asbestos-containing roofing material;

(3) Nonfriable asbestos-containing roofing material shall be carefully lowered to the ground to prevent fugitive dust;

(4) After being lowered to the ground, the nonfriable asbestos-containing roofing material shall be immediately transferred to a disposal container; and

(5) Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing material.

## AMENDATORY SECTION

### REGULATION III SECTION 4.06 ALTERNATE MEANS OF COMPLIANCE

#### (a) Friable Asbestos-Containing Material Removal Alternative

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 4.05(b) of this Regulation in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fibers/cc, 8 hour average.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as that required by Section 4.05(b) ((wetting)), and may revoke the Order of Approval for cause.

#### (b) Nonfriable Asbestos-Containing Material Removal Alternative

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 4.05(b) of this Regulation in controlling asbestos emissions.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as that required by Section 4.05(b) ((wetting)), and may revoke the Order of Approval for cause.

#### (c) Leaving Nonfriable Asbestos-Containing Material in Place During Demolition

Nonfriable asbestos-containing material may be left in place during a demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the asbestos-containing

material will remain nonfriable during all demolition activities and the subsequent disposal of the debris.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the asbestos-containing material remains nonfriable, and may revoke the Order of Approval for cause.

## WSR 98-06-012

### PERMANENT RULES

#### PERSONNEL RESOURCES BOARD

[Filed February 20, 1998, 8:35 a.m., effective April 1, 1998]

Date of Adoption: February 12, 1998.

Purpose: This modification is to clarify the amount of time that will be credited to seniority when an employee is off the state payroll due to a reduction-in-force.

Citation of Existing Rules Affected by this Order: Amending WAC 356-05-390.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 98-01-139 on December 19, 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 1, repealed 0.

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

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

Effective Date of Rule: April 1, 1998.

February 19, 1998

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 89-16-030, filed 7/25/89, effective 9/1/89)

**WAC 356-05-390 Seniority.** A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the ((state)) personnel resources board or the director. Service in positions brought under the jurisdiction of the ((state)) personnel resources board or the director by statute is counted as though it had previously been under the jurisdiction of the ((state)) personnel resources board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is approved for the reasons cited in WAC 356-18-220(2), or statutes require it be credited. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register, for a maximum of three years for each reduction in

force occurrence. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(26), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel (~~(board)~~) rules will be added when the employee comes under the jurisdiction of the ~~((state))~~ personnel resources board through the provisions of WAC 356-49-040. The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or the deceased veteran's spouse as defined in WAC 356-05-470.

**WSR 98-06-022****PERMANENT RULES****INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 97-7—Filed February 23, 1998, 4:16 p.m.]

Date of Adoption: February 23, 1998.

Purpose: This existing rule will be repealed. This would eliminate a one-year waiting period for some prospective licensee applicants. Changed circumstances have eliminated many of the benefits of this rule and it is a burden on some potential applicants.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-17-135.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.130.

Adopted under notice filed as WSR 98-01-135 on December 19, 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 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 1.

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

February 23, 1998

Greg J. Scully

Chief Deputy Commissioner

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 284-17-135 Reexamination after failure to pass.

**WSR 98-06-025**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed February 24, 1998, 2:23 p.m.]

Date of Adoption: February 20, 1998.

Purpose: This amendment is to clarify language, alphabetize definitions, and provide information about determining client eligibility for the state-funded kidney disease program. Editorial changes to improve readability do not change intent of this WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-540-005, 388-540-030, and 388-540-060.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.04.005 and 74.08.025.

Adopted under notice filed as WSR 98-02-059 on January 6, 1998.

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 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

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

February 20, 1998

Edith M. Rice, Chief

Office of Legal Affairs

**AMENDATORY SECTION** (Amending Order 3600, filed 7/28/93, effective 8/28/93)

**WAC 388-540-005 Definitions.** For the purpose of administering the state kidney disease program (KDP), the following shall apply:

~~((1)) "End stage renal disease (ESRD)" means that stage of renal impairment which is irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life;~~

~~(2) "ESRD Client" means resident of the state with a diagnosis of ESRD;~~

~~(3) "Kidney center" means those facilities as defined and certified by the federal government to provide ESRD services and which provide the services specified in this chapter and which promote and encourage home dialysis for a client when medically indicated;~~

~~(4) "Affiliate" means a facility, hospital, unit, business, or person having an agreement with a kidney center to provide specified services to ESRD patients;~~

(5) "State kidney disease program" means state general funds appropriated to the department to assist clients with ESRD in meeting the cost of medical care;

(6) "Application for ESRD eligibility" means the form provided by the department which the client completes and submits to determine ESRD eligibility;

(7) "Certification" or "certified" means the department has approved a client for the state kidney disease program under this chapter;

(8) "ESRD application period" means the time between the date of application and certification;

(9) "Resources" means income or assets or any real or personal property that a person or the person's spouse owns and could convert to cash to be used for support or maintenance;

(10) "Fair market value" means the current worth of a resource at the time of transfer or, if earlier contract for sale, or date of application;

(11) "Adequate consideration" means that the reasonable value of goods or services received in exchange for transferred property approximates the reasonable value of the property transferred;

(12) "Transfer" means any act or omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person;

(13) "Reasonable value" means the amount that the property is worth on the open market;

(14) A "substantial reduction" means:

(a) The elimination of a client's required annual deductible amount; or

(b) The reduction of resources to below fifteen hundred dollars.) "Adequate consideration" means that the reasonable value of goods or services received in exchange for transferred property approximates the reasonable value of the property transferred;

"Affiliate" means a facility, hospital, unit, business, or person having an agreement with a kidney center to provide specified services to ESRD patients;

"Application for KDP eligibility" means the form provided by the department which the client completes and submits to determine KDP eligibility;

"Assets" means income or resources or any real or personal property that a person or the person's spouse owns and could convert to cash to be used for support or maintenance;

"Break in service" means a previously certified client does not have medical coverage for a period of time when a new application for eligibility is submitted more than thirty days after the end of a previous certification period;

"Certification" or "certified" means the kidney center has determined a client eligible for the KDP for a period of time under this chapter;

"Department" means the department of social and health services;

"End stage renal disease (ESRD)" means that stage of renal impairment which is irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life;

"KDP application period" means the time between the date of application and certification;

"KDP Client" means resident of the state with a diagnosis of ESRD;

"Kidney center" means those facilities as defined and certified by the federal government to provide ESRD services and which provide the services specified in this chapter and which promote and encourage home dialysis for a client when medically indicated;

"Recertifying client" means a KDP client who was determined eligible the previous year for the KDP and will continue to qualify under this chapter;

"Resident." Refer to WAC 388-505-0510;

"State kidney disease program (KDP)" means state general funds appropriated to the department to assist clients with ESRD in meeting the cost of medical care;

"Substantial financial change" means:

(1) The elimination of a client's required annual deductible amount; or

(2) The increase or decrease of income or assets by fifteen hundred dollars.

"Transfer" - Refer to WAC 388-500-0005;

"Value-fair market" - Refer to WAC 388-500-0005.

AMENDATORY SECTION (Amending Order 3600, filed 7/28/93, effective 8/28/93)

WAC 388-540-030 ((ESRD)) KDP eligibility. ((The kidney center shall review at least annually the client's ESRD eligibility for the state kidney disease program according to procedures outlined in this chapter. A client shall be considered eligible when the client exhausts or is ineligible for all other resources providing similar benefits to meet the costs of ESRD-related medical care. Resources shall include:

(1) Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;

(2) Savings, property, and other assets;

(3) Government and private medical insurance programs;

(4) Government or private disability programs;

(5) Local funds raised for the purpose of providing financial support for a specified ESRD client: *Provided*, That in determining eligibility the following resources shall be exempt:

(a) A home, defined as real property owned by a client as a principal place of residence, together with the property surrounding and contiguous thereto, not to exceed five acres. Commercial property or property used for the purpose of producing income shall be considered excess property and shall be subject to the limitations of subsection (5)(d) of this section;

(b) Household furnishings;

(c) An automobile; and

(d) Savings, property or other assets, the value not to exceed the sum of five thousand dollars.))

(1) A client is KDP eligible who meets the following requirements:

(a) Is a Washington state resident;

(b) Has countable resources, not exempted under subsection (2) of this section, equal to or lower than fifteen thousand dollars;

(c) Has countable income as defined under WAC 388-500-0005 equal to or lower than three hundred percent of the federal poverty level (FPL); and

(d) Exhausts or is ineligible for all other resources providing similar benefits to meet the cost of ESRD-related medical care, such as:

(i) Government or private disability programs; or  
(ii) Local funds raised for the purpose of providing financial support for a specified ESRD client.

(2) The following resources are exempt:  
(a) A home, defined as real property owned by a client as a principal place of residence, together with the property surrounding and contiguous thereto, not to exceed five acres;  
(b) Household furnishings; and  
(c) An automobile.

AMENDATORY SECTION (Amending Order 3600, filed 7/28/93, effective 8/28/93)

WAC 388-540-060 ((~~Procedures for ESRD~~)) **KDP eligibility determination.** The department, kidney center and client shall comply with the following ((~~procedures~~)) rules to determine ((~~ESRD~~)) **KDP** eligibility:

(1) ((~~The department shall provide the kidney center with the necessary forms and instructions;~~

(2)) The kidney center shall:  
(a) Inform the client of the requirements for ((~~ESRD~~)) **KDP** eligibility as defined in this chapter;

((~~(3) The kidney center shall~~))  
(b) Provide the client with necessary department forms and instructions in a timely manner;

((~~(4) The~~)) (c) Review the KDP application and documentation;

(d) Determine client eligibility using department policies, rules, and instructions; and

(e) Forward the KDP application and documentation to the medical assistance administration (MAA). If necessary, the department may amend or terminate a client's certification period within thirty days of receipt

(2) A new client shall:

(a) Complete ((~~and submit the ESRD~~)) the KDP application and submit any necessary documentation for eligibility ((~~and any necessary documentation~~)) determination to the kidney center ((~~in the manner and form the department prescribes;~~

(5) A new client shall)); and  
(b) Apply for Medicaid, obtain a written Medicaid eligibility determination and ((~~send~~)) submit a copy to the kidney center ((~~written documentation of Medicaid eligibility or denial;~~

(6) The kidney center shall review the ESRD application and documentation for completeness and accuracy according to instructions provided by the department;

(7) The kidney center shall forward to the medical assistance administration (MAA) the ESRD application and any documentation needed to approve or deny eligibility. The MAA shall review the ESRD application and documentation and notify the kidney center that the client has been certified, or request additional information as needed;

(8))  
(3) A recertifying client shall:

(a) Apply for Medicaid forty-five days before the end of the KDP certification period; and

(i) Obtain a written Medicaid eligibility determination; and

(ii) Submit a copy to the kidney center; or  
(b) Be exempt from the requirement in (3)(a) of this subsection when the client has applied for Medicaid in the prior five years and will continue to:

(i) Be denied Medicaid due to:  
(A) Failure to meet Medicaid categorical requirements;  
(B) Assets exceeding Medicaid resource standards; or  
(C) Income exceeding the categorically needy income standards.

(ii) Not meet medically needy spenddown amount because the cost of medical care is:

(A) Less than the spenddown amount; or  
(B) Covered by third-party insurance.

(4) The ((~~ESRD~~)) **KDP** application period ((~~shall be limited to~~)) is :

(a) One hundred and twenty days for a new client; and  
(b) Forty-five days prior to the end of a certification period for a client requesting recertification.

(5) The kidney center may request an extension of application time limits from the department when extenuating circumstances ((~~prohibit~~)) prevent the client from completing the application or recertification process within the ((~~allowed~~)) specified time limits. ((~~The department, at its discretion, may grant and specify the limits of the extension;~~

(9)) (6) The ((~~ESRD~~)) **KDP** client shall be certified as **KDP** eligible for a period of one year from the first day of the month of application unless the client's ((~~resources or income increase or decrease~~));

(a) Need for medical coverage is less than one year; or  
(b) Assets change substantially, in which case the client must complete a new application for ((~~ESRD~~)) **KDP** eligibility;

((~~(10) ESRD~~)) (7) **KDP** eligibility effective date is the first day of the month of ((~~ESRD~~)) **KDP** application if the person was eligible at any time during that month. The effective date of ((~~ESRD~~)) **KDP** eligibility shall be no earlier than four months before the month of ((~~ESRD~~)) **KDP** application provided the:

(a) Medical services received were covered; and  
(b) Person would have been eligible had the person applied.

((~~(11) A client currently eligible shall be recertified before the end of the respective eligibility periods.~~

(12) A client who seeks continued program services does not need to reapply for Medicaid unless the client has a substantial reduction in resources during the year.))

WSR 98-06-029

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Order 171—Filed February 26, 1998, 8:15 a.m.]

Date of Adoption: February 25, 1998.

Purpose: Chapter 468-400 WAC, Bicycle racing, establishes a uniform procedure for permitting bicycle race events on state highways.

Statutory Authority for Adoption: Chapters 34.05 and 34.08 RCW.

Adopted under notice filed as WSR 98-03-059 on January 20, 1998.

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 4, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 4, 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 4, 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.  
February 25, 1998

Gerald E. Smith

Deputy Secretary, Operations

## Chapter 468-400 WAC BICYCLE RACING

### NEW SECTION

**WAC 468-400-010 Policy.** It is the policy of the Washington state department of transportation (department) to permit bicycle racing on state highways in accordance with the conditions and regulations set forth in this code and the latest edition of the "*Washington State Bicycle Racing Guidelines*."

### NEW SECTION

**WAC 468-400-020 Definitions.** Bicycles are defined in RCW 47.04.071. Bicycle racing means any contest of speed or competition where bicycles are used. Bicycle racing permits riding more than two abreast on a roadway. This code applies to all events in which bicycle racing takes place, including the following.

(1) Duathlon, triathlon, or multisport event. A multisport race in which bicycle racing forms an essential component of the complete event. The bicycle race portion of these events is conducted similar to a time trial.

(2) Time trial. Time trials are events in which individuals or small teams of riders, separately ride the same route and distance for elapsed time. Time trials are generally started at preset intervals and held on an out and back or circuit course.

(3) Criterium. Criteriums are massed start, high speed bicycle race events in which riders race around a closed circuit course to compete for order of finish. Criteriums are usually held on closed urban or suburban public streets. The course is normally one-half to one mile in length.

(4) Road race. Road races are massed start events in which riders complete a race course for order of finish. The course may be point to point, a large circuit, or repeated laps

of a shorter circuit. Road races are usually held on rural or suburban roads, but may also take place on urban streets.

(5) Rolling enclosure. A rolling enclosure is a type of traffic control where escort vehicles form a caravan leading and following a group of racers. The enclosure sets aside a moving part of the roadway in the direction of the race for exclusive use of bicyclists. Racers inside the enclosure are not required to follow the normal rules of the road but are controlled by rules set forth in the *Washington State Bicycle Racing Guidelines*. Racers are not allowed to cross the center line unless the entire road is traffic controlled. A rolling enclosure is the typical traffic control used to run a road race.

### NEW SECTION

**WAC 468-400-030 Bicycle race permit required.** All persons or organizations (permittee) conducting any form of bicycle race on a state highway shall apply for a bicycle race permit from the applicable WSDOT region administrator. The bicycle race permit must be applied for at least sixty days before the bicycle race event. No bicycle race event may be held on a state highway without an approved bicycle race permit. The WSDOT region administrator may waive these requirements under special conditions.

### NEW SECTION

**WAC 468-400-040 Bicycle race permit conditions.**

(1) Bicycle race permits shall be granted only under conditions that ensure reasonable safety for all participants, spectators, and highway users. Reasonable safety implies that race participants, spectators, and other highway users have been accommodated in planning in a manner as to minimize the possibility of placing one in conflict with another.

(2) Bicycle race permit requests must include a race description stating all pertinent information required to understanding the bicycle race event. The request must include a map showing the roadway on which the race will be held. Applications must specify the number of vehicles on the roadway used to run a race, starting and anticipated finish time, maximum number of racers, number and training of course marshals, types of signing, and communications equipment.

(3) Approval of other involved jurisdictions shall be obtained prior to formal issuance of a bicycle race permit from the WSDOT.

(4) If the race only crosses a state highway, the WSDOT region administrator may waive the need for a bicycle race permit provided the permittee can show that reasonable traffic control and safety are provided by the organizer and other road authority: *Provided further*, That the permittee provide the indemnification and liability insurance prescribed in subsections (6) and (7) of this section.

(5) Bicycle racing will not normally be allowed on the Interstate Highway System.

(6) The permittee shall indemnify, defend and save harmless the state of Washington for any claim, suit, action for injuries, death or any other cause of personal injury or property damage arising from the issuance of a bicycle race

permit, including claims of race participants, pedestrians, or other roadway users.

(7) The permittee shall obtain liability insurance in an amount no less than one million dollars to cover the state of Washington for any and all liabilities, including all costs, attorney fees, judgments or other expenses, arising out of the use of state highways for the bicycle race event. The state shall be named as an additional insured on all insurance policies.

(8) When five or more vehicles are lined up behind a bicycle race and delayed for more than five minutes, the bicycle race shall be neutralized at a place of safety to allow the vehicles to pass.

(9) Requests for bicycle race permits must comply with the current WSDOT "Washington State Bicycle Racing Guidelines."

(10) The original or certified copy of the permit must be available at the bicycle race for the duration of the bicycle race event.

Copies of the "Washington State Bicycle Racing Guidelines" may be obtained from the WSDOT bicycle and pedestrian program or a WSDOT region office.

**WSR 98-06-031  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 26, 1998, 1:23 p.m., effective May 1, 1998]

Date of Adoption: January 23, 1998.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-12-010, 220-12-020, 220-16-440, 220-20-010, 220-56-100, 220-56-105, 220-56-115, 220-56-128, 220-56-145, 220-56-180, 220-56-191, 220-56-240, 220-56-255, 220-56-265, 220-56-270, 220-56-275, 220-56-285, 220-56-295, 220-56-307, 220-56-310, 220-56-315, 220-56-320, 220-56-325, 220-56-330, 220-56-335, 220-56-350, 220-56-380, 220-56-385, 220-57-160, 220-57-175, 220-57-190, 220-57-235, 220-57-240, 220-57-290, 220-57-310, 220-57-319, 220-57-350, 220-57-455, 220-57-495, 232-12-011, 232-12-619, and 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040 and 75.08.080.

Adopted under notice filed as WSR 97-22-107 on November 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-16-470, WAC number changed to WAC 220-16-475; WAC 220-16-550, physical description of Octopus Hole Conservation Area clarified; WAC 220-16-590, physical description of Orchard Rocks Conservation Area clarified; WAC 220-16-700, physical description of City of Des Moines Park Conservation Area clarified; WAC 220-16-710, physical description of South 239th Street Park Conservation Area clarified; WAC 220-16-720, physical description of Brackett's Landing Shoreline Sanctuary Conservation Area clarified; WAC 220-20-010 (11)(a), now does not allow gaffing of ling cod, but does allow gaffing of dogfish; WAC 220-56-100(16), changed the term "selective fishery" to "selective gear rules"; WAC 220-56-116, proposal dropped; WAC 220-56-128, conversation areas closed to

fishing for food fish include: Brackett's Landing, City of Des Moines Park, Octopus Hole, Orchard Rocks, and South 239th Street Park; WAC 220-56-145, changed to allow the retention of ling cod and halibut in filleted form after the fisher has brought the fish to shore and stopped fishing; WAC 220-56-191, dropped the 14" minimum size requirement for salmon. Added provision to allow salmon fishing year-round from the Hood Canal Bridge; WAC 220-56-255, halibut seasons in Puget Sound adjusted; WAC 220-56-270, wording change for clarity; WAC 220-56-307, conservation areas closed to fishing for shellfish include: Brackett's Landing, City of Des Moines Park, Octopus Hole, Orchard Rocks, and South 239th Street Park; WAC 220-56-310, coastal waters are excepted from the proposal; WAC 220-56-325, shrimp opening in District 1 changed to first Saturday in June; WAC 220-56-335, area border moved to the mouth of the Columbia River; WAC 220-56-350, beach seasons for clam harvest adjusted based on resource assessment; WAC 220-56-380, beach seasons for oyster harvest adjusted based on resource assessment; WAC 220-56-385, Pacific Ocean beaches added to proposal; WAC 220-57-175, clarification that the adult size for chinook salmon is 28" from Mill Creek to the barrier dam; WAC 220-57-190, selective fishery rules changed to selective gear rules; WAC 220-56-335 [220-57-235], 6" minimum size for crab retained in coastal waters, Grays Harbor and Willapa Bay; WAC 220-57-350 and 220-57-455, selective fishery rules changed to selective gear rules; WAC 232-12-011, Titlow Beach wildlife classified as protected; WAC 232-12-619, daily limit removed for bullfrogs. Steelhead in landlocked lakes - no catch record card or steelhead license required. Barbless hook proposal dropped; WAC 232-28-619, Battle Ground Lake, Horseshoe Lake, Icehouse Lake, Klineline Pond, Kress Lake, Little Ash and Tunnel lakes - trout: No more than 2 over 20". Deadman Creek proposal dropped. Shellrock Creek reference changed to Shellneck Creek. Selective fishery regulations changed to selective gear rules throughout. Wild steelhead release requirement removed throughout, replaced with wild steelhead retention in selected waters. Bumping River - single barbless hooks required during whitefish only season. Lake Chelan, Cle Elum Lake, Keechelus Lake, Kachess Lake, and Palmer Lake - maximum number of hooks on a burbot set line changed to 10. Chewuch Lake - area boundary is from the mouth to the Pasayten Wilderness boundary. Columbia River - from mouth to I-5 bridge - release all steelhead changed to release all trout. Daily limit for bullfrogs was dropped. Grande Ronde River - game fish season changed to June 1 - August 31. Additional season from September 1 - April 15 - barbless hooks required. Kettle River - additional season is from November 1 - May 31, for whitefish only. Methow River game fish season changed to June 1 - August 31. Mill Creek - barbless hooks required in steelhead fishery. Newaukum River - mouth to Taucher Road Bridge is on the Middle Fork. Okanogan River - closed to fishing for trout downstream of the bridge at Malott. Roosevelt Lake - Kettle arm boundary is the Barstow Bridge. Satsop River, West Fork boundary is Cougar-Smith Road. Dropped Skagit River catch and release season from the pipeline crossing to the Dalles Bridge. Dewatto, Dosewallips, Duckabush, Skokomish and Tahuya rivers, Goldsborough Creek and Marine Areas 12 and 13 - proposal dropped. Skykomish River - Deer Creek



Falls changed to Deer Falls. Stillaguamish River - Dolly Varden/bull trout retention dropped. June 1 - November 30 only hatchery steelhead may be retained. Wild steelhead retention December 1 - last day of February. Suiattle River - catch and release season dropped. Touchet River - tributaries other than Wolf Fork are closed. Tucannon River - barbless hooks required. Twisp River - boundary is mouth to South Fork Twisp River. Walla Walla River - barbless hooks required. Yakima River - barbless hooks required in whitefish fishery. Hawk Creek and tributaries - year round season; and WAC 220-56-116, 220-16-480, 220-16-490, 220-16-500, 220-16-510, 220-16-520, 220-16-530, 220-16-540, 220-16-560, 220-16-570, 220-16-580, 220-16-600, 220-16-620, 220-16-630, 220-16-640, 220-16-650, 220-16-660, 220-16-670, 220-16-680, 220-16-690, 220-56-190 and 220-56-290, proposals dropped.

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 8, amended 43, 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, 1998.

February 25, 1998

Lisa Pelly, Chair  
Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 232-28-619 Washington game fish—**  
**Exceptions to state-wide rules.** (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 except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(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.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective (~~(fishery regulations)~~) gear rules 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:))~~

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective (~~(fishery regulations)~~) gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30. Selective (~~(fishery regulations)~~) gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County) (~~(from mouth to Rainier Fork)~~): Selective (~~(fishery regulations)~~) gear rules.

~~((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)~~) gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective ~~((fishery regulations))~~ gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): From the mouth to Baker River fish barrier dam: Closed waters June 1 through August 31.

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. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: ~~((June 1 through August 15 season.))~~ From the mouth to the falls (approximately 3/4 mile): Closed waters.

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))~~ gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Beaver Creek (Thurston County): Selective ~~((fishery regulations))~~ gear rules. 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.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective ~~((fishery regulations))~~ gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective ~~((fishery regulations))~~ gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective ~~((fishery regulations))~~ gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through October 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Bass: 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. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective ~~((fishery regulations))~~ gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black 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))~~ gear rules. Trout: Minimum length twelve inches. Release wild cutthroat.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blooms Ditch (Thurston County): Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length twelve inches. Release wild cutthroat.

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))~~ gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules, 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))~~ gear rules 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))~~ may be retained.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to bridge on USFS Road No. 4930: 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.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

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. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Terminal gear limited to one single barbless hook. 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))~~ gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, including East and West Forks (Okanogan County): Selective gear rules. Trout: Maximum length twenty 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))~~ gear rules 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))~~ may be retained.

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))~~ gear rules. 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 and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective ~~((fishery regulations))~~ gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): 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. Wild steelhead may be retained December 1 through last day in February.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through 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. Wild steelhead

may be retained December 1 through January 31. 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. Wild steelhead may be retained December 1 through last day in February.

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

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))~~ gear rules. 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))~~ wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Selective gear rules. Trout: Maximum length twenty 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))~~ gear rules, 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))~~ twelve 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)) gear allowed.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective ~~((fishery regulations))~~ gear rules.

Chelan River (Chelan County): Year around season. Selective gear rules. Trout, minimum length twelve inches, maximum length twenty inches.

Chewelah Creek, forks and tributaries (Stevens County): Selective ~~((fishery regulations))~~ gear rules.

Chewuch River (Chewack River) (Okanogan County), from mouth to ~~((Lake Creek))~~ Pasayten Wilderness boundary: Selective ~~((fishery regulations))~~ gear rules. Trout(±): Minimum length twelve inches, maximum length twenty

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))~~ gear rules.

Chiwawa River (Chelan County)~~((, from mouth to Rock Creek))~~: Selective ~~((fishery regulations))~~ gear rules. Trout: Maximum length twenty inches.

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 (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): 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 may be retained.

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)) gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective

gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single barbless hook.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length 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)~~) gear rules. 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.

Coffee Pot Lake (Lincoln County): March 1 through August 31 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective (~~(fishery regulations)~~) gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year 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)~~) gear rules.

Columbia Park (~~(Pond)~~) Lagoon (Benton County): Juveniles and licensed adults accompanied by a juvenile only.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: 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.)~~) Trout: Release wild cutthroat. Release all trout 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)~~) trout 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 downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. Trout: (~~(Release wild steelhead.)~~) Release wild cutthroat from I-5 Bridge to Bonneville Dam. Release all trout (~~(March 16)~~) April 1 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)~~) all trout, except May 1 through August 15 in those waters from the Ringold Hatchery from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek when fishing from the bank on the hatchery side of the river.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: (~~(June 16)~~) February 1 through October 22 season. Trout: Release (~~(wild steelhead)~~) all trout.

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~~) all trout.

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~~) all trout.

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.

Copolis 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.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches.

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. Wild steelhead may be retained December 1 through May 31.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

Dempsey Creek (Thurston County): Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length twelve inches.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to ~~((Vail Road Bridge one mile southwest of Lawrence Lake))~~ Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Henderson Boulevard Bridge upstream: June 1 through March 31 season. Selective gear rules. All species: Release all fish except trout greater than twenty inches in length.

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 may be retained.

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))~~ gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten.

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 Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

~~((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)) gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; ~~((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)) gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to ~~((Fox Creek))~~ Entiat Falls: June 1 through ((March)) August 31 season. Selective ((fishery regulations June 1 through November 30)) gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. ~~((Release wild steelhead.))~~ Whitefish: Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

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. Wild steelhead may be retained December 1 through last day in February.

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.

Frenchman Hills Lake (Grant County): February 1 through September 30 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~~) gear rules.

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 may be retained.

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.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length.

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~~) gear rules 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~~) August 31 season. Selective (~~fishery regulations June 1 through August 31~~) gear rules. Trout: Minimum length twelve inches. (~~Release wild steelhead September 1 through April 15~~) Additional season September 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective (~~fishery regulations~~) gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to mouth of South Fork: (~~September~~) January 1 through March 15 season. All species: Release all fish except steelhead without an adipose fin and healed scar at the fin site. Trout: Minimum length twenty inches. (~~Release wild steelhead~~)

Grays River, East Fork (Wahkiakum County): Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length fourteen inches.

Grays River, West Fork (Wahkiakum County), downstream from Hatchery ~~((trap site))~~ Road Bridge: June 1 - August 31 season. Trout: Additional January 1 through March 15 season downstream from Hatchery Road Bridge. Release all fish other than trout and all trout less than twenty inches in length.

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))~~ the last day in February.

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 the water intake at the upper end of the hatchery grounds downstream to a point 1500 feet below the salmon hatchery rack 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))~~ gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective ~~((fishery regulations))~~ gear rules, 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.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 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. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through 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))~~ gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year 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))~~ gear rules. 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)~~) gear rules. 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)~~) may be retained.

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)~~) gear rules. Trout: Minimum length fourteen inches. (~~(December 1 through April 15, wild steelhead release.)~~)

Hoko River (Clallam County): Trout, minimum length fourteen inches. Release wild cutthroat upstream from upper Hoko Bridge (cement bridge on Lake Ozette Highway).

From mouth to (~~(cement bridge on Lake Ozette Highway)~~) upper Hoko Bridge (~~(?)~~): Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. (~~(All species)~~) Trout: Release (~~(all fish)~~) wild cutthroat.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Horseshoe Lake (Clark/Cowlitz counties): (~~(Last Saturday in April through last day in February season.)~~) Trout: No more than 2 trout 20 inches or greater in length may be retained.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective (~~(fishery regulations)~~) gear rules. 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)~~) March 31 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 Grisdale: (~~(June 1 through April 30 season.)~~) Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County) (~~(from)~~): Trout: Minimum length fourteen inches. Mouth to (~~(bridge on Forest Service Road # 2204 (about one half mile above the mouth of Chester Creek))~~) Donkey Creek Road Bridge: (~~(June 1)~~) Additional November 1 through (~~(April 30)~~) March 31 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.)~~) Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: (~~(June 1 through March 31 season.)~~) Selective gear rules. Trout(~~(?)~~): Minimum length twelve inches, maximum length twenty inches. (~~(Release wild steelhead.)~~) From Rock Island Bridge upstream to Leland Creek: Selective (~~(fishery regulations)~~) gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective (~~(fishery regulations)~~) gear rules. 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): Year-round season. 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))~~ gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: ~~((One))~~ Set line ((per angler, no maximum number of hooks; set lines must be identified with fisher's name and address)) gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. 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. Wild steelhead may be retained December 1 through last day in February.

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. Selective gear rules.

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))~~ gear rules.

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)) gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. 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))~~ gear rules, 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))~~ May 31. All species except ~~((walleye and))~~ whitefish: Selective ~~((fishery regulations))~~ gear rules 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-))~~ Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules. 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. Trout: No more than 2 trout 20 inches in length or greater may be retained. 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))~~ mouth to Three Prong Creek (Okanogan County): ~~((June 1 through August 31 season-))~~ Selective ~~((fishery regulations))~~ gear rules. Trout: Maximum length twenty inches.

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))~~ gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream

to State Highway 17. March 1 through May 31 season: Selective ~~((fishery regulations))~~ gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective ~~((fishery regulations))~~ gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year around season. Trout: Minimum length twelve inches. Release ~~((wild steelhead and))~~ wild cutthroat.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Johnson Creek: Year around season. Trout: Minimum length twelve inches. Release wild ~~((steelhead and wild))~~ cutthroat.

From Johnson Creek to Colvin Creek: June 16 through April 30 season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from any floating device prohibited August 16 through October 15. Trout: Minimum length twelve inches. Release ~~((wild steelhead and))~~ wild cutthroat.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: December 16 through September 30 season. Trout: Minimum length twelve inches. Release ~~((wild steelhead and))~~ wild cutthroat.

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))~~ gear rules. 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 with a missing adipose fin and a healed scar at the fin site.

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))~~ gear rules, 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:))~~ Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little 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))~~ gear rules.

Little Nisqually River (Lewis County): Selective ~~((fishery regulations))~~ gear rules. 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))~~ gear rules. Trout: Maximum length twenty inches.

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))~~ gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

From mouth of ~~((Drake))~~ Monument Creek to outlet of Cougar Lake: Selective ~~((fishery regulations))~~ gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

~~((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 through 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:))~~ Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through 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))~~ gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 season. ~~Selective ((fishery regulations))~~ gear rules. Trout: Daily limit one.

Methow River (Okanogan County):

~~From mouth upstream to ((second powerline crossing (approximately 1 mile)))~~ the falls above Brush Creek: June 1 through ((March)) August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty 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-))~~ Whitefish: Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

Methow River tributaries except Chewuck, Lost and Twisp Rivers: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

~~((Migraine Lake (Grant County): March 1 through July 31 season-))~~

Mill Creek (Chelan County): Closed waters.

~~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-))~~ Closed waters.

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: Barbless hooks required and release all fish except steelhead with a missing adipose fin and a healed scar at the fin site 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-))~~ All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mima Creek (Thurston County): ~~Selective ((fishery regulations))~~ gear rules. 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))~~ gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches.



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)~~) gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): March 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. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective (~~(fishery regulations)~~) gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective (~~(fishery regulations)~~) gear rules. 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)~~) gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective (~~(fishery regulations)~~) gear rules. 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)~~) Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single barbless hook.

From (~~(Rattlesnake Creek to)~~) Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. (~~(Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.)~~)

Naneum Creek (Kittitas County): Selective gear rules.

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): Selective gear rules. From the (~~(Kahler Creek Bridge (near Coles Corner))~~) mouth upstream to (~~(Stevens Creek)~~) the downstream end of the Cascade Tunnel: (~~(Selective fishery regulations)~~) Trout: Maximum length twenty inches.

From the downstream end of the Cascade Tunnel upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and disabled persons only.

Negro Creek (Lincoln County): (~~(June 16 through March 31)~~) Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through 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 mouth to Highway 508 Bridge near Kearny Creek. (~~(Release wild steelhead.)~~)

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches. (~~(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.))~~ Selective gear rules. Trout: Minimum length fourteen inches.

From Skookum Creek upstream: ~~((Trout: Release all steelhead June 1 through September 30.))~~ Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through ~~((October 10))~~ the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream: 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)) gear rules. 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.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective ((fishery regulations)) gear rules. 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):

From the mouth to the highway bridge at Malott: Year around season. Trout: Release all trout. Selective gear rules. Trout: Maximum length twenty inches.

Closed waters: From the highway bridge at Malott upstream: 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. Wild steelhead may be retained December 1 through last day in February.

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)) gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through 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.))~~ Set line gear allowed.

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.))~~ Closed waters.

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.))~~ All species: Release all fish.

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))~~ gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

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. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

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. Wild steelhead may be retained.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): March 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 Stillaguamish 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 Stillaguamish 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))~~ gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through January 31.

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 may be retained.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31.

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. Wild steelhead may be retained December 1 through last day in February.

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))~~ gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective ~~((fishery regulations))~~ gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (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.))~~ All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective ~~((fishery regulations))~~ gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek, and April 1 through May 31 in Kettle arm upstream to ~~((Napoleon))~~ Barstow Bridge. Trout: No more than two over twenty inches in length. Only kokanee with a missing adipose fin and healed scar at the fin site may be retained. 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.

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))~~ gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

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)~~) gear rules.

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)~~) gear rules. Trout: Minimum length twelve inches.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

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)~~) gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Selective (~~(fishery regulations)~~) gear rules 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 (~~(45)~~) 31 season. (~~Release wild steelhead~~)

Middle Fork (Turnow Branch), from mouth to (~~posted deadline at bridge on Matlock Grisdale~~) Cougar-Smith Road: Additional November 1 through last day in February season. (~~Trout: Release wild steelhead~~)

West Fork, from mouth to (~~bridge on Matlock Grisdale~~) Cougar-Smith 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. Wild steelhead may be retained December 1 through last day in February.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Selective (~~(fishery regulations)~~) gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective (~~(fishery regulations)~~) gear rules. 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.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): March 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~~) gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass: 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~~) August 31 season. Selective (~~fishery regulations~~ June 1 through November 30) gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. (~~Release wild steelhead.~~) Additional season December 1 through March 31. Selective gear rules. Trout: Release all trout.

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~~), gear rules. 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~~) March 1 through May 31. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to (~~Gorge Powerhouse at Newhalem~~) pipeline crossing at Sedro Woolley: June 1 through (~~last day in February~~) March 31 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. Wild steelhead may be retained December 1 through last day in February.

From pipeline crossing at Sedro Woolley to Bacon Creek: June 1 through March 15 season except closed June 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From Bacon Creek to Gorge Powerhouse: 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 the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

~~((From 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))~~ gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches. ~~((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))~~ gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. 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))~~ gear rules. 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))~~ gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. 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. Wild steelhead may be retained December 1 through last day in February. Additional March 1 through April 30 season: Selective ~~((fishery regulations))~~ gear rules. 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)) may be retained December 1 through last day in February.

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. Wild steelhead may be retained December 1 through last day in February.

From one thousand feet below Bear Creek Falls to ~~((one thousand feet above Bear Creek))~~ Deer 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. Wild steelhead may be retained December 1 through last day in February.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. 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. Wild steelhead may be retained December 1 through last day in February.

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))~~ gear rules, 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. Wild steelhead may be retained December 1 through last day in February.

From Snoqualmie Falls, including the North and South Forks: Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length ten inches. ~~((Whitefish))~~ Additional November 1 through ~~((last day in February))~~ May 31 season. Selective gear rules. All species: Release all fish ((other than whitefish)).

Snoqualmie Middle Fork from mouth to source including all tributaries: June 1 through May 31 season. Selective ~~((fishery regulations))~~ gear rules. 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))~~ gear rules 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 may be retained. ~~((No-~~

~~ember 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.))~~

Soos River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

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))~~ gear rules 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))~~ gear rules. 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))~~ gear rules, 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))~~ gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length fifteen inches. Additional March 1 through June 30 season. Selective ~~((fishery regulations))~~ gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Bass: 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.))~~ Wild steelhead may be retained December 1 through last day in February.

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))~~ last day in February season. Selective gear rules June 1 through November 30. Trout ~~((except Dolly Varden/Bull Trout))~~: Minimum length twenty inches June 1 through November 30. Release all fish except trout with a missing adipose fin and a healed scar at the fin site.

Minimum length fourteen inches December 1 through last day in February and wild steelhead may be retained. ~~((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))~~ March 1 through November 30 all species: Fly fishing only and release all fish other than trout greater than twenty inches in length that are missing the adipose fin and have a healed scar at the fin site. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). December 1 through last day in February: Trout: Minimum length fourteen inches and wild steelhead may be retained. ~~((Release wild steelhead March 1 through November 30.))~~ Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

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. Wild steelhead may be retained December 1 through last day in February.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through ~~((April 1 through May 31, release all walleye))~~ November 30 season.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective ~~((fishery regulations))~~ gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

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))~~) gear rules.

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))~~) gear rules.

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))~~) gear rules. All species: Release all fish.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season.

Teaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from ((first Friday in)) October 1 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. Wild steelhead may be retained December 1 through March 31.

Tilton River, East, North, South and West Forks (Lewis County): Selective (~~((fishery regulations))~~) gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season, closed 5:00 p.m. to 7:00 a.m. daily. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective (~~((fishery regulations))~~) gear rules. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the USGS trolley cable to the 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: Year-round season. Trout: Selective (~~((fishery regulations))~~) gear rules and release all trout.

From dam upstream on South Fork: Selective (~~((fishery regulations))~~) gear rules. Trout: Minimum length ten inches.

Totem Lakes 1 and 2 (Whatcom County): Bass: Only bass less than twelve inches or over fifteen inches in length may

be retained. Daily limit may not contain more than three bass over fifteen inches in length.

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. Barbless hooks required. 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))~~ Wolf Fork: June 1 through October 31 season. Selective gear rules. Release all steelhead. Tributaries other than Wolf Fork: Closed waters.

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 with a missing adipose fin and a healed scar at the fin site. 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 with a missing adipose fin and a healed scar at the fin site. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective ~~((fishery regulations))~~ gear rules. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site. ~~((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.))~~ Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries. ~~((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 season. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through

April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to ~~((the))~~ a sign referencing Deer Lake ((footbridge)) about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From ~~((the))~~ a sign referencing Deer Lake ((footbridge)) to the Panjab Creek Bridge: Selective ~~((fishery regulations))~~ gear rules. Trout: Legal to retain Dolly Varden/Bull Trout in the daily trout limit, minimum length twenty-four 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.))~~ Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to ~~((War Creek))~~ South Fork Twisp River: Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

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): Pond One: Last Saturday in April through October 31 season. Juveniles only. Pond Two: 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))~~ gear rules. 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. Wild steelhead may be retained December 1 through last day in February.

Walla Walla River (Walla Walla County): ~~((Wild steelhead release-))~~

From mouth to the Touchet River: Year around season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: ~~((June 1 through October 31))~~ Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective ~~((fishery regulations))~~ gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective ~~((fishery regulations))~~ gear rules except fishing

from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

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 with a missing adipose fin and a healed scar at the fin site. ~~((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))~~ Lake Wenatchee: June 1 through ~~((March))~~ August 31 season. Selective ~~((fishery regulations June 1 through November 30))~~ gear rules. Trout: Minimum length twelve inches, maximum length twenty 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.))~~ Whitefish: Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

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. Wild steelhead may be retained December 1 through last day in February.

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))~~ Daily limit may contain no more than one cutthroat trout, minimum cutthroat length eighteen inches.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth ~~((of Napeequa River))~~ upstream to White River Falls: Selective ~~((fishery regulations))~~ gear rules. Trout: Maximum length twenty inches.

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))~~ gear rules. 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))~~ gear rules. 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))~~ gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: 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.))~~ All species: Selective gear rules.

Tyee 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))~~ gear rules. 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))~~ dam. Trout: Minimum length twelve inches. Release wild cutthroat.

From the mouth to ~~((Cedar Creek))~~ four hundred feet below outlet: 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))~~ gear rules, and release all trout. Whitefish: Bait and one single-pointed, ~~((barbed hooks))~~ barbless hook only may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective ~~((fishery regulations))~~ gear rules.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective ~~((fishery regulations))~~ gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

(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 Fl 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).

AMENDATORY SECTION (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**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 of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A 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.

(6) The term "fresh" is defined as food fish or 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.

(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.

(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.

(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.

(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.

(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.

(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.

(15) The term "Channel Marker 13 Line" is defined as a true north-south line through Grays Harbor Channel Marker 13.

(16) The term "selective gear rules" means terminal gear is limited to artificial flies with a barbless single hook or lures with a barbless single hook, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. In waters under selective gear rules, fish may be released until the daily limit is retained.

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-115 Angling—Lawful and unlawful acts.** (1) It is unlawful for any person to use more than one line with three hooks while angling for food fish for personal use except:

(a) It is unlawful to use more than two hooks while fishing for bottomfish or halibut.

(b) It is lawful to use ((baitfish)) forage fish jigger gear as provided for in WAC 220-56-265 and squid jig gear as provided for in WAC 220-56-390.

(c) A second line using ((baitfish)) forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a hand-held pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

**AMENDATORY SECTION** (Amending Order 83-16, filed 3/17/83)

**WAC 220-56-145 Possession of food fish or shellfish in unlawful condition.** (1) It is unlawful to possess in the field for any purpose any salmon in such a condition:

(a) That its size or species cannot be determined.

(b) That its weight or sex cannot be determined if a weight or sex restriction is prescribed for said salmon.

(2) It is unlawful to possess in the field for any purpose any food fish other than salmon in such a condition that its size, weight, or sex cannot be determined, if a size, weight, or sex restriction is prescribed for said food fish except that it is lawful to possess lingcod and halibut in fileted form after the fisher has brought the fish to shore and has stopped fishing. For purposes of calculating the daily limit, two fillets equals one fish.

(3) It is unlawful to possess in the field for any purpose any shellfish in such a condition that its size, weight, or sex cannot be determined, if a size, weight, or sex restriction is prescribed for said shellfish.

**AMENDATORY SECTION** (Amending Order 97-53, filed 3/25/97, effective 5/1/97)

**WAC 220-56-240 Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for.** It is unlawful for any person to retain in any day more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) Unlawful to fish from a floating device May 1 through June 30 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.

(b) 1 fish with the following size restrictions in all other state waters:



(i) Minimum size is 42 inches in length except minimum size 48 inches in length in waters of the Columbia River and tributaries upstream from Dalles Dam; and

(ii) Maximum size is 60 inches in length.

(c) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(d) There is an annual personal use limit of 10 sturgeon.

(2) ~~((Smelt: 20))~~ Forage fish: 10 pounds in the aggregate. The possession limit is ~~((one))~~ two daily limits in fresh form. Additional ~~((smelt))~~ forage fish may be possessed in frozen or processed form.

(3) ~~((Herring: 20 pounds. The possession limit is one daily limit in fresh form. Additional herring may be possessed in a frozen or processed form.~~

(4)) All other food fish not otherwise provided for in this chapter: No limit.

AMENDATORY SECTION (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**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 ~~((+))~~ 3 through September 30, unless closed earlier by emergency regulation. Closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday. If May 1 occurs on a closed day, the season opens on the first Sunday following. 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.))~~ Open May 1 to June 30, unless closed earlier by emergency regulation, and ~~((open))~~ July 1 through September 30 unless closed by emergency regulation((, except that)). Closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday. If May 1 occurs on a closed day, the season opens on the first Tuesday following. 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 ~~((22))~~ 21 through August ~~((10))~~ 3 - ~~((Open))~~ Closed 12:01 a.m. ~~((Thursday))~~ Tuesday through 11:59 p.m. ~~((Monday))~~ Wednesday 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 220-56-265 ((Baitfish)) Forage fish—Lawful gear.** It shall be ~~((lawful))~~ unlawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use except with smelt rake, hand dip net gear not exceeding 36 inches across the bag frame and

~~((baitfish))~~ forage fish jigger gear having not more than three treble or nine single hooks. ~~((Baitfish))~~ Only persons with a disability license may use a hand-operated gate on a dip net while fishing for forage fish. Forage fish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-56-270 Smelt—Areas and seasons.** (1) Smelt fishing is permitted the entire year on Pacific Ocean beaches and in all rivers.

(2) ~~((Except as provided in subsection (3) of this section.))~~ Smelt fishing is open in Puget Sound and the Strait of Juan de Fuca the entire year except ~~((they are))~~ closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except forage fish jigger gear.

~~((3) That portion of Catch Record Card Area 7 south of a line projected true east from the south tip of the Cap Sante Peninsula and north of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough is closed to the taking of smelt for personal use from October 16 through April 15.))~~

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

**WAC 220-56-275 Smelt—Unlawful acts.** It shall be unlawful for any person taking smelt for personal use to fail to retain ~~((the first 20 pounds of))~~ all smelt caught up to the daily limit.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-56-295 Sturgeon—Unlawful acts.** (1) It is unlawful to possess in the field or transport for personal use any sturgeon from which either the head or tail or both have been removed or to possess sturgeon eggs without having retained the carcass of the fish from which the eggs have been removed.

(2) It is unlawful to use a ~~((gaff or other))~~ fish landing aid that penetrates the fish while restraining, handling or landing any sturgeon.

(3) It is unlawful to fail to immediately return to the water any sturgeon that is not of legal size.

AMENDATORY SECTION (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**WAC 220-56-310 Shellfish—Daily limits.** It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

- (2) Razor clams: 15 clams.
- (3) Geoduck clams: 3 clams.
- (4) Horse clams: 7 clams.
- (5) Oysters: ~~((18 oysters))~~

(a) In all Puget Sound waters except those contiguous waters south of a line from Tala Point to Foulweather Bluff, 18 oysters in the shell, minimum size 2 1/2 inches across the longest dimension of the shell.

(b) In the Puget Sound contiguous waters south of a line from Tala Point to Foulweather Bluff and waters of the Pacific Ocean, Grays Harbor and Willapa Bay, 18 oysters, shucked and the shells left on the beach.

- (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 - total weight 10 pounds, ~~((whole in the shell))~~ fishers must retain the heads of all shrimp taken while in the field. Spot shrimp minimum size one and three-sixteenths inch carapace.

(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))~~

(a) In all waters except the Columbia River - 6 male crabs.

- (b) In the Columbia River - 12 male crabs.
- (19) Red rock crabs: 6 crabs.
- (20) Blue mussels and sea mussels: 10 pounds in the shell.
- (21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.
- (22) Ghost and mud shrimp: 10 dozen.
- (23) King and box crab: Closed state-wide.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts.** (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters other than Shrimp District 5 it is unlawful to use at any one time more than two units of gear for the purpose of taking crabs and two additional units of gear for the purpose of taking shrimp.

(b) In Shrimp District 5 (Hood Canal) it is unlawful to use more than one shrimp pot and ~~((one))~~ a total of two star traps or ring nets during the Hood Canal shrimp season.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

(9) ~~((In Catch Record Card Areas 5 through 13 (Puget Sound east of the Sekiu River)))~~ Each unit of gear must be attached to its own buoy line and have a separate buoy for each unit of gear.

AMENDATORY SECTION (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**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(~~(-~~

~~(a))~~ which are 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 Oreas Island, and west of a line from Foster Point on Oreas 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 97-53, filed 3/19/97, effective 5/1/97)

**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))~~ First Saturday in ~~((May))~~ June through July 15;

(b) District 2 - Second Saturday in May through September 15;

(c) District 3 - Second Saturday in May 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;
- (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 97-53, filed 3/19/97, effective 5/1/97)

**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.

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-335 Crab—Unlawful acts.** (1) It is unlawful for any person to take or possess for personal use any female Dungeness crabs.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use which measure less than the following sizes:

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) except those waters of Hood Canal south of the Hood Canal Floating Bridge - 6 1/4 inch minimum size.

(b) In those waters of Hood Canal south of the Hood Canal Floating Bridge - 6 inch minimum size.

(c) In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Grays Harbor, Willapa Bay ~~((and the Columbia River))~~ - 6 inch minimum size.

- (d) In the Columbia River - 5 3/4 inch minimum size.
- (3) It is unlawful to take or possess any red rock crabs taken for personal use that measure less than five inches.
- (4) All measurement shall be made at the widest part of the shell (caliper measurement) immediately in front of the points (tips).
- (5) It is unlawful to possess in the field any crab or parts thereof without retaining the back shell.

**AMENDATORY SECTION** (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**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 ~~((April))~~ June 15.
- (b) Cama Beach State Park: Closed the entire year.
- (c) Camano Island State Park: Open June 1 through June 30.
- (d) Cline Spit: Open January 1 through May 15.
- (e) Cutts Island State Park: Open January 1 through June 15.

~~((f))~~ (f) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires ~~((, and)).~~

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

~~((g))~~ (g) Dosewallips State Park: Open entire year only in area defined by boundary markers and signs posted on the beach.

~~((h))~~ (h) 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.

~~((i))~~ (i) Dungeness Spit - Open May 15 through September 30.

~~((j))~~ (j) Eagle Creek: Open April 1 through April 30.

~~((k))~~ (k) Fort Flagler State Park: Open April 1 through June ~~((15))~~ 30.

~~((l))~~ (l) Frye Cove - Open January 1 through ~~((July))~~ March 31.

~~((m))~~ (m) 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))~~ (n) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

~~((o))~~ (o) Hoodspport: Tidelands at Hoodspport Salmon Hatchery are closed the entire year.

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~~((p))~~ (p) Hope Island State Park (South Puget Sound): Open April 1 through June 15.

~~((q))~~ (q) Illahee State Park: Open May 1 through May 31.

~~((r))~~ (r) Kayak Point County Park: ~~((Closed the entire year))~~ Open April 1 through April 15.

~~((s))~~ (s) Kitsap Memorial State Park: ~~((Closed the entire year))~~ Open June 1 through July 31.

~~((t))~~ (t) Kopachuck State Park: ~~((Closed the entire year))~~ Open May 1 through May 31.

~~((u))~~ (u) 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))~~ (v) McNeil Island - All tidelands on McNeil Island are closed the entire year.

~~((w))~~ (w) Mukilteo State Park - Closed the entire year.

~~((x))~~ (x) Mystery Bay State Park: Open April 1 through April 30.

~~((y))~~ (y) 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.

~~((z))~~ (z) North Sequim Bay State Park - Open April 1 through June 15.

~~((aa))~~ (aa) Oak Bay County Park: Open January 1 through ~~((May 15))~~ July 31.

~~((bb))~~ (bb) 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.

~~((cc))~~ (cc) Penrose Point State Park: Open May 1 through ~~((June))~~ May 15.

~~((dd))~~ (dd) Picnic Point County Park: Closed the entire year.

~~((ee))~~ (ee) Pitship Point: Closed the entire year.

~~((ff))~~ (ff) Pitt Island - All tidelands on Pitt Island are closed the entire year.

~~((gg))~~ (gg) Point Whitney (excluding Point Whitney Lagoon): ~~((Closed the entire year))~~ Open May 1 through August 31.

~~((hh))~~ (hh) Point Whitney Lagoon: Open June 1 through July 31.

~~((ii))~~ (ii) Port Townsend Ship Canal: Open April 1 through ~~((May 15))~~ June 30.

~~((jj))~~ (jj) Potlatch DNR tidelands: Open January 1 through August 15.

~~((kk))~~ (kk) Potlatch State Park: Open January 1 through August 31.

~~((ll))~~ (ll) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

~~((mm))~~ (mm) 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 June 30, daily from official sunrise to official sunset only.

~~((nn))~~ (nn) Rendsland Creek: Open January 1 through ~~((April 15))~~ July 31.

~~((oo))~~ (oo) Saltwater State Park: Closed the entire year.

~~((pp))~~ (pp) Samish Island Recreation Area - Open January 1 through June 15.

~~((qq))~~ (qq) Scenic Beach State Park - Open April 16 through June 15.

~~((rr))~~ (rr) Seahurst County Park: Open January 1 through April 15.

~~((ss))~~ (ss) Sequim Bay State Park - Open April 1 through June 15.

~~((tt))~~ (tt) Shine Tidelands: Open January 1 through July 31.

~~((uu))~~ (uu) South Indian Island County Park: Open January 1 through July 15.

~~((vv))~~ (vv) Spencer Spit State Park: Open April 1 through June 30.

~~((ww))~~ (ww) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

~~((xx))~~ (xx) Triton Cove State Park: Open April 1 through June 30.

~~((yy))~~ (yy) Twanoh State Park: Closed the entire year.

~~((zz))~~ (zz) Useless Bay Tidelands State Park: ~~Open April 1 through July 31.~~

~~((aa))~~ (aa) West Dewatto: DNR Beach 44A is open January 1 through May 15.

~~((bb))~~ (bb) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

~~((cc))~~ (cc) Winas-Maylor Point East: ~~Open January 1 through April 15.~~

~~((dd))~~ (dd) Wolfe Property State Park: Open ~~((April))~~ January 1 through May ~~((31))~~ 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

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.

**AMENDATORY SECTION** (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**WAC 220-56-380 Oysters—Areas and seasons.** (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

- (a) Brown Point: Closed the entire year.
- (b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:

- (i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires ~~(-and))~~.

- (ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

- (iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

- (c) Dosewallips State Park: Open ~~((the entire year))~~ January 1 through May 15 only 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) Hoodsport: Tidelands at the Hoodsport Salmon Hatchery are closed the entire year.

- (f) Illahee State Park: Open May 1 through July 15.

- (g) Kitsap Memorial State Park: Open ~~((May 16))~~ June 1 through December 31.

- ~~((g))~~ (h) 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.

- ~~((h))~~ (i) Mystery Bay: Open October 1 through April 30.

- (j) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for oyster reserves.

- ~~((j))~~ (k) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

- (i) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

- (ii) Willapa Bay - Long Island oyster reserve: North-west side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

- ~~((j))~~ (l) Penrose Point State Park: Open May 1 through June 15.

- ~~((k))~~ (m) Potlatch State Park: Open April 1 through September 15.

- ~~((h))~~ (n) 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 June 30, daily from official sunrise to official sunset, only.

- ~~((m))~~ (o) Scenic Beach State Park: Open April 16 through June 15.

- ~~((n))~~ (p) Triton Cove State Park: Open April 1 through June 30.

- ~~((o))~~ (q) 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))~~ (r) Wolfe Property State Park - Open ~~((April))~~ January 1 through ~~((August))~~ May 15.

- (2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

**AMENDATORY SECTION** (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

**WAC 220-56-385 Oysters—Unlawful acts.** Oysters taken for personal use from the contiguous Puget Sound waters or beaches of the state of Washington south of a line from Tala Point to Foulweather Bluff and waters or beaches of the Pacific Ocean, Grays Harbor or Willapa Bay must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which originally taken and it shall be unlawful for any person to fail to do so.

**AMENDATORY SECTION** (Amending Order 97-167, filed 8/25/97, effective 9/25/97)

**WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished.** Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
Aleutian Canada goose	<i>Branta canadensis leucopareia</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

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Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
fisher	<i>Martes pennanti</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; all wildlife within Titlow Beach Marine Preserve Area and the conservation areas defined in chapter 220-16 WAC; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

**AMENDATORY SECTION** (Amending Order 95-102, filed 8/15/95, effective 9/15/95)

**WAC 220-12-010 Food fish—Classification.** The following fishes are classified as food fish under RCW 75.08.080, and are subject to the provisions of this title:

<b>Barracuda</b>	
Pacific barracuda	<i>Sphyræna argentea</i>
<b>Cyprinids</b>	
Carp	<i>Cyprinus carpio</i>

<b>Cods and hake</b>	
Pacific hake or whiting	<i>Merluccius productus</i>
Walleye pollock	<i>Theragra chalcogrammus</i>
Pacific Tomcod	<i>Microgadus proximus</i>
Pacific Cod or true cod	<i>Gadus macrocephalus</i>
<b>Flounder, sole and halibut</b>	
Butter sole or Bellingham sole	<i>Isopsetta isolepis</i>
C-O sole	<i>Pleuronichthys coenosus</i>
Dover sole	<i>Microstomus pacificus</i>
English sole	<i>Parophrys vetulus</i>
Flathead sole	<i>Hippoglossoides elassodon</i>
Pacific halibut	<i>Hippoglossus stenolepis</i>
Petrale sole	<i>Eopsetta jordani</i>
Rex sole	<i>Glyptocephalus zachirus</i>
Rock sole	<i>Lepidopsetta bilineata</i>
Pacific sand dab	<i>Citharichthys sordidus</i>
Sand sole	<i>Psettichthys melanostictus</i>
Slender sole	<i>Lyopsetta exilis</i>
Speckled sand dab	<i>Citharichthys stigmaeus</i>
Starry flounder	<i>Platichthys stellatus</i>
Turbot or Arrowtooth flounder	<i>Atheresthes stomias</i>
All other species of sole and flounder	(Pleuronectiformes)
Giant wrymouth	<i>Delolepsis gigantea</i>
<b>Greenling</b>	
Lingcod	<i>Ophiodon elongatus</i>
Rock greenling	<i>Hexagrammos superciliosus</i>
Kelp greenling	<i>Hexagrammos decagrammus</i>
All other species of greenling	(Hexagrammidae)
<b>Herring and herring-like fishes</b>	
Northern anchovy	<i>Engraulis mordax</i>
Pacific sand lance or candlefish	<i>Ammodytes hexapterus</i>
Pacific herring	<i>Clupea harengus pallasii</i>
Pacific sardine or pilchard	<i>Sardinops sagax</i>
American shad	<i>Alosa sapidissima</i>
<b>Mackerels, tunas and jacks (carangids)</b>	
Pacific bonito	<i>Sarda chiliensis</i>
Pacific mackerel	<i>Scomber japonicus</i>
Jack mackerel	<i>Trachurus symmetricus</i>
Monterey Spanish mackerel	<i>Scomberomorus concolor</i>
Spanish mackerel	<i>Scomberomorus maculatus</i>
Yellowtail	<i>Seriola dorsalis</i>
Albacore	<i>Thunnus alalunga</i>
Bluefin tuna	<i>Thunnus thynnus</i>
Skipjack tuna	<i>Euthynnus pelamis</i>
Yellowfin tuna	<i>Thunnus albacares</i>
All other species of tunas and mackerels	(Scombridae)
Pacific pomfret	<i>Brama japonica</i>
Pacific pompano	<i>Peprilus simillimus</i>
Plainfin midshipman	<i>Parichthys notatus</i>
Ratfish	<i>Hydrolagus colliiei</i>
Rattails, all species	(Coryphaenoididae)
<b>Skates</b>	
Longnose skate	<i>Raja rhina</i>
Big skate	<i>Raja binoculata</i>
All other species of skates	(Rajidae)

PERMANENT

**Rockfish**

- Bocaccio
- Black rockfish
- Brown rockfish
- Copper rockfish
- Greenstriped rockfish
- Canary rockfish
- Pacific Ocean perch
- Yelloweye or rasphad rockfish
- Rosefish or splitnose rockfish
- Silvergray rockfish
- Quillback rockfish
- Yellowtail rockfish
- All other species of rockfish
- Sablefish

- Sebastes paucispinis*
- Sebastes melanops*
- Sebastes auriculatus*
- Sebastes caurinus*
- Sebastes elongatus*
- Sebastes pinniger*
- Sebastes alutus*

- Sebastes ruberrimus*
- Sebastes diploproa*
- Sebastes brevispinis*
- Sebastes maliger*
- Sebastes flavidus*
- (Scorpaenidae)
- Anoplopoma fimbria*

**Salmon**

- Chinook or King salmon (except in its landlocked form as defined in WAC 232-12-018)
- Chum or dog salmon
- Pink or humpback
- Coho or silver (except in its landlocked form as defined in WAC 232-12-018)
- Sockeye or blue back
- Masu
- Atlantic salmon (except in its landlocked form)

- Oncorhynchus tshawytscha*
- Oncorhynchus keta*
- Oncorhynchus gorbuscha*
- Oncorhynchus kisutch*
- Oncorhynchus nerka*
- Oncorhynchus masu*
- Salmo salar*

**Sculpins**

- Brown Irish lord
- Buffalo sculpin
- Cabezon
- Great sculpin
- Pacific Staghorn sculpin
- Red Irish lord

- Hemilepidotus spinosus*
- Enophrys bison*
- Scorpaenichthys marmoratus*
- Myoxocephalus polyacanthocephalus*
- Leptocottus armatus*
- Hemilepidotus hemilepidotus*

**Seabass and drums**

- White seabass
- All other seabass and drums

- Cynoscion nobilis*
- (Sciaenidae and Serranidae)

**Sharks**

- Sixgill shark
- Soupin shark
- Dogfish or spiny dogfish
- All other species of sharks

- Hexanchus griseus*
- Galeorhinus zyopterus*
- Squalus acanthias*
- (Squaliformes and Hexanchiformes)

**Smelts**

- Eulachon or Columbia River smelt
- Longfin smelt
- Surf smelt
- All other species of smelt

- Thaleichthys pacificus*
- Spirinchus dilatus*
- Hypomesus pretiosus*
- (Osmeridae)

**Sturgeons**

- Green sturgeon
- White sturgeon

- Acipenser medirostris*
- Acipenser transmontanus*

**Surfperches**

- Blue perch or striped seaperch
- Kelp perch
- Redtail surfperch
- Shiner perch
- Pile perch

- Embiotoca lateralis*
- Brachyistius frenatus*
- Amphistichus rhodoterus*
- Cymatogaster aggregata*
- Rhacochilus vacca*

- Walleye surfperch
- White seaperch
- All other species of perch
- Wolf-eel

- Hyperprosopon argenteum*
- Phanerodon furcatus*
- (Embiotocidae)
- Anarrhichthys ocellatus*

**Hagfishes**

- Pacific hagfish
- Black hagfish

- Eptatretus stouti*
- Eptatretus deani*

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-12-020 Shellfish—Classification.** The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

**Abalone**

- Red abalone
- Pinto abalone

- Haliotis refescens*
- Haliotis kamtschatkana*

**Mussel**

- Blue mussel
- California mussel

- Mytilis edulis*
- Mytilis californianus*

**Scallops**

- Pacific pink scallop
- Rock scallop
- Spiny scallop
- Weathervane scallop

- Chlamys rubida*
- Crassadoma gigantea*
- Chlamys hastata*
- Patinopecten caurinus*

**Clams**

- Bent nose clam
- All other macoma clams
- Butter clam
- Common cockle
- Geoduck
- Horse or Gaper clam
- Mud or soft shell clam
- Manila clam
- Piddock
- Razor clam
- Rock or native little neck clam
- All other native clams

- Macoma secta*
- Macoma spp.*
- Saxidomus giganteus*
- Clinocardium nuttalli*
- Panope abrupta*
- Tresus nuttalli*,
- Tresus capax*
- Mya arenaria*
- Tapes philippinarum*
- Zirfaea pilsbryi*
- Siliqua patula*

**Oysters**

- Eastern oyster
- Olympia or native oyster
- Pacific oyster
- Kumamoto oyster
- European oyster
- All other oysters

- Protothaca staminea*
- (Eulamellibranchia)
- Crassostrea virginica*
- Ostrea lurida*
- Crassostrea gigas*
- Crassostrea gigas (kumamoto)*
- Ostrea edulis*
- (Ostreidae)

**Squid**

- Pacific Coast squid
- Nail squid
- Flying squid
- All other squid

- Loligo opalescens*
- Onychoteuthis borealijaponica*
- Ommastrephes bartramai*
- Sepioidea or Teuthoiden

**Octopus**

- Octopus

- Octopus dofjeni*

**Barnacles**

- Goose barnacle

- Pollicipes polymerus*

**Shrimp**

- Coonstripe shrimp
- Coonstripe shrimp
- Ghost or sand shrimp
- Humpy shrimp

- Pandalus danae*
- Pandalus hypsinotus*
- Callinassa spp.*
- Pandalus goniurus*

PERMANENT



Mud shrimp	<i>Upogebia pugettensis</i>
Ocean pink shrimp	<i>Pandalus jordani</i>
Pink shrimp	<i>Pandalus borealis</i>
Sidestripe shrimp	<i>Pandalopsis dispar</i>
Spot shrimp	<i>Pandalus platyceros</i>
<b>Crab</b>	
Dungeness or Pacific crab	<i>Cancer magister</i>
Red rock crab	<i>Cancer productus</i>
Tanner crab	<i>Chionoecetes tanneri</i>
<u>King and box crab</u>	<u><i>Lopholithodes spp.</i></u>
<b>Crawfish</b>	
Crawfish	<i>Pacifastacus sp.</i>
<b>Sea cucumber</b>	
Sea cucumber	<i>Parastichopus californicus</i>
Sea cucumber	<i>Cucumaria miniata</i>
<b>Sea urchin</b>	
Green urchin	<i>Strongylocentrotus droebachiensis</i>
Red urchin	<i>Strongylocentrotus franciscanus</i>
Purple urchin	<i>Strongylocentrotus purpuratus</i>

**AMENDATORY SECTION** (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**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.

(25) The following conservation areas are closed year round:

(a) Brackett's Landing Shoreline Sanctuary Conservation Area.

(b) City of Des Moines Park Conservation Area.

- (c) Octopus Hole Conservation Area.
- (d) Orchard Rocks Conservation Area.
- (e) South 239th Street Park Conservation Area.

**AMENDATORY SECTION** (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-307 Shellfish—Closed areas.** It is unlawful to fish for or possess shellfish taken for personal use from the following areas:

- (1) The San Juan Islands Marine Preserve Area, except that it is lawful to take crab for personal use from Parks Bay, using personal use crab gear.
- (2) Waters within 200 yards of the salmon net pens located near Sund Rock in Hood Canal, except that it is lawful to take shrimp during the Hood Canal shrimp season provided for in WAC 220-56-325.
- (3) The Titlow Beach Marine Preserve Area.
- (4) The following conservation areas:
  - (a) Brackett's Landing Shoreline Sanctuary Conservation Area.
  - (b) City of Des Moines Park Conservation Area.
  - (c) Octopus Hole Conservation Area.
  - (d) Orchard Rocks Conservation Area.
  - (e) South 239th Street Park Conservation Area.

**AMENDATORY SECTION** (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

**WAC 220-16-440 San Juan Islands Marine Preserve Area.** The following tidal and submerged lands are included within the definition of the "San Juan Islands Marine Preserve Area":

- (1) False Bay: The tidelands and bedlands of False Bay on San Juan Island, including all University of Washington-owned tidelands beginning at a marker 400 feet east of the east entrance of False Bay and extending to the entrance of False Bay, all University of Washington-owned tidelands and bedlands within a line beginning at the University of Washington marker on the shore at the east entrance of False Bay, projected 500 yards offshore, thence northwesterly to a point 500 yards offshore along a line projected from a University of Washington marker on the shore at the west side of a small peninsula at the west entrance of False Bay, thence to shore along said line to the marker, and all University of Washington-owned tidelands west of the marker to a University of Washington marker 600 feet west of the small peninsula.
- (2) Friday Harbor: Those tidelands and bedlands adjacent to San Juan Island within a line beginning on the shore 500 yards (~~north~~) west of Point Caution, thence 500 yards offshore, thence south and east following the shoreline to the intersection with a line projected from a University of Washington marker located 100 feet north of the north entrance of the floating breakwater of the Port of Friday Harbor and projected towards Reid (~~Island~~) Rock Buoy, thence along said line to shore on San Juan Island.
- (3) Argyle Lagoon: Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.
- (4) Yellow and Low Islands: All tidelands and bedlands within 300 yards of Yellow Island and 300 yards of Low Island.

(5) Shaw Island: Those tidelands and bedlands within a line beginning at a University of Washington marker on the shore at Hicks Bay, 122 degrees, 58 minutes, 15 seconds west longitude, thence due south 500 yards, thence north and west at a distance of 500 yards from shore to the intersection with a line projected 261 degrees true from a University of Washington marker on the shore of Parks Bay, which line passes just south of the unnamed island at the north end of Parks Bay, thence along said line to the shore of Shaw Island, including all tidelands and bedlands of Parks Bay south of said line.

**NEW SECTION**

**WAC 220-16-700 City of Des Moines Park Conservation Area.** "City of Des Moines Park Conservation Area" is defined as those tidelands owned by the City of Des Moines at City of Des Moines Park, and the water column above these tidelands.

**NEW SECTION**

**WAC 220-16-710 South 239th Street Park Conservation Area.** "South 239th Street Park Conservation Area" is defined as those tidelands owned by the City of Des Moines at South 239th Street Park, and the water column above these tidelands.

**NEW SECTION**

**WAC 220-16-720 Brackett's Landing Shoreline Sanctuary Conservation Area.** "Brackett's Landing Shoreline Sanctuary Conservation Area" is defined as those tidelands owned by the City of Edmonds at Brackett's Landing Shoreline Sanctuary, and the water column above these tidelands.

**NEW SECTION**

**WAC 220-16-475 Forage fish.** "Forage fish" is defined as anchovy, herring, sand lance, sardine and smelt.

**NEW SECTION**

**WAC 220-16-550 Octopus Hole Conservation Area.** "Octopus Hole Conservation Area" is defined as those waters and bedlands of Hood Canal within a line projected due east from the western shore of Hood Canal on latitude 47°27'01"N for 200 yards, thence southerly 628 yards parallel to the high water mark to latitude 46°26'66", thence due west to shore, but excluding those tidelands, bedlands and waters within 100 feet of the high water mark.

**NEW SECTION**

**WAC 220-16-590 Orchard Rocks Conservation Area.** "Orchard Rocks Conservation Area" is defined as those waters and bedlands of Rich Passage north and west within a 400-yard radius of Orchard Rocks between a line projected 85 degrees true from Orchard Rocks day marker and a line projected from Orchard Rocks day marker southwesterly through the R '6' flashing red (2.5s) buoy as well as all waters within 50 yards of Orchard Rocks day marker.

PERMANENT

NEW SECTION

**WAC 220-16-610 Anadromous waters.** "Anadromous waters" is defined as all waters that are not landlocked.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-57-160 Columbia River.** (1) ~~((Daily Limit C - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam.~~

~~((2))) Rocky Reach Dam to Priest Rapids Dam: ((Daily Limit C - June 1 through September 15;)) Daily Limit A - September 16 through December 31.~~

~~((3))) (2) 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.~~

~~((4))) (3) 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))) (4) 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))) (5) Highway 395 Bridge ((connecting Pasco and Kennewick)) to ((the Interstate 5 Bridge)) McNary Dam: Daily Limit A - August ((4)) 16 through December 31. It is unlawful to take or possess sockeye or chum salmon taken downstream of the Highway 395 Bridge to McNary Dam.~~

(6) McNary Dam to Interstate 5 Bridge: Daily Limit A - August 1 through December 31. It is unlawful to take or possess sockeye or chum salmon taken downstream from McNary Dam to the Interstate 5 Bridge.

(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 - August 1 through September 30.

(b) Daily Limit A - October 1 through March 31.

(c) It is unlawful to take or possess sockeye or chum salmon taken downstream from the Megler-Astoria Bridge to the Buoy 10 Line.

(8) 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.

**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.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-57-175 Cowlitz River.** (1) Daily Limit A except release chum salmon and release chinook salmon greater than 28 inches in length caught upstream from Blue Creek to Mill Creek October 1 through December 31 and adult chinook salmon minimum size 28 inches from Mill Creek to the Barrier Dam October 1 through December 31 - August 1 through April 30: Downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam except closed to salmon angling from the markers to the mouth of Mill Creek when fishing from the south shore August 1 through October 15.

(2) Special daily limit of one salmon except release chum salmon - May 1 through July 31: Downstream from I-5 Bridge.

(3) Salmon angling from boats is prohibited the entire year in designated open waters between the barrier dam and a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

(4) Daily Limit A except minimum size of 8 inches - open the entire year: From the confluence of the Muddy Fork and Ohanapcosh rivers downstream to Scanewa Lake (Cowlitz Falls Reservoir).

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-57-190 Deschutes River.** Daily Limit A except release coho salmon - July 1 through November 30: Upstream from the Old Highway 99 Bridge immediately upstream from Tumwater Falls. Selective gear rules upstream from Henderson Boulevard Bridge.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-57-235 Elochoman River.** (1) Daily Limit A except release chum salmon - September 1 through September 30: Downstream from the mouth of the west fork.

(2) Daily Limit A except release chum salmon and release chinook salmon greater than 28 inches taken upstream from the Foster Road Bridge - October 1 through December 31: Downstream from the mouth of the west fork.

(3) The following waters are closed to salmon angling at all times:

(a) From a point 100 feet above the upper hatchery rack to the Elochoman Salmon Hatchery Bridge located approximately 400 feet below the upper hatchery rack.

(b) From the department of fish and wildlife's temporary rack downstream to Foster (Risk) Road Bridge while this rack is installed in the river.

(c) Between points 50 feet above and 100 feet below the outlet pipes from the most downstream Elochoman Salmon Hatchery rearing pond and extending 30 feet out from the south bank of the river.

~~((d) From the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.)~~

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-57-240 Elwha River.** (1) Special daily limit of six coho of which no more than four can be adult coho - October 1 through November 15: Open from mouth to Aldwell Lake Dam.

(2) It is unlawful to fish for or possess salmon taken from the waters of the Elwha River between markers located approximately 50 yards upstream and downstream from the tribal hatchery outfall, from the slough connecting the hatchery outfall to the mainstem of the river or within 200 feet downstream of the south spillway on Aldwell Lake Dam to Aldwell Dam.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

**WAC 220-57-290 Icicle River.** (~~Closed to salmon angling the entire year.~~) Special daily limit of one salmon - May 16 through June 30.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-57-310 Kalama River.** (1) Daily Limit A except release chum salmon - June 1 through December 31: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) fly fishing only.

(2) Daily Limit A except release chum salmon - open the entire year: Downstream from the mouth of Summers Creek to the markers approximately 1,000 feet above the Kalama Falls (Upper) Salmon Hatchery.

(3) Daily Limit A except release chum salmon and release chinook salmon greater than twenty-eight inches in length during the period October 1 through December 31 upstream from the natural gas pipeline - August 1 through April 30: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the Modrow Bridge, with the following special gear restrictions: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground fly fishing only.

(4) Daily Limit A except release chum salmon - August 1 through April 30: Downstream from Modrow Bridge, except during the time the department of fish and wildlife's temporary rack is installed just below the Modrow Bridge, that portion of the river from the temporary rack downstream to a set of markers 1,500 feet below the temporary rack is closed to salmon angling and August 1 through October 15 those waters downstream from the temporary rack are closed to salmon angling.

(5) Fishing from boats with motors is prohibited at all times in waters upstream of the Modrow Bridge.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-57-319 Lewis River.** (1) Mainstem - Daily Limit A except release chum salmon and during the period May 1 through July 31 the daily limit is one salmon and

release chinook August 1 through December 31 - Open entire year: Downstream from east fork to mouth.

(2) East fork:

~~((a) Daily Limit A except 20 inch minimum length - April 16 through May 31: Downstream from posted markers at top boat ramp at Lewisville Park.~~

~~(b) Daily Limit A except 14 inch minimum length - June 1 through July 31: Downstream from posted markers downstream from Lucia Falls.)~~ Closed waters.

(3) North fork:

(a) Daily Limit A except release chum salmon and during the period May 1 through July 31 the daily limit is one salmon and release chinook salmon August 1 through December 31 - January 1 through December 31: Downstream from Johnson Creek.

(b) Daily Limit A except release chum salmon and release chinook salmon August 1 through December 31 - August 1 through April 30: Downstream from the mouth of Colvin Creek (approximately 1/4 mile upstream of the salmon hatchery) to Johnson Creek, except that at all times it is unlawful to take, fish for or possess salmon taken for personal use from waters shoreward of the cable, buoy, and corkline located at the mouth of the Lewis River Salmon Hatchery Fishway. During the period August 16 through October 15, bank fishing only.

(c) Daily Limit A except release chum salmon and release chinook salmon August 1 through September 30 - August 1 through September 30 and January 1 through April 30: Downstream from the overhead powerlines downstream from Merwin Dam to Colvin Creek.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

**WAC 220-57-350 Nooksack River.** (1) Daily Limit A except up to 4 adult salmon may be retained provided no more than 2 are chinook - September 1 through December 31: Downstream from the confluence of north and south forks to Lummi Indian Reservation boundary.

(2) North Fork - Daily Limit A - October 1 through December 31: Downstream from Maple Creek to mouth of north fork.

(3) South Fork - Daily Limit A - October 1 through December 31: Downstream from the Saxon Bridge to mouth of south fork. Selective gear rules.

AMENDATORY SECTION (Amending Order 97-202, filed 9/25/97, effective 10/26/97)

**WAC 220-57-455 Snoqualmie River.** (1) Special daily limit of two salmon except release chinook salmon and pink salmon - September 1 through December 31: Downstream from Snoqualmie Falls. Selective gear rules September 1 through November 30.

(2) During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-57-495 Washougal River.** Daily Limit A except release all chum salmon in all areas and chinook salmon over 28 inches in length upstream from the mouth of

Little Washougal River during the period October 1 through December 31 - ((~~June~~)) August 1 through March 15: Downstream from bridge at Salmon Falls to mouth.

**AMENDATORY SECTION** (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**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 - 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~~)) Barstow Bridge.
- Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.
- Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.
- Methow River - Highway 97 Bridge.
- Naselle River - Highway 101 Bridge.
- North Nemah River - Highway 101 Bridge.
- Niawiakum River - Highway 101 Bridge.
- North River - Highway 105 Bridge.
- Palix River - Highway 101 Bridge.
- Puyallup River - 11th Street Bridge.
- Samish River - The Samish Island Bridge (Bayview-Edison Road).
- Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

- Skamokawa Creek - Highway 4 Bridge.
- Skookum Creek - A line 400 yards below the old railroad bridge.
- Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.
- South Nemah River - Lynn Point 117 degrees true to the opposite shore.
- Spokane River - State Route 25 Bridge.
- 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 south-westerly 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 WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 220-56-191 Puget Sound salmon—Saltwater seasons and daily limits.** It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, sizes, and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 220-56-190. In all fisheries provided for in this section, chinook salmon minimum size 22 inches and no minimum size for other salmon.

(1) Catch Record Card Areas 5 and 6 -

(a) Special daily limit of 2 salmon April 16 through June 15 except all chinook salmon greater than 30 inches in length and all coho salmon must be released.

(b) During the period April 16 through September 30 and November 1 through April 15, Dungeness Bay is closed to salmon angling. October 1 through October 31, special daily limit of two coho salmon.

(c) Special daily limit of 2 salmon June 16 through June 30, except release coho.

(d) July 1 through July 31 - Closed.

- (e) August 1 through August 10 - Special daily limit of 2 salmon, except release coho and chinook.
- (f) August 11 through September 15, special daily limit of 2 salmon, except release chinook.
- (g) September 16 through January 31 - Closed.
- (h) February 1 through April 15 - Special daily limit of 2 salmon. Release all coho.
- (2) Catch Record Card Area 7:
- (a) October 1 through July 31 - Special daily limit of 2 salmon. During the period April 16 through June 15 all chinook salmon greater than 30 inches in length must be released.
- (b) August 1 through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be coho or chinook.
- (c) Notwithstanding the provisions of this subsection during the period October 1 through December 31 the special daily limit in Bellingham Bay is 4 salmon no more than 2 of which may be chinook.
- (3) Catch Record Card Area 8-1:
- (a) September 16 through April 15 - Special daily limit of 2 salmon. During the period September 16 through September 30 release chinook.
- (b) April 16 through August 15 - Closed.
- (c) August 16 through September 15 - Special daily limit of 4 salmon, not more than 2 of which may be coho and release all chinook.
- (4) Catch Record Card Area 8-2:
- (a) August 1 through September 30 - Special daily limit of 2 salmon except release chinook salmon taken outside the Tulalip Bay zone, defined as those waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet from shore between the pilings at Old Bowers Resort northerly to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point.
- (b) October 1 through May 31 - Special daily limit of 2 salmon.
- (c) June 1 through July 31 - Closed.
- (5) Catch Record Card Area 9:
- (a) November 1 through June 30 - Special daily limit of 2 salmon.
- (b) July 1 through July 31 - Closed.
- (c) August 1 through September 1 - Special daily limit of 2 salmon except release chinook salmon.
- (d) September 2 through September 30 - Closed.
- (e) October 1 through October 31 - Special daily limit of 2 salmon except release coho.
- (f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Edmonds Fishing Pier - Special daily limit of 2 salmon and all salmon species may be retained.
- (6) Catch Record Card Area 10:
- (a) October 16 through June 30 - Special daily limit of 2 salmon.
- (b) July 1 through October 15 - Special daily limit of 2 salmon except:
- (i) During the period July 1 through September 15, Elliott Bay east of a line from Pier 91 to Duwamish Head is closed.
- (ii) During the period July 1 through October 15, Shilshole Bay east of a line from Meadow Point to West

(iii) During the period July 1 through August 31, release chinook in waters north of a line from West Point to Skiff Point and in waters northeast of the Agate Pass Bridge.

(iv) During the period September 16 through October 15, release chinook in the Duwamish Waterway from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island.

(c) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Elliott Bay public fishing pier at Terminal 86 and Seacrest Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(7) Catch Record Card Area 11 - May 1 through April 30 - Daily limit of 2 salmon.

(8) Catch Record Card Area 12:

(a) December 16 through July 15 - Special daily limit of 2 salmon.

(b) July 16 through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be pink salmon and release all chinook and chum.

(c) October 1 through October 15 - Special daily limit of 4 salmon, not more than 2 of which may be chinook and release all chum.

(d) October 16 through December 15 - Special daily limit of 4 salmon, not more than two of which may be chinook.

(e) Waters of the Hoodspout Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year round while fishing from the Hood Canal Bridge fishing pier - Special daily limit of 2 salmon.

(9) Catch Record Card Area 13 - May 1 through April 30 - Daily limit of 2 salmon.

(10) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, and Budd Inlet, and at Titlow Beach and the Edmonds underwater park and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

**WAC 220-56-285 Shad and sturgeon—Areas and seasons.** It is lawful the entire year to fish for or possess sturgeon and shad taken for personal use except in the following closed waters:

(1) Waters lying 400 feet downstream below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in chapter 220-57 WAC, except as provided in subsections (2) and (3) of this section.

(2) Waters lying 400 feet downstream below any dam, rack or obstruction in the Snake River.

(3) Columbia River waters between the upstream line of Bonneville Dam and the lowermost Bonneville powerline crossing, approximately 1-1/4 mile downstream from the dam, are closed to the fishing for or possession of sturgeon, except when fishing with hand-casted hook and line gear from the mainland shore in those waters lying downstream

of a line running southerly from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream from the dam) to the downstream end of Cascade Island thence to the Oregon angling boundary marker on Bradford Island (located approximately 850 feet downstream from the fish ladder entrance to the lowermost Bonneville Dam powerline crossing. Closed to angling inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore).

(4) Columbia River waters downstream from Bonneville Dam are closed to shad fishing April 1 through May 15.

**AMENDATORY SECTION** (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**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 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 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.

#### NEW SECTION

**WAC 220-56-262 Atlantic salmon.** It is unlawful to fish for or possess Atlantic salmon except as provided in this section.

(1) There is no minimum size limit for Atlantic salmon taken from anadromous water, and no daily or possession limit.

(2) Atlantic salmon may be taken from all anadromous waters open to trout fishing under Title 77 RCW except marine waters that are not open to salmon fishing under this title, and may be taken from all anadromous waters open to salmon fishing for salmon other than Atlantic salmon.

(3) Once the daily limit of salmon other than Atlantic salmon has been retained, it is unlawful to continue to fish for Atlantic salmon or salmon other than Atlantic salmon.

**AMENDATORY SECTION** (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**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-"))~~ game fish.

(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))~~ gear rules: In waters designated as being under selective ~~((fishery regulations))~~ gear rules, 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 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 do so.

(12) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of ten hooks may be used.

(13) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no steelhead license or catch record card is required.

(14) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.
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RIVERS, STREAMS AND BEAVER PONDS: JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

Waters managed under April through October seasons are listed under the exceptions to state-wide rules.

~~((13))~~ (15) 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 (except Eastern Brook trout)	A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds.	None in Lakes, Ponds, and Reservoirs.
	No more than two of the trout daily catch limit of 5 may be Steelhead.	Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the trout daily catch limit.	None
BURBOT	Five	None
CHANNEL CATFISH	Five if taken from lakes, ponds or reservoirs. reservoirs with no more than one greater than 24 inches in length.	Twelve inches if taken in lakes, ponds or

(a) The following game fish species are managed as trout:

- 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

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- (b) Wild steelhead release (~~(June 1 through November 30)~~) year-round.
- (c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	Five, not more than one over twenty-four inches	Eighteen inches
	Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	<del>((Ten))</del> <u>No Limit</u>	None

~~((14))~~ (16) 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))~~ (17) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

~~((16))~~ (18) 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	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.
Humtulpis River	Mouth of Jessie Slough.
Johns River	Highway 105 Bridge.
Kalama River	Boundary markers located at the mouth.
Kennedy Creek	An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.
Kettle River	<del>((Napoleon))</del> <u>Barstow Bridge.</u>
Lake Washington Ship Canal	A line 400 feet west of the fish ladder at the Chittenden Locks.
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	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	Samish Island Bridge (Bayview-Edison Road).
Sammamish River	68th Ave. N.E. 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

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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. Highway 4 Bridge. A line 400 yards below the old railroad bridge.

Skamokawa Creek  
Skookum Creek

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  
Tucannon Creek  
State Route 25 Bridge. State Highway 261 Bridge.

Wallace River  
The furthest downstream railroad bridge.

Washougal River  
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.

Whatcom Creek  
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.

White Salmon River  
Markers downstream of the Burlington Northern Railroad Bridge.

Wind River  
Boundary line/markers at mouth.

Willapa River  
South Bend boat launch.

Yakima River  
Highway 240 Bridge.

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)	
Hwy 101 Bridge to Hwy 4 Bridge	July 1 - January 31
Hwy 4 Bridge to Big Hill Bridge	October 16 - January 31
Willapa River Mouth to Hwy 6 Bridge	October 1 - November 30
Hwy 6 Bridge to Fork Creek	October 16 - January 31
Humptulips River	September 1 - November 30
Satsop River (including all forks)	September 1 - November 30
Nemah River - North Fork	October 1 - November 30
Nemah River - Middle Fork	September 1 - November 30
Dungeness and Gray Wolf Rivers	August 1 - October 15
Kennedy Creek	October 1 - December 31
Nooksack River - South Fork mouth to Skookum Creek	August 1 - October 31
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	August 1 - October 31
Kalama River From mouth to temporary rack	September 1 - October 31
Lewis River - North Fork From lower Cedar Creek Boat Ramp to Colvin Creek	August 1 - December 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
Tokul Creek From mouth to posted cable markers	December 1 - March 31
Capitol Lake	August 1 - November 30

((17)) (19) 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

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Deschutes River	August 1 - November 30
Elochoman River	September 1 - October 31
Grays River	September 1 - October 31
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
Toutle River - North Fork	September 1 - October 31
Green River (Cowlitz Co.) mouth to 1,500 feet below hatchery rack	September 1 - October 31

• ((18)) (20) 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 WSR 93-15-051, filed 7/14/93, effective 8/14/93)

**WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other food fish and shellfish.** (1)

It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department of fisheries.

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the director of fisheries, unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	( <i>Hippoglossus stenolepis</i> )
Pacific herring (except as prescribed in WAC 220-49-020)	( <i>Clupea harengus pallasi</i> )
Salmon	
Chinook	( <i>Oncorhynchus tshawytscha</i> )
Coho	( <i>Oncorhynchus kisutch</i> )
Chum	( <i>Oncorhynchus keta</i> )
Pink	( <i>Oncorhynchus gorbuscha</i> )
Sockeye	( <i>Oncorhynchus nerka</i> )
Masu	( <i>Oncorhynchus masu</i> )

(4) It shall be unlawful for any person to fish for food fish or shellfish while in possession in the field of food fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the department of fisheries approved and registered buoy brand issued to the license, provided that:

(a) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department of fisheries, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department of fisheries.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the department of fisheries.

(9) It shall be unlawful for any person licensed under the fisheries code of Washington to fail to make or return any report required by the department of fisheries relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) It shall be lawful to use a dip net(~~(-gaff)~~) or club in the landing of food fish taken by personal-use angling unless otherwise provided and it shall be lawful to use a gaff in the

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landing of tuna, halibut and dogfish in all catch record card areas.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches during the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a spear to take carp as provided for in WAC 220-56-280.

(e) It shall be lawful to snag herring, smelt, anchovies, pilchard, sand lance, and squid when using ~~((baitfish))~~ forage fish jigger gear or squid jigs.

(f) It shall be lawful to shoot halibut when landing them with a dip net or gaff.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species and it is unlawful to possess food fish or shellfish mutilated in any manner such that the natural length or weight cannot be determined if a length or weight limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department of fisheries.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director of fisheries, or to perform any act not specifically authorized in said document or in the regulations of the director of fisheries.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director of fisheries.

(17) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in

waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fisheries patrol office in Olympia prior to testing.

(18) It is unlawful for any person or corporation either licensed by the department of fisheries or bringing food fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

**WSR 98-06-042****PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 97-14—Filed February 27, 1998, 8:13 a.m.]

Date of Adoption: February 24, 1998.

Purpose: To adopt criteria that ecology will use to prioritize processing of certain applications for water rights or applications for a change or transfer of an existing water right. This rule will also allow ecology to investigate pending water right applications by a water source.

Statutory Authority for Adoption: RCW 43.21A.064(8) and 43.27A.090(11).

Adopted under notice filed as WSR 97-17-081 on August 19, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 173-152-030(3), clarification that within a regional office, more than one water source may be investi-

gated at a time. WAC 173-152-040 (2)(b), clarification that water right applications prioritized for review and a decision will not be held in abeyance pending completion of an initial basin assessment. WAC 173-152-040(4), changed the words "affected parties" to be a list of entities and the public. WAC 173-152-050, clarification that water right applications that substantially enhance the quality of the natural environment can be expedited for review. WAC 173-152-050 (3)(b), deleted the idea that water right applications that encourage wise management of the water resource can be expedited. WAC 173-152-060, added specific reference to temporary permits and preliminary permits as specific actions that are exceptions to this rule.

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 6, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, 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 6, amended 0, repealed 0.

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

February 24, 1998

Tom Fitzsimmons  
Director

#### NEW SECTION

**WAC 173-152-010 Purpose.** This rule establishes the framework under which the department can provide for the organization of its work, prioritize basins to be assessed, conduct basin assessments, prioritize investigations of water right applications by geographic areas, and establish criteria for priority processing of applications for new water rights and applications for change or transfer of existing water rights.

#### NEW SECTION

**WAC 173-152-020 Definitions.** For the purposes of this chapter the following definitions apply:

(1) "Department" means the department of ecology.

(2) "Public water system" means a water supply system as defined in RCW 70.119A.020.

(3) "Applications to change or transfer" means applications made under RCW 90.03.380 or 90.44.100.

(4) "Competing applications" means all existing applications for water right from the same water source, whether for a new water right or for a change or transfer of an existing water right.

(5) "Same water source" or "source of water" means an aquifer or surface water body, including a stream, stream system, lake, or reservoir and any spring water or underground water that is part of or tributary to the surface water body or aquifer, that the department determines to be an

independent water body for the purposes of water right administration.

#### NEW SECTION

**WAC 173-152-030 Organization and management of work load.** (1) The department may establish regions and maintain regional offices or field offices for the purposes of maximizing the efficiency of its work. Regional offices and their geographic jurisdictions as of the effective date of this rule are as follows:

(a) Northwest regional office serving Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties;

(b) Southwest regional office serving Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties;

(c) Central regional office serving Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties; and

(d) Eastern regional office serving Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

(2) The department will make decisions on new water right applications and applications for change or transfer of an existing water right within a region or within a regional or field office's geographic area in the order the application was received except as provided for in subsection (3) of this section and WAC 173-152-050.

(3) The department may, based on the criteria identified in subsection (4) of this section, conduct an investigation and make decisions on one or more water right applications for the use of water from the same water source. Within a regional office, more than one water source may be investigated at a time. When numerous applications for water from the same water source are being investigated, the decisions will be made in the order in which the applications were received. Each application will be considered individually under the requirements of chapters 90.03 and 90.44 RCW.

(4) Criteria for selecting a water source include, but are not limited to:

(a) The number and age of pending applications, and the quantities of water requested;

(b) The ability to efficiently investigate applications because of the availability of data related to water supply and future needs, streamflow needs for instream values, and hydrogeology of the basin;

(c) The ability of the department to support implementation of local land use plans or implementation of water resource plans;

(d) The projected population and economic growth in the area; and/or

(e) The completion of an initial basin assessment as provided for in WAC 173-152-040(5).

#### NEW SECTION

**WAC 173-152-040 Basin assessments.** (1) The department may conduct assessments to assemble and correlate information related to water use, water availability, the quantity of water allocated to existing rights, claims, instream flow, and the hydrology of a basin to use in making decisions on future water resource allocation and use. The

department may also enter into agreements or contracts with public or private parties to conduct assessments. Geographic areas or same water sources within a regional office service area will be identified or considered for assessment in cooperation with federal, state, tribal, and local jurisdictions and other interested parties. In determining a basin or same water source to assess, the department's consideration may include, but is not limited to, the following factors:

(a) The number and age of pending applications, and the quantities of water requested;

(b) The projected population, growth and off-stream needs for water in the area;

(c) Known water quality problems;

(d) Existence of distressed or endangered fish stocks;

(e) Risk of impairment to senior rights (including instream flow rights);

(f) Availability of data related to water supply and future need, streamflow needs for instream values, and hydrogeology of the basin;

(g) The number of claims to water rights submitted pursuant to chapter 90.14 RCW; and

(h) The ability of the department to support local land use activities.

(2) Multiple basin assessments may be conducted within a region at the same time. When the department determines it is in the public interest to conduct a basin assessment, it will:

(a) Publish notice of the intent to conduct a basin assessment once a week, for two consecutive weeks in a newspaper of general circulation within the geographic area;

(b) Hold in abeyance decisions on all competing water right applications in the basin after publication of a notice to initiate a basin assessment and until the initial basin assessment is complete and published except for applications prioritized pursuant to WAC 173-152-050; and

(c) Make decisions on competing applications after the initial basin assessment is complete and published to the extent sufficient information is available.

(3) Initial basin or water source assessments will be conducted to assemble the following existing information:

(a) Physical characterization of the watershed related to:

(i) Climatic impacts to water resources;

(ii) Geology;

(iii) Streamflow trends;

(iv) Ground water elevation trends and the contribution of ground water to streamflows; and

(v) Surface and ground water quality in the basin or water source.

(b) Out-of-stream water use characterization related to:

(i) Water rights, federal rights, and claims to water rights;

(ii) Estimated use of water pursuant to water rights and claims to water rights;

(iii) Water use pursuant to RCW 90.44.050;

(iv) Extent of unauthorized water use; and

(v) Potential future demands for out-of-stream water use in the basin.

(c) Instream water use characterization related to:

(i) National Pollution Discharge Elimination System permits and the need for instream flow for pollution assimilation;

(ii) Fish stocks and habitat requirements;

(iii) Wildlife habitat requirements;

(iv) Recreational requirements; and

(v) Water rights and claims to water rights.

(4) Upon completion and publication of the initial basin assessment, the department in consultation with the public and federal, state, tribal, local jurisdictions and interested parties will evaluate the basin assessment. The evaluation will assess the data, analysis, and presentation of information in the basin assessment in terms of quality, adequacy, and utility to make decisions on future water resource allocation and use.

(5) The department will make decisions on competing applications for water from a source of water within the basin where sufficient information for water resource allocation exists. If the department determines that the information assembled and correlated is not sufficient, the department may withdraw the water source from appropriation pursuant to RCW 90.54.050(2). The department in consultation with the public, federal, state, tribal, local jurisdictions and interested parties will design and conduct additional investigations, to the extent resources allow, to obtain the information necessary to make future decisions on water allocation and use.

(6) The information obtained and compiled during an initial basin assessment of the water resources in a basin or water source will be contained in an open file technical report at the regional or field office.

#### NEW SECTION

**WAC 173-152-050 Criteria for priority processing of competing applications.** (1) An application may be processed prior to competing applications if the application resolves or alleviates a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users. Inadequate water rights for a public water system to serve existing hook-ups or to accommodate future population growth or other future uses do not constitute a public health or safety emergency. The application must be filed specifically to correct the actual or anticipated cause(s) of the public water system failure. To be considered a failing public water system, the system must meet one or more of the following conditions:

(a) The department, upon notification by and in consultation with the department of health or local health authority, determines a public water system has failed, or is in danger of failing within one year, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs;

(b) The current water source has failed or will fail so that the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable conservation efforts have been implemented; or

(c) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

(2) An application may be processed prior to competing applications if the department determines:

(a) Immediate action is necessary for preservation of public health or safety; or

(b) The proposed water use is nonconsumptive and if approved would substantially enhance or protect the quality of the natural environment.

(3) An application for change or transfer to an existing water right may be processed prior to competing applications provided one or more of the following criteria are satisfied:

(a) The change or transfer if approved would substantially enhance the quality of the natural environment; or

(b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas;

(c) The change or transfer was filed by water right holders participating in an adjudication, and a decision is needed expeditiously to ensure that orders or decrees of the superior court will be representative of the current water use situation.

(4) Within each regional office, the department shall process applications satisfying the criteria in subsections (1) through (3) of this section in the following priority:

(a) Public health and safety emergencies under subsection (1) of this section;

(b) Preservation of other public health and safety concerns under subsection (2)(a) of this section;

(c) Transfers or changes under subsection (3)(a) of this section;

(d) Transfers or changes under subsection (3)(b) of this section;

(e) Transfers or changes under subsection (3)(c) of this section; and

(f) Nonconsumptive uses under subsection (2)(b) of this section.

**NEW SECTION**

**WAC 173-152-060 Exceptions.** Nothing in this chapter precludes the department from processing applications or requests filed for temporary permits, preliminary permits or for emergent or emergency circumstances under RCW 43.83B.410, 90.03.383(7), or 90.03.390 and/or where the law provides a specific process for evaluation of an application and issuance of a decision.

**WSR 98-06-056  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed February 27, 1998, 3:50 p.m.]

Date of Adoption: February 27, 1998.

Purpose: Repeals WAC 388-218-1700 Prospective eligibility, 388-218-1800 Treatment of newly acquired nonexempt income, and 388-218-1940 Determining grant amount—Recipients. These rules are being repealed as they conflict with newly adopted WorkFirst TANF rules contained in WAC 388-218-1710, 388-218-1810, 388-218-1820, 388-218-1830, 388-218-1900, 388-218-1910, 388-218-1930, 388-245-1510, and chapter 388-270 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-218-170, 388-218-1800, and 388-218-1940.

Statutory Authority for Adoption: RCW 74.08.090, chapter 58, Laws of 1997.

Adopted under notice filed as WSR 98-03-084 on January 21, 1998.

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 3.

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.

February 27, 1998

Edith M. Rice, Chief  
Office of Legal Affairs

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- WAC 388-218-1700 Prospective eligibility.
- WAC 388-218-1800 Treatment of newly acquired nonexempt income.
- WAC 388-218-1940 Determining grant amount—Recipients.

**WSR 98-06-057  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed February 27, 1998, 3:52 p.m.]

Date of Adoption: February 27, 1998.

Purpose: The department will revise the supplemental security income (SSI) state supplement amount to stay within allotted levels and pass along the federal 2.1 percent cost-of-living adjustment (COLA) per Federal Register, Vol. 62, No. 210, dated October 31, 1997.

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1700.

Statutory Authority for Adoption: RCW 74.04.600.

Other Authority: RCW 74.04.620, Federal Register, Vol. 62, No. 210 (10/30/97).

Adopted under notice filed as WSR 98-01-126 on December 18, 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 1, repealed 0; or

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Recently Enacted State Statutes: New 0, amended 1, 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.

February 27, 1998  
Edith M. Rice, Chief  
Office of Legal Affairs

**AMENDATORY SECTION** (Amending WSR 97-14-011, filed 6/19/97, effective 8/1/97)

**WAC 388-250-1700 Standards of assistance—Federal, state supplemental and combined benefit levels for clients eligible for supplemental security income.**

((Effective January 1, 1997, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions):

	Federal	SSI	State
	Standard	Benefit	Supplement
<b>Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties</b>			
Individual	\$512.00	\$484.00	\$ 28.00
Individual with one essential person	748.00	726.00	22.00
<b>Couple:</b>			
Both eligible	748.00	726.00	22.00
Includes one essential person	748.00	726.00	22.00
Includes ineligible spouse	652.20	484.00	168.20

**Area II: All Counties Other Than the Above**

Individual	\$491.55	484.00	7.55
Individual with one essential person	726.00	726.00	0
<b>Couple:</b>			
Both eligible	726.00	726.00	0
Includes one essential person	726.00	726.00	0
Includes ineligible spouse	622.25	484.00	138.25

**Areas I and II:**

Eligible individual with more than one essential person: \$484.00 for eligible individual plus \$242.00 for each essential person (no state supplement).

Eligible couple with one or more essential persons: \$726.00 for eligible couple plus \$242.00 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Federal	SSI	State
	Standard	Benefit	Supplement
Individual	\$328.48	\$322.67	\$ 5.81
Individual with one essential person	490.30	484.00	6.30

**Couple:**

Both eligible	490.30	484.00	6.30
Includes one essential person	490.30	484.00	6.30
Includes ineligible spouse	426.43	322.67	103.76

**Area I and II:**

Eligible individual with more than one essential person: \$322.67 for eligible individual plus \$161.33 for each essential person (no state supplement).

Eligible couple with one or more essential persons: \$484.00 for eligible couple plus \$161.33 for each essential person (no state supplement).

(3) Residing in a medical institution: Area I and II

	Federal	SSI	State
	Standard	Benefit	Supplement
No change	\$41.62	\$30.00	\$11.62

(4) Mandatory income level (MIL) for grandfathered claimant. Increased by three dollars and seventy-eight cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion):

(1) Supplemental Security Income (SSI) is a cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled. Since the SSI program began in January 1974, the state of Washington has supplemented the federal benefit level with state funds, known as the SSI state supplement. Persons found eligible for SSI receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income.

(2) Effective January 1, 1998, the federal, state and combined benefit levels for an eligible individual and couple are:

(a) Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions.

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<u>LIVING ALONE</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
<u>Individual</u>	<u>\$494.00</u>	<u>\$27.00</u>	<u>\$521.00</u>
<u>Individual with One Essential Person<sup>1</sup></u>	<u>\$741.00</u>	<u>\$21.00</u>	<u>\$762.00</u>
<u>Couple, both Eligible</u>	<u>\$741.00</u>	<u>\$21.00</u>	<u>\$762.00</u>
<u>Couple with One Essential Person<sup>2</sup></u>	<u>\$741.00</u>	<u>\$21.00</u>	<u>\$762.00</u>
<u>Couple includes Ineligible Spouse</u>	<u>\$494.00</u>	<u>\$167.20</u>	<u>\$661.20</u>

(ii) Shared living (supplied shelter).

<u>SHARED LIVING</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Benefit Level</u>
<u>Individual</u>	<u>\$329.34</u>	<u>\$4.81</u>	<u>\$334.15</u>
<u>Individual with One Essential Person<sup>3</sup></u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple, Both Eligible</u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple includes One Essential Person<sup>4</sup></u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple includes Ineligible Spouse</u>	<u>\$329.34</u>	<u>\$102.76</u>	<u>\$432.10</u>

(b) Area II: All counties other than the above.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions).

<u>LIVING ALONE</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
<u>Individual</u>	<u>\$494.00</u>	<u>\$6.55</u>	<u>\$500.55</u>
<u>Individual with One Essential Person<sup>1</sup></u>	<u>\$741.00</u>	<u>\$0</u>	<u>\$741.00</u>
<u>Couple, Both Eligible</u>	<u>\$741.00</u>	<u>\$0</u>	<u>\$741.00</u>
<u>Couple with One Essential Person<sup>2</sup></u>	<u>\$741.00</u>	<u>\$0</u>	<u>\$741.00</u>
<u>Couple includes Ineligible Spouse</u>	<u>\$494.00</u>	<u>\$137.25</u>	<u>\$631.25</u>

(ii) Shared living (supplied shelter).

<u>SHARED LIVING</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Benefit Level</u>
<u>Individual</u>	<u>\$329.34</u>	<u>\$4.81</u>	<u>\$334.15</u>
<u>Individual with One Essential Person<sup>3</sup></u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple, Both Eligible</u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple includes One Essential Person<sup>4</sup></u>	<u>\$494.00</u>	<u>\$5.30</u>	<u>\$499.30</u>
<u>Couple includes Ineligible Spouse</u>	<u>\$329.34</u>	<u>\$102.76</u>	<u>\$432.10</u>

(c) Residing in a medical institution: Area I and II

<u>MEDICAL INSTITUTION</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Benefit Level</u>
<u>Individual</u>	<u>\$30.00</u>	<u>\$11.62</u>	<u>\$41.62</u>

(d) Mandatory income level (MIL) for grandfathered claimant. "Grandfathered" refers to a person who qualified for assistance from the state as aged, blind, or disabled, was converted from the state to federal disability assistance under SSI in January 1974, and has remained continuously eligible for SSI since that date.

The combined federal/state SSI benefit level for MIL clients is the higher of the following:

(i) The state assistance standard they received in December 1973, except for those converted in a "D" living arrangement (residing in a medical institution at the time of

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conversion), plus the federal cost-of-living adjustments (COLA) since then; or

(ii) The current standard.

<sup>1</sup> Eligible individual with more than one essential person living alone: \$494.00 for the eligible individual plus \$247.00 for each essential person (no state supplement).

<sup>2</sup> Eligible couple with one or more essential persons living alone: \$741.00 for eligible couple plus \$247.00 for each essential person (no state supplement).

<sup>3</sup> Eligible individual with more than one essential person in shared living: \$329.34 for eligible individual plus \$164.66 for each essential person (no state supplement).

<sup>4</sup> Eligible couple with one or more essential persons in shared living: \$494.00 for eligible couple plus \$164.66 for each essential person (no state supplement).

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.

**WSR 98-06-061**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 2, 1998, 8:19 a.m., effective June 1, 1998]

Date of Adoption: March 2, 1998.

Purpose: First aid—General industry, chapter 296-24 WAC, General safety and health standards. In response to requests from the business and emergency health care community, a first-aid task force composed of emergency medical care representatives and business, labor, and Department of Labor and Industries representatives was formed. The task force met for over a year to draft and reach consensus on these new rules. The primary difference between the adopted rules vs. the former rules is that they allow a performance-based option for compliance rather than being exclusively specification rules. For employers who choose the performance-based option (developing first-aid response plans), non-mandatory appendices have been included to provide guidance. In addition, the new rules have been "clear rule written" to enable easier understanding for their intents and requirements. The adopted rules give the employer greater flexibility in ensuring that first-aid services are readily available to all employees. The significant changes include:

- A new option for employers to prepare a first-aid response plan.
- A second option for employers to maintain first-aid trained staff on the job site with specific requirements.
- Changes in the information to be covered in first-aid training.
- Less rigidity in the requirements for who must be trained.
- Less rigidity in the requirements for the contents of first-aid kits.
- Elimination of the requirement for a first-aid room for employers with more than two hundred employees.
- Requiring successful completion of first-aid training (which includes CPR) every two years instead of one year for CPR and three years for first aid.

Existing WAC Sections Repealed: **WAC 296-24-060 First-aid training and certification.** This section is repealed and will be replaced by the four new sections indicated below:

WAC 296-24-06125 How many employees must be trained in first-aid?

WAC 296-24-06130 What must first-aid training cover?

WAC 296-24-06135 How often must employees complete first-aid training?

WAC 296-24-06140 How must an employer document first-aid training?

**WAC 296-24-065 First-aid kit.** This section is repealed and replaced by new section WAC 296-24-06145 What is the requirement for first-aid supplies?

**WAC 296-24-067 First-aid station.** This section is repealed and replaced by new section WAC 296-24-06150, What is the requirement to provide a first-aid station?

**WAC 296-24-070 First-aid room.** This section is repealed and will not be replaced by a new section. First-aid rooms will no longer be required in the general safety and health standards.

Adopted New Sections: **WAC 296-24-061 First-aid requirements.** This new section identifies that the requirements in the WAC 296-24-061.section series pertain to first aid.

**WAC 296-24-06105 What work places does this rule apply to?** This new section states that the rule applies to all work places except for the specific ones listed and identified by rule title and chapter number.

**WAC 296-24-06110 What is the purpose of this rule?** This new section describes the purpose of the standard and replaces similar language found at the beginning of current section WAC 296-24-060.

**WAC 296-24-06115 What definitions apply to this section?** This new section gives definitions of several words or terms used in the standard. The current standard has no word or phrase definitions.

**WAC 296-24-06120 How must an employer ensure that first-aid assistance is available in the workplace?** This new section describes an optional "first-aid response plan" that employers may prepare to address first-aid training, first-aid kits, emergency medical services availability and availability of first-aid trained employees. A second option employers may choose is to meet specific requirements for "maintaining first-aid trained staff on the job site." This first-aid response plan option is new, and not found in the former standard. The second option is a clear rule written version of what is found in the former standard.

**WAC 296-24-06125 How many employees must be trained in first-aid?** This new section requires employers:

- Determine how many employees must be trained in first-aid,
- To assess their workplace based on five listed factors, and
- To use that assessment to determine how many employees must be first-aid trained.

**WAC 296-24-06130 What must first-aid training cover?** This new section identifies the eighteen core elements that must, at a minimum, be included in first-aid training. It includes some of the same elements of the existing standard and some new elements.

**WAC 296-24-06135 How often must employees complete first-aid training?** This new section requires that the first-aid training occur every two years and that employees demonstrate skill and knowledge in the core elements outlined in WAC 296-24-06130.

**WAC 296-24-06140 How must employers document first-aid training?** This new section requires employers to document first-aid training with training rosters, first-aid cards, or certificates.

**WAC 296-24-06145 What is the requirement for first-aid supplies?** This new section requires that first-aid supplies:

- Be readily available,
- Be stored in protective containers,
- Are appropriate to the workplace setting, and
- Can be moved to injured employees.

This section allows the employer to determine the contents of the kit depending on the occupational setting rather than specifying in detail the contents as required in the current standard.

**WAC 296-24-06150 What is the requirement to provide a first-aid station?** This new section requires that:

- A first-aid station be established if there are fifty or more employees at a work site.
- The station is well marked.
- The station be available to employees during all working hours.
- The station be equipped with first-aid supplies (according to number of employees, occupational setting and conditions).
- The station has at least one portable first-aid kit.
- At least one first-aid trained employee be available.

This section removes the requirement for wool blankets and stretcher, a roster of doctors, hospitals and ambulances and at least two first-aid kits, as required in the former standard.

**WAC 296-24-06155, APPENDIX 1 Evaluation worksheet for the first-aid response plan.** This is a nonmandatory appendix to provide guidance to employers, particularly those who choose Option 1 of the first-aid standard (WAC 296-24-061). This new section contains a questionnaire that is designed to be used by employers to assess the need for first-aid trained employees. The questionnaire can be used to assess multiple locations or types of work. The questionnaire was distributed to members of the first-aid task force representing small, medium and large companies. They assigned their safety committee members, or other persons, the task of developing a first-aid response plan by using the evaluation worksheet with little or no coaching. The results were very positive. The advisory committee reviewed and analyzed the results and found them fairly complete. Those that completed the first-aid response plan commented that the process was straightforward. They felt the result was a much better analysis of their worksite needs with regard to first-aid support.

**WAC 296-24-06160 APPENDIX 2 – First-aid kit guidance.** This is a nonmandatory appendix to provide guidance to employers. This new section lists sample first-aid kit contents and optional first-aid kit contents for workplaces. An added note indicates that "ASTM, ANSI or other consensus national standard kits will meet these requirements."

Citation of Existing Rules Affected by this Order:  
WAC 296-24-060 First-aid training and certification, 296-24-065 First-aid kit, 296-24-067 First-aid station, and 296-24-070 First-aid room.

Statutory Authority for Adoption: Chapter 49.17 RCW.  
Adopted under notice filed as WSR 97-17-079 on August 19, 1997.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments received, the following sections are changed as indicated below:

**New section WAC 296-24-06115 What definitions apply to this section?** The prefix "tele" was added to the word phone in the definition of "First-aid station." The words "hospitals or clinics and" were removed from the same definition.

**New section WAC 296-24-06120 What are the requirements for a first-aid response plan?**

- The mandatory "first-aid response plan" was made optional, and reorganized.
- A second option for employer compliance "Maintaining first-aid trained staff on the job site," with specific requirements, was added.
- A new title "How must an employer ensure that first-aid assistance is available in the workplace?" reflects the new contents of the section.

**New section WAC 296-24-06125 How many employees must be trained in first-aid?**

- The note was edited and the reference to voluntary provisions of first-aid in RCW 4.24.300 was removed.
- The list of factors by which to determine how many employees to train in first-aid was numbered.
- "Complexity of the work force" was clarified by adding the words "including, but not limited to, design, size, etc."
- "Degree of occupational hazards" was rephrased to read "Nature, potential and degree of occupational hazards."

**New section WAC 296-24-06130 What must first-aid training cover?**

- "Scene safety" and "body substance isolation" were split into separate elements numbered (4) and (5), respectively.
- In the adopted rule, first-aid training must now include eighteen core elements.

**New section WAC 296-24-06140 How must an employer document first-aid training?**

- The second sentence was rewritten with the words "first-aid" substituted for "successful completion." The effect is to specifically identify "first-aid cards" as a form of documentation.

**New section WAC 296-24-06145 How must an employer store first-aid supplies?** The section title was changed to "What is the requirement for first-aid supplies?"

**New section WAC 296-24-06150 Which employers must have first-aid stations?**

- The section was changed in the adopted rule to reflect RCW requirements regarding having at least one first-aid trained employee available on a job site.
- Bulleted points were numbered in accord with WAC rules and are now citable in the adopted rule.

- The title was changed in the adopted rule to "What is the requirement to provide a first-aid station?" It now reflects the section contents.

**New section WAC 296-24-06155 APPENDIX 1 Evaluation worksheet for the first-aid response plan.**

- No changes were made due to public comment on this section.
- The words "Option 1" were added to the second sentence to reflect changes in the proposed standard that resulted from changes to WAC 296-24-06120.

**New section WAC 296-24-06160 APPENDIX 2, recommended contents of first-aid kits. This is a nonmandatory appendix.**

- The words "Recommended contents of first-aid kits. This is a nonmandatory appendix." were deleted from the proposed rule. The words "First-aid kit guidance" were substituted for clarity.
- The heading "Basic First-aid kit - Minimum contents" was changed to read "Sample First-aid Kit Contents." This was done for clarity.
- The list under "Sample First-aid Kit Contents" was renumbered for clarity.
- The list under "Optional First-aid Kit Contents" was renumbered for clarity.
- Mouth-to-mouth barrier for CPR was added to the list of Optional First-aid Kit Contents.
- A note was added to clarify that ASTM, ANSI or other consensus national standard kits will meet the requirements listed in Appendix 2. The note also states that "employers may consider factors in Appendix 1 (item #15) to determine additional locations or quantities of first-aid supplies.

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 13, amended 0, repealed 4.

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 13, amended 0, repealed 4.

Effective Date of Rule: June 1, 1998.

March 2, 1998  
Gary Moore  
Director

**NEW SECTION**

**WAC 296-24-061 First-aid requirements.**

**NEW SECTION**

**WAC 296-24-06105 What workplaces does this rule apply to?** This rule applies to all workplaces, except for the ones listed below. They are, instead covered by separate individual rules (vertical standards):

<u>Rule Title</u>	<u>Chapter</u>
• Agriculture	296-307 WAC
• Compressed Air Work	296-36 WAC
• Construction	296-155 WAC
• Fire Fighters	296-305 WAC
• Logging	296-54 WAC
• Longshoring/Stevedoring	296-56 WAC
• Sawmills	296-78 WAC
• Shipbuilding and Repairing	296-304 WAC

**NEW SECTION**

**WAC 296-24-06110 What is the purpose of this rule?** This rule ensures quick and effective first aid for all employees of the state, in case an injury or acute illness occurs on the job.

**NEW SECTION**

**WAC 296-24-06115 What definitions apply to this section?** "Emergency medical service" means medical treatment and care given at the scene of any medical emergency or while transporting any victim to a medical facility.

"First aid" is immediate emergency care for injuries or acute illness before emergency medical treatment is available.

"First-aid station" is a well marked location where first-aid kits and supplies are stored and telephone numbers of emergency medical services are posted.

"First-aid kit" is an unlocked container holding first-aid supplies.

**NEW SECTION**

**WAC 296-24-06120 How must an employer ensure that first-aid assistance is available in the workplace?** The employer must ensure that first-aid trained personnel are available to help employees who are injured or who become acutely ill on the job. The employer must meet this requirement by one of the two options listed below.

(1) Option 1: Developing and maintaining a written first-aid response plan. The first-aid response plan must:

- (a) Fit the work location, type of work and environmental conditions;
- (b) Identify available emergency medical services and access numbers;
- (c) Tell where the emergency medical services access numbers are posted;
- (d) Tell how employees are trained in first aid, if applicable;
- (e) Tell how injured or ill employees will have access to first-aid-trained employees;
- (f) Give the location(s) of first-aid supplies and/or first-aid stations;
- (g) Identify the contents of first-aid kits; and
- (h) Tell how first-aid supplies or kits will be inspected and maintained.

Note: The first-aid response plan can be part of the written accident prevention program. See Appendix 1 for further guidance on a first-aid response plan.

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(2) Option 2: Maintaining first-aid trained staff on the job site. The employer must ensure that:

- (a) Each person in charge of employees has first-aid training; or another person with first-aid training is present or available to the employees;
- (b) Documentation of first-aid training is kept as required in WAC 296-24-06140;
- (c) Emergency telephone numbers are adequately posted.

#### NEW SECTION

**WAC 296-24-06125 How many employees must be trained in first aid?** If the employer chooses Option 1 of WAC 296-24-06120, the employer must determine how many employees to train in first aid based on the following factors:

- (1) Nature, potential and degree of occupational hazards;
- (2) Remoteness of the workplace;
- (3) Complexity of the workplace (including, but not limited to, design, size, etc.);
- (4) History of past medical emergencies; and
- (5) Time and distance to emergency medical services.

Note: If the employer requires an employee to give first aid, the bloodborne pathogen standard, WAC 296-62-080 applies and requires additional training.

#### NEW SECTION

**WAC 296-24-06130 What must first-aid training cover?** First-aid training must include these core elements:

- (1) Role and responsibilities of the first-aid provider;
- (2) Assessing a scene;
- (3) Performing an initial and ongoing assessment of an injured or ill person;
- (4) Scene safety;
- (5) Body substance isolation;
- (6) Performing an emergency move;
- (7) Placing an ill person in the recovery position;
- (8) Opening and maintaining an airway;
- (9) Providing rescue breathing;
- (10) Managing an obstructed airway;
- (11) Performing adult one rescuer CPR;
- (12) Recognizing the warning signs and symptoms of medical problems;
- (13) Recognizing and caring for an injured or ill person with decreased levels of responsiveness;
- (14) Controlling external bleeding and recognizing internal bleeding;
- (15) Recognizing and caring for victims of shock;
- (16) Recognizing and stabilizing spinal injury;
- (17) Recognizing and manually stabilizing suspected skeletal injuries; and
- (18) Knowledge of voluntary provisions of first aid, consent and confidentiality.

Note: Occupational risk or extended time and distance from emergency medical services may indicate a need for training beyond the items listed above. Each work environment should be surveyed to determine the appropriate level of training that employees should receive.

#### NEW SECTION

**WAC 296-24-06135 How often must employees complete first-aid training?** Every two years, employees must successfully complete first-aid training by demonstrating skill and knowledge in the core elements outlined in WAC 296-24-06130.

#### NEW SECTION

**WAC 296-24-06140 How must an employer document first-aid training?** Documentation of first-aid training must be maintained by the employer. Training rosters, first-aid cards or certificates are considered documentation.

#### NEW SECTION

**WAC 296-24-06145 What is the requirement for first-aid supplies?** (1) First-aid supplies must be readily available to all employees.

(2) First-aid supplies must be stored in containers adequate to protect the contents from damage, deterioration, or contamination. The containers must be clearly marked and not locked, but may be sealed.

(3) First-aid supplies must be able to be moved to the location of the injured or acutely ill worker.

(4) The first-aid supplies must be appropriate to the occupational setting and the response time of emergency medical services.

Note: See Appendix 2 for recommended contents of first-aid kits.

#### NEW SECTION

**WAC 296-24-06150 What is the requirement to provide a first-aid station?** (1) Employers with 50 or more employees per shift at one location must establish a first-aid station.

(2) The first-aid station must:

- (a) Be well marked;
- (b) Be available to employees during all working hours;
- (c) Be equipped with first-aid supplies (type and amount depends on the number of employees, occupational setting and conditions);
- (d) Have at least one portable first-aid kit.

(3) At least one first-aid trained employee must be available.

#### NEW SECTION

**WAC 296-24-06155 APPENDIX 1 Evaluation worksheet for the first-aid response plan.** This is a nonmandatory appendix. Option 1 of the first-aid standard (WAC 296-24-061) requires employers to prepare a first-aid response plan. The plan must address the availability of first-aid trained personnel at each place of employment. Since work sites are highly variable, the first-aid needs will also vary, depending on the number of employees, the type of work, the job hazards, and the availability of emergency medical services.

This questionnaire is designed to be used as a tool to assess the need for first-aid trained employees. Since some employers may have more than one location or type of work, this questionnaire can be used to assess each site. The plan

should be reviewed annually or whenever conditions change at the work site.

- 1. What site or location does this plan cover?
- 2. Who is responsible for managing this plan?
- 3. How is this plan communicated to employees?
- 4. When was the plan written or last reviewed?
- 5. How many employees at the work site? (If work is seasonal, consider how many per season and shifts worked.)
- 6. How many work shifts at the work site? (Indicate shifts and employees per shift.)

Number of Employees	Shifts		
	Day	Swing	Graveyard
less than 10	___	___	___
11-49	___	___	___
50-99	___	___	___
100 or more	___	___	___

- 7. What are the sources of potential injuries or illnesses at the work site?
- 8. What types of injuries or illnesses have occurred in the past at the work site? (This information may be found in such sources as OSHA 200 forms, worker compensation claims, or safety committee minutes.)
- 9. What is the response time of the available emergency medical services to the work site (estimated time in minutes)?
- 10. How accessible are the first-aid trained personnel in the case of an accident?
- 11. What factors did I consider in deciding how many employees to train in first aid (specify)?

> Injury/illness history.

> Possible hazardous exposures (*chemicals, flammable liquids, temperature extremes, moving machinery or machinery parts, powered tools, work at elevations, high voltage electricity, confined spaces. If seasonal work, list for each season.*)

> Number of separate work sites (*can be either separate locations, buildings, or types of work such as offices, warehouses, production areas, etc.*)

> Number of employees at this work site? (If seasonal work, list for each season.)

> Number of employees in each shift?

> Emergency medical service response time?

> First-aid response time?

12. Does the first-aid training provided to my employees include all the core elements required in the standard?

13. Based on my assessment of work site hazards, is additional training required beyond the core elements? (*Examples include burns, eye injuries, poisoning, heat stress, frostbite.*)

14. What factors did I consider in determining the contents of my first-aid supplies/kits (specify)?

> Injury/illness history.

> Type of hazards at work site (*physical, chemical, biological*).

> Number of employees and shifts.

> Recommendations of first-aid training providers, local emergency response providers, physicians or clinics, trade organizations, knowledgeable employees or first-aid kit vendors.

15. What factors did I consider in determining the number and location of my first-aid supplies/kit(s) (specify)?

> Location of employees.

> Areas of greatest hazards.

> Ease of accessibility of kit.

16. Who is responsible for maintaining first-aid supplies/kit(s)?

**NEW SECTION**

**WAC 296-24-06160 APPENDIX 2—First-aid kit guidance.**

**Sample First-aid Kit Contents**

- a) 1 absorbent compress, 4x8 inches
- b) 16 adhesive bandages, 1x3 inches
- c) 1 adhesive tape, 5 yards long
- d) 10 antiseptic single-use packages, 0.5 g. application
- e) 6 burn treatment single-use packages, 0.5 g. application
- f) 1 eye covering (for two eyes)
- g) 1 eye wash, 1 fluid ounce
- h) 4 sterile pads, 3x3 inches
- i) 2 pair of medical exam gloves
- j) 1 triangular bandage, 39x39x55 inches

**Optional First-aid Kit Contents**

- ao) Bandage compresses, 2x2 inches, 3x3 inches and 5x5 inches
- bo) Self-activating cold packs, 4x5 inches
- co) Roller bandages, 6 yards long
- do) Mouth-to-mouth barrier for CPR

Note: ASTM, ANSI, or other consensus national standard kits will meet these requirements.

Employers may consider factors in Appendix 1 (item #15) to determine additional locations or quantities of first-aid supplies.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-060 First-aid training and certification.
- WAC 296-24-065 First-aid kit.
- WAC 296-24-067 First-aid station.
- WAC 296-24-070 First-aid room.

PERMANENT

**WSR 98-06-079**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed March 3, 1998, 4:59 p.m.]

Date of Adoption: November 17, 1997.

Purpose: Amendments to incorporate 1996 legislative changes to chapter 18.35 RCW. Add the terms "certificate holder" and "certification" where appropriate and change the word "aid" to "instrument," other housekeeping changes as necessary.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-005, 246-828-030, 246-828-075, 246-828-080, 246-828-090, 246-828-100, 246-828-270, 246-828-280, 246-828-320, 246-828-330, 246-828-340, and 246-828-350. WAC 246-828-295, 246-828-300 and 246-828-370 were withdrawn. See WSR 98-05-058.

Statutory Authority for Adoption: RCW 18.35.161.

Adopted under notice filed as WSR 97-19-099 on September 17, 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 15, 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 15, repealed 0.

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

February 10, 1998

Delores E. Spice

Executive Director

**AMENDATORY SECTION** (Amending Order 339B, filed 3/5/93, effective 4/5/93)

**WAC 246-828-005 Fitting and dispensing activities requiring license defined.** Fitting and dispensing activities requiring licensing include the following:

(1) The sale, lease, or rental or attempted sale, lease, or rental of a hearing ~~((aid))~~ instrument; and

(2) The selection or adaptation of a hearing ~~((aid))~~ instrument in connection with the sale, lease, or rental of a hearing ~~((aid))~~ instrument; and

(3) The taking of an ear mold impression to be used in connection with the sale, lease, or rental of a hearing ~~((aid))~~ instrument except when taking an ear mold impression for the purpose of replacing a current ear mold with one of the same type.

Activities exempt from the provisions of chapter 18.35 RCW: The sale, lease, or rental of assistive listening devices which are described as personal or group listening systems, telephone listening devices, or altering devices are exempt from provisions of chapter 18.35 RCW. Assistive listening devices are designed to solve specific listening problems and

are generally worn on a temporary basis. Hearing ~~((aids))~~ instruments are designed for a wide range of listening situations and are generally worn on a full time basis.

**AMENDATORY SECTION** (Amending Order 165B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-030 Reexaminations.** (1) Should an applicant fail any part of the hearing instrument fitter/dispenser examination, he/she may apply to the department to retake the failed part of the examination.

(2) All reexaminations shall be conducted at the next regularly scheduled examination.

(3) Any person who fails to qualify for licensure after three consecutive regularly scheduled examinations shall be required to take the entire examination. A waiver may be granted upon a showing of emergency circumstances.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-075 Student supervisors—Scope and definitions.** (1) Students enrolled in an accredited education or training program may perform the duties of a hearing ~~((aid))~~ instrument fitter/dispenser in the course of their training if under the supervision of a Washington state licensed hearing ~~((aid))~~ instrument fitter/dispenser or certified audiologist. Supervision shall mean that the licensee/certificate holder is physically present on the premises at all times.

(2) An accredited education or training program shall be defined as any course of study in the field of fitting and dispensing hearing ~~((aids))~~ instruments that is offered by a school or program recognized by the state of Washington.

(3) The student shall at all times wear an identification badge readily visible to the public which identifies him or her as a student.

(4) The licensed/certified supervisor shall be responsible for all acts of the student.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-080 Minimum standards of equipment.** Minimum equipment in the fitting and dispensing of hearing ~~((aids))~~ instruments shall include:

(1) Access to a selection of hearing ~~((aid))~~ instrument models, and hearing ~~((aid))~~ instrument supplies and services sufficiently complete to accommodate the various user needs.

(2) Facilities for the personal comfort of customers.

(3) A test environment with background noise no greater than current American National Standards Institute specifications (S3.1-1960 (R-1971)) plus 15 dB. When nonstandard environments must be used, appropriate procedures shall be employed and documented.

(4) Pure tone audiometer calibrated in accordance with WAC 246-828-090.

(5) Equipment appropriate for conducting speech audiometry (testing).

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-090 Standards for equipment calibration.** (1) All electronic equipment utilized by licensees/certificate holders for the determination of audiometric thresholds for pure tones and for speech shall conform to all current standards of the American National Standards Institute. Licensees/certificate holders shall insure that all such audiometric equipment has been evaluated electrically and acoustically at least once each year, adjusted or repaired if necessary, and that conformity with such standards was determined at that time. Records of such calibration shall be permanently maintained by licensees/certificate holders and shall be available for inspection at any time by the department. No licensee/certificate holder shall be permitted to certify as to the calibration of his own equipment unless authorized to do so by the department. In addition, all licensees/certificate holders shall utilize routine procedures for the daily inspection of audiometric equipment, or prior to use if used less often than on a daily basis, to generally determine that it is in normal working order.

(2) Hearing instruments, assistive listening devices, and electronic equipment used for assessment and/or monitoring of auditory and vestibular function shall be maintained according to manufacturer's specifications.

(3) All instrumental technology used to diagnose and/or treat disorders of communication, swallowing and hearing shall be maintained in proper working order and be properly calibrated according to accepted standards.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-100 Hearing instrument fitting dispensing—Minimal standards of practice.** Minimum procedures in the fitting and dispensing of hearing ((aids)) instruments shall include:

(1) Obtain case history to include the following:  
(a) As required by WAC 246-828-280, documentation of referrals, or as otherwise required by this chapter.

(b) Historical evaluation to include inquiry regarding hearing loss, onset of loss, and any associated symptoms including significant noise in the ears, vertigo, acute or chronic dizziness, nausea, earaches, or other such discomfort which may indicate the presence of medical illness. Specific inquiry should be made to determine if hearing loss has been sudden or rapidly progressive in the past ninety days, if there has been any active drainage or infection in ears during the past ninety days, and if there are any specific physical problems which may relate to the use of a hearing ((aids)) instrument.

(2) Examination of the ears should be done to reasonably determine if any of the following conditions exist:

- (a) Impacted ear wax.
- (b) Foreign body within the ear canal.
- (c) Discharge in the ear canal.
- (d) Presence of inflammation or irritation of the ear canal.
- (e) Perforation of the ear drum.
- (f) Any other abnormality.

(3) Hearing testing shall be performed to include the following:

(a) Hearing loss, or residual hearing, shall be established for each ear using ((puretone)) pure tone threshold audiometry by air and bone conduction with effective masking as required.

(b) Appropriate live voice or recorded speech audiometry by ear phones to determine the following: Speech reception threshold, most comfortable level, uncomfortable level, and the speech discrimination percent.

(c) Hearing testing shall be conducted in the appropriate environment as required by WAC 246-828-080, minimum standards of equipment, or as otherwise required by this chapter.

(d) When ((puretone)) pure tone audiometry indicates an air-bone gap of 15db or more, 500, 1000, and 2000 Hz, the presence of unilateral hearing loss, or any inconsistent audiometric findings, the client shall be advised of the potential help available through medical treatment. Should the client decline to consider such methods, or if the client has previously been appropriately treated or has been advised against such procedures, an appropriate notation shall be made in the client's record.

(e) In the event a client is referred to a licensee by an M.A. audiologist, otologist, otolaryngologist, or by a fitter/dispenser duly licensed under chapter 18.35 RCW, and the audiometric results obtained within the previous six months are provided to the licensee as a part of this referral, the applicable provisions of WAC 246-828-100 shall not be required. However, a confirmatory audiometric examination is recommended.

(4) Medical evaluation requirements:

(a) If the prospective hearing ((aids)) instrument user is eighteen years of age or older, the hearing ((aids)) instrument dispenser may afford the prospective user an opportunity to waive the medical evaluation requirements of (b) of this subsection provided that the hearing ((aids)) instrument dispenser:

- (i) Informs the prospective user that the exercise of the waiver is not in the user's best health interest;
- (ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation;
- (iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by (hearing ((aids)) instrument fitter/dispenser name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation before purchasing a hearing ((aids)) instrument; and

(iv) Provides the prospective user with a copy of the signed waiver statement.

(b) Except as provided in (a) of this subsection, a hearing ((aids)) instrument dispenser shall not sell a hearing ((aids)) instrument unless the prospective user has presented to the hearing ((aids)) instrument dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing ((aids)) instrument. The medical evaluation must have taken place within the preceding six months.

(5) Selection and fitting of the hearing ((aids)) instrument shall include the following:



(a) Provide information regarding the selection of the most appropriate method and model for amplification for the needs of the client.

(b) Provide the user with the cost of the recommended ~~((aids))~~ instruments and services.

(c) Provide for or have available an appropriate custom made ear mold.

(d) Provide final fitting of the hearing ~~((aid))~~ instrument to ensure physical and operational comfort.

(e) Provide adequate instructions and appropriate post-fitting adjustments to ensure the most successful use of the hearing ~~((aid))~~ instrument.

(6) Keeping records on every client to whom the licensee/certificate holder renders service in connection with the dispensing of a hearing ~~((aid))~~ instrument. Such records shall be preserved for at least three years after the dispensing of the first hearing ~~((aid))~~ instrument to the client. If other hearing ~~((aids))~~ instruments are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an ~~((aid))~~ instrument to that client. The records must be available for the department inspection and will include:

(a) Client's case history.

(b) Source of referral and appropriate documents.

(c) Medical clearance for the hearing ~~((aid))~~ instrument user or the waiver set forth in subsection (4)(a)(iii) of this section which has been signed after being fully informed that it is in the best health interest to seek medical evaluation.

(d) Copies of any contracts and receipts executed in connection with the fitting and dispensing of each hearing ~~((aid))~~ instrument provided.

(e) A complete record of tests, test results, and services provided except for minor services.

(f) All correspondence specifically related to the service given the client or the hearing ~~((aid))~~ instrument or ~~((aids))~~ instruments dispensed to the client.

**AMENDATORY SECTION** (Amending Order 166B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-270 Personal disclosure.** A licensee/certificate holder who contacts a prospective purchaser away from the licensee's/certificate holder's place of business must:

(1) When the contact is in person, present the prospective purchaser with written notice of:

(a) His or her name, the name of his or her business firm, his or her business address and telephone number;

(b) The number of his or her license/certificate.

(2) Telephone contact with prospective purchasers must disclose the name of the licensee/certificate holder, name and location of his or her principal establishment and purpose of call.

(3) When the contact is through a direct mail piece or other advertising initiated by the licensee/certificate holder, clearly show on all promotional items the business/establishment name, the principal establishment address and telephone number, not just the address or telephone number where he/she will be on given days.

(4) A principal establishment is one which is bonded pursuant to RCW 18.35.240.

**AMENDATORY SECTION** (Amending Order 165B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-280 Documentation of referrals.** A licensee ~~((or trainee))~~/certificate holder or apprentice shall document the name of the referral source for all persons who are fit with a hearing ~~((aid))~~ instrument. Documentation shall consist of a name and address of the referral source and the date of such referral. Should the referral source be the person being fit with the hearing ~~((aid))~~ instrument, this information shall also be recorded as the referral source.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-320 Minimum standards for fitting and dispensing locations.** (1) The hours of business of each hearing ~~((aid))~~ instrument establishment shall be prominently and continuously displayed and visible to the public at each regular place or places of business owned or operated by that establishment.

(2) All such regular place or places of business or any activities emanating therefrom shall meet the minimum standards for facilities and equipment essential for the testing of hearing and the fitting and dispensing of hearing ~~((aids))~~ instruments as set forth in WAC 246-828-080.

(3) The term "place or places of business" means a location where a licensee/certificate holder engages or intends to engage in the fitting and dispensing of hearing ~~((aids))~~ instruments at a permanent address(es) open to the public on a regular basis.

**AMENDATORY SECTION** (Amending Order 165B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-330 Notice of availability and location of follow-up services.** Every licensee/certificate holder shall provide to a hearing ~~((aid))~~ instrument purchaser, in writing prior to the signing of the contract, notice of availability of services. The notice shall include the specific location of the follow-up service, including date and time if applicable.

**AMENDATORY SECTION** (Amending Order 340B, filed 3/5/93, effective 4/5/93)

**WAC 246-828-340 Surety bonding—Security in lieu of bonding.** Every establishment shall file a bond or security in lieu of a bond as required by RCW 18.35.240. An establishment means any facility engaged in the fitting and dispensing of hearing ~~((aids))~~ instruments.

In addition to the primary establishment, a branch facility requires separate bonding if that facility is open to the public at a permanent location for twenty or more hours a week or one thousand hours a year. ~~((Fitter-dispensers))~~ Fitter/dispensers or audiologists who rent or lease office space in a facility whose primary function is other than the fitting and dispensing of hearing ~~((aids))~~ instruments do not require separate bonding for that facility unless the ~~((fitter-dispenser))~~ fitter/dispenser or audiologist or his/her representative is present at that location twenty or more hours a week.

**AMENDATORY SECTION** (Amending Order 165B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-350 Reasonable cause for rescission.**

The purchaser of the hearing ((~~aid(s)~~)) instrument(s) may rescind the purchase and recover moneys in accordance with RCW 18.35.190(2) for reasonable cause. The term "reasonable cause" is defined to include the following:

(1) Any material misstatement of fact or misrepresentation by the licensee/certificate holder regarding the hearing ((~~aid(s)~~)) instrument(s) or fitting and dispensing services to be provided which the purchaser relied on or which induced the purchaser into making the agreement;

(2) Failure by the licensee/certificate holder to provide the purchaser with the hearing ((~~aid(s)~~)) instrument(s) and fitting and dispensing services which conform to those specified in the purchase agreement between the parties;

(3) Diagnosis of a medical condition unknown to the purchaser at the time of purchase, which precludes the purchaser from using the hearing ((~~aid(s)~~)) instrument(s);

(4) Failure by the licensee/certificate holder to remedy a significant material defect of the hearing ((~~aid(s)~~)) instrument(s) within a reasonable period of time in accordance with RCW 18.35.190 (2)(c);

(5) The hearing ((~~aid(s)~~)) instrument(s) and/or fitting and dispensing services would not be in accordance with accepted practices of the industry; and

(6) The licensee/certificate holder fails to meet any standard of conduct prescribed in the laws regarding the fitting and dispensing of hearing ((~~aid(s)~~)) instruments and this failure adversely affects in any way the transaction which the purchaser seeks to rescind.

**WSR 98-06-092**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 97-43—Filed March 4, 1998, 11:37 a.m., effective March 8, 1998]

Date of Adoption: March 2, 1998.

Purpose: Amend the SEPA rules, chapter 197-11 WAC, to correct an error in amendments filed with the Code Reviser on October 10, 1997.

Citation of Existing Rules Affected by this Order: Amending WAC 197-11-680 (3)(a)(iii).

Statutory Authority for Adoption: Chapter 43.21C RCW, chapter 429, Laws of 1997 (ESB 6094).

Adopted under notice filed as WSR 98-01-085 on December 15, 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 1, 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: As required by RCW 34.05.380(3), this effective date is needed to avoid imminent peril to the public health, safety, or welfare. The subsection of the SEPA rules being amended by this procedure addresses a certain type of administrative appeal. A 1995 statute (ESHB 1724) required that an appeal of a determination of nonsignificance (DNS) held before an agency's final decision be heard at the same proceeding as a final recommendation or decision on the proposed underlying governmental action. The amendments to the SEPA rules included that requirement. A 1997 statute (ESB 6094) repealed that provision, based on testimony that it created an unworkable situation for those types of appeal.

However, this provision was inadvertently left in the rule amendments filed on October 10, effective November 10, 1997. The effect is that an administrative appeal procedure in the SEPA rules would conflict with the statute. An emergency rule was filed to delete the error pending permanent deletion. This current expedited adoption permanently deletes the error.

The emergency rule expires on March 10, 1998. If this adoption is not effective for thirty-one days after filing, the emergency rule will expire and there will be a gap before this expedited adoption comes into effect. It is in the public welfare to avoid unnecessary paperwork and use of state resources to file another emergency rule to cover the time between March 10 and when this expedited adoption comes into effect.

Effective Date of Rule: March 8, 1998.

March 2, 1998

Tom Fitzsimmons

Director

**AMENDATORY SECTION** (Amending Order 95-16, filed 10/10/97, effective 11/10/97)

**WAC 197-11-680 Appeals.** (1) **Introduction.** Appeals provisions in SEPA are found in RCW 43.21C.060, 43.21C.075 and 43.21C.080. These rules attempt to construe and interpret the statutory provisions. In the event a court determines that these rules are inconsistent with statutory provisions, or with the framework and policy of SEPA, the statute will control. Persons considering either administrative or judicial appeal of any decision which involves SEPA at all are advised to read the statutory sections cited above.

(2) **Appeal to local legislative body.** RCW 43.21C.060 allows an appeal to a local legislative body of any decision by a local nonelected official conditioning or denying a proposal under authority of SEPA. Agencies may establish procedures for such an appeal, or may eliminate such appeals altogether, by rule, ordinance or resolution. Such appeals are subject to the restrictions in RCW 36.70B.050 and 36.70B.060 that local governments provide no more than one open record hearing and one closed record appeal for permit decisions.

(3) **Agency administrative appeal procedures.**

(a) Agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures. If so, the procedures must comply with the following:

(i) The agency must specify by rule, ordinance, or resolution that the appeals procedure is available.

(ii) Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.

(iii) Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. These appeals may occur prior to an agency's final decision on a proposed action. ~~((Any appeal of a DNS held before an agency's final decision must be heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action.))~~

(iv) An agency shall provide for only one administrative appeal of a threshold determination or of the adequacy of an EIS; successive administrative appeals on these issues within the same agency are not allowed. This limitation does not apply to administrative appeals before another agency.

(v) Except as provided in (a)(vi) of this subsection, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body. The hearing or appeal shall be one at which the hearing officer or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. For example, an appeal of the adequacy of an EIS must be consolidated with a hearing or appeal on the agency's decision or recommendation on the proposed action, if both proceedings are allowed in agency procedures. If an agency does not provide for a hearing or appeal on the underlying governmental action (either a hearing on the agency's recommendation or an agency appeal hearing after the decision is made), the agency may not hold a SEPA administrative appeal, except as allowed under (a)(vi) of this subsection.

(vi) The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

(A) An appeal of a determination of significance;

(B) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction;

(C) An appeal of a procedural determination made by an agency on a nonproject action; and

(D) An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

(vii) If a county/city to which RCW 36.70B.110 applies provides for an administrative appeal, any such appeal of a procedural or substantive determination under SEPA issued at the same time as the decision on a project action shall be filed within fourteen days after a notice of decision under RCW 36.70B.130 or after other notice that the decision has

been made and is appealable. In order to allow public comment on a DNS prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a DNS for which public comment is required under this chapter or under county/city rules adopted under SEPA. For threshold determinations issued prior to a decision on a project action, any administrative appeal allowed by a county/city shall be filed within fourteen days after notice that the determination has been made and is appealable. Nothing in this subsection alters the requirements of (a)(v) and (vi) of this subsection.

(viii) Agencies shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(b) Agencies providing for administrative appeals shall provide for a record as required by RCW 43.21C.075 (3)(c).

(c) If an agency provides an administrative appeal procedure, that procedure must be used before anyone may initiate judicial review of any SEPA issue that could have been reviewed under the agency procedures.

(4) Judicial appeals.

(a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

(b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says that existing statutes of limitations control the appeal of non-SEPA issues. The statute contemplates a single lawsuit.

(c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within such time period.

(d) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be the time limit in the statute or ordinance for the underlying governmental action. If the proposal requires more than one governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(e) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

(f) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(g) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time

limits established by the general statutes of limitation in chapter 4.16 RCW.

**(5) Official notice of the date and place for commencing a judicial appeal.**

(a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(i) The time limit for commencing appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit; and

(ii) Where an appeal may be filed.

(b) Notice is given by:

(i) Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

(ii) Following the agency's normal methods of notice for the type of governmental action taken.

(c) Written notice containing the information required by subsection (5)(a) of this section may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

(d) Official notices required by this subparagraph shall not be given prior to final agency action.

**WSR 98-06-097**

**PERMANENT RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed March 4, 1998, 11:50 a.m.]

Date of Adoption: March 4, 1998.

Purpose: The proposed amendments will allow individuals in areas of the state designated by the commissioner, to file their initial and reopened claims for unemployment benefits by mail, rather than visiting the office in person.

Citation of Existing Rules Affected by this Order: Amending WAC 192-12-141 and 192-23-018.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010, and 50.20.140.

Adopted under notice filed as WSR 97-22-109 on November 5, 1997.

Changes Other than Editing from Proposed to Adopted Version: Reworded language in WAC 192-12-141 (2)(b) for purposes of clarity. Eliminated WAC 192-12-141 (2)(c), which would have given the department the ability to authorize other methods of filing as needed. These modifications do not change the general subject matter of the proposed rule, which was to allow some claims to be filed by mail rather than in person.

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 2, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

March 4, 1998

Carver Gayton

Commissioner

**AMENDATORY SECTION** (Amending WSR 95-18-107, filed 9/6/95, effective 10/7/95)

**WAC 192-12-141 Applying for unemployment benefits.** (1) If you apply for Washington state benefits in another state, follow the instructions in WAC 192-12-130. If you apply for benefits in Washington state, follow the instructions below.

**(2) How do I apply for benefits? (a) In most areas of the state, you must file your application for benefits in person at a Washington state employment security office.**

**(b) In areas designated by the commissioner you may file your application for benefits by mail.**

You may apply at any time, even if you are working. If you file your application in person, your claim is effective the ~~(first)~~ week in which you report to the employment security office. If you file your application by mail, your claim is considered filed on the postmarked date.

**(3) Do I have to register for work?** You must register for work unless you are partially unemployed or on standby. (See WAC 192-12-150.)

**(4) Will I receive benefits immediately?** The first week you are eligible for benefits is your waiting week. You will not be paid for this week.

**(5) Do I continue to file a claim for benefits?** You must file a claim as instructed for all weeks for which you want to be paid. Every week begins on Sunday and ends at midnight on Saturday. Your claim must be filed after the end of the week(s) you are claiming.

**(a) What information do I report on my claim form?** The claim form must contain:

(i) The Saturday date(s) of the week(s) you are claiming;

(ii) Answers to the questions (your claim will be considered legal if at least one question is answered);

(iii) Your signature or, if filing by telephone, your personal identification number;

(iv) The amount and source of any pension you are receiving for the week claimed;

(v) Any holiday earnings received during the week claimed;

(vi) Any vacation pay received during the week claimed, and the dates for which such pay was accrued; and

(vii) Any earnings and the number of hours you worked during the week claimed, unless you are not eligible for benefits because you are fully employed.

A claim that does not meet these requirements is incomplete and will be returned to you with a request for additional information.

(b) **How do I file my claim?** When you apply, you will be told to file your claim in person, by mail, or by telephone. If you file by mail, the claim is considered filed on the postmarked date.

(c) **How often must I file my claim?** When you apply, you will be told to file weekly or biweekly.

(i) If you file weekly, you will claim the week which ended the preceding Saturday.

(ii) If you file biweekly, you will claim the two weeks which ended on the preceding Saturday.

(iii) Other filing schedules can be authorized for the purpose of study, in cases of emergency, or where unusual circumstances make weekly or biweekly filing difficult.

(6) **Are there other times when I am required to report in person?** You may be instructed to report in person for any reason. If you do not report, you will not receive benefits for that week, except:

(a) If you return to work and cannot report in person as instructed, you can file your claim by mail;

(b) If you have been instructed to file in person on a Friday (or the last business day of a week), you can file your claim on the next business day; or

(c) When you can show you had good cause for not reporting in person. "Good cause" includes factors which would cause another person in similar circumstances to be unable to report as directed.

(7) **When is my claim considered late?** (a) Until you receive your first payment, your claim is considered late if it is filed more than seven days (one week) after the Saturday of the last week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.

(b) After you have received your first payment, your claim is considered late if it is filed more than 28 days (four weeks) after the Saturday of the last week being claimed. Any week or weeks that are filed late will be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a notice directing you to repay benefits for the week(s) you filed late.

(8) **How do I reopen my claim?** If you have stopped filing claims for one or more weeks, you must ~~((report in person to))~~ reopen your claim by reporting as directed to your local employment security office. ~~((Other methods for reopening claims can be authorized by the department as needed.))~~

**AMENDATORY SECTION** (Amending WSR 87-12-021, filed 5/28/87, effective 8/30/87)

**WAC 192-23-018 Failure to report ~~((in person))~~ as directed to reopen a claim for benefits after a break in claim series.** (1) ~~((If,))~~ After a break in weeks claimed, your claim for benefits will be denied under RCW 50.20.-010(1) if you fail:

(a) To report as directed ~~((a claimant submits a claim for benefits without reporting in person to reopen his or her claim))~~ during the first week for which ~~((the claimant wishes))~~ you wish to be eligible for benefits, and ~~((fails))~~

(b) To respond to a request to report ~~((in person))~~ as directed to reopen ~~((his or her))~~ your claim, or ~~((fails))~~

(c) To establish good cause for failure to report ~~((in person))~~ as directed to reopen ~~((his or her))~~ your claim ~~((the claimant will be subject to denial pursuant to RCW 50.20.-010(1))).~~

(2) The denial of benefits ~~((authorized by this section is indefinite in nature, and))~~ will remain in effect until ~~((the individual))~~ you report ~~((s in person))~~ as directed to reopen ~~((his or her))~~ your claim.



**WSR 98-06-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-23—Filed February 26, 1998, 3:45 p.m., effective March 1, 1998, 12:01 a.m.]

Date of Adoption: February 25, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 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: This rule is consistent with the Humptulips River Steelhead Management 1997-1998 Plan as agreed to with the Quinault Indian Nation. This rule is also consistent with the management intent for the Chehalis Basin although formal agreement on a management plan has not been reached with the Quinault Indian Nation. The management plan/intent included provisions to minimize wild steelhead impacts because the expected numbers of wild winter steelhead returning to Grays Harbor tributaries are below spawning escapement needs with no wild fish available for harvest. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: March 1, 1998, 12:01 a.m.

February 25, 1998

Bern Shanks

Director

**NEW SECTION**

**WAC 232-28-61900D Washington game fish seasons and limits regional regulation exceptions.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. March 1, 1998 until further notice:

(1) The Humptulips River, East Fork, West Fork and tributaries are closed to fishing.

(2) Wild steelhead release is required beginning immediately until further notice in the following waters during all open seasons:

(a) Cloquallum Creek, from mouth to second bridge on Cloquallum Road.

(b) Elk River, from the Highway 105 bridge upstream.

(c) Hoquiam River (includes all forks)

(d) Johns River (includes North, South Forks)

(e) Wishkah River, from mouth to Cedar Creek.

(f) Wynoochee River, from mouth to 7400 line bridge above the mouth of the Shafer Creek

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 1, 1998:

WAC 232-28-61900Z Washington game fish seasons and daily limits regional regulation exceptions (97-235)

**WSR 98-06-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-25—Filed February 26, 1998, 3:47 p.m., effective March 4, 1998, 12:01 a.m.]

Date of Adoption: February 25, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 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: The Hoh Tribe and the Washington Department of Fish and Wildlife agree that the best in-season estimates of wild winter steelhead runs appear to be well below the preseason forecast of 3,514. The tribal fishery has caught only 49.7% of the predicted wild steelhead catch for weeks 1-8 (98 caught/197 predicted). Because of concern for the estimated low wild steelhead runs, both parties agree that the Hoh River should close to all fishing at 12:01 a.m. Wednesday, March 4, 1998. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: March 4, 1998, 12:01 a.m.

February 25, 1998

Bern Shanks

Director

February 25, 1998

Bern Shanks

Director

#### NEW SECTION

**WAC 232-28-61900F Washington game fish seasons and daily limits regional regulation exceptions.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. March 4, 1998 until further notice the following waters are closed to fishing:

- (1) Hoh River
- (2) Hoh River - South Fork.

#### **WSR 98-06-037**

#### **EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 98-26—Filed February 26, 1998, 3:48 p.m., effective March 1, 1998, 12:01 a.m.]

Date of Adoption: February 25, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-57-175, 220-57-310, and 220-57-319.

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: Closes spring chinook fishing in the three lower Columbia tributaries, where the 1998 returns are predicted to be near record lows with no harvestable surplus available. Action is consistent with an announcement by the state of Washington during a hearing on sport fisheries on January 29, 1998, and is consistent with requirements of the Endangered Species Act. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 0, repealed 0.

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

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

Effective Date of Rule: March 1, 1998, 12:01 a.m.

#### NEW SECTION

**WAC 220-57-17500I Cowlitz River.** Notwithstanding the provisions of WAC 220-57-175, effective 12:01 a.m. March 1, 1998 until further notice, it is unlawful to take, fish for or possess salmon in those waters of the Cowlitz River downstream from the Barrier Dam to the mouth.

#### NEW SECTION

**WAC 220-57-31000X Kalama River.** Notwithstanding the provisions of WAC 220-57-310, effective 12:01 a.m. March 1, 1998 until further notice, it is unlawful to take, fish for or possess salmon in those waters of the Kalama River downstream from the deadline below the Kalama Fall Hatchery to the mouth.

#### NEW SECTION

**WAC 220-57-31900Q Lewis River.** Notwithstanding the provisions of WAC 220-57-319, effective 12:01 a.m. March 1, 1998 until further notice, it is unlawful to take, fish for or possess salmon in those waters of the Lewis River downstream from Merwin Dam to the mouth.

#### **WSR 98-06-038 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 98-27—Filed February 26, 1998, 3:49 p.m., effective March 11, 1998, 12:01 a.m.]

Date of Adoption: February 25, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-57-160.

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: Closes mainstem Columbia River to salmon fishing because of predicted poor returns in 1998. This rule is consistent with actions of the joint Washington/Oregon state hearing on sport fisheries on January 29, 1998, and is consistent with requirements of the Endangered Species Act. This rule will satisfy concurrent regulations with Oregon. There is insufficient time to promulgate permanent regulations.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.



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

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

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

Effective Date of Rule: March 11, 1998, 12:01 a.m.  
February 25, 1998  
Bern Shanks  
Director

**NEW SECTION**

**WAC 220-57-1600K Columbia River - Salmon seasons and areas** Notwithstanding the provisions of WAC 220-57-160 (7)(8) effective 12:01 a.m. March 11, 1998 until further notice, it is unlawful to take, fish for or possess salmon in the Columbia River from the Interstate 5 Bridge downstream to the mouth.

**WSR 98-06-039  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-28—Filed February 26, 1998, 3:51 p.m., effective March 11, 1998, 12:01 a.m.]

Date of Adoption: February 25, 1998.  
Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-28500N; and amending WAC 220-56-285.

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: This rule will close the sport shad fishery to protect predicted poor returns of spring chinook salmon. The primary shad migration time frame does not begin until mid-May. This rule is consistent with actions of the joint Washington/Oregon state hearing on sport fisheries on January 29, 1998, and is consistent with requirements of the Endangered Species Act. There is insufficient time to promulgate permanent regulations.

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 11, 1998, 12:01 a.m.  
February 25, 1998  
Bern Shanks  
Director

**NEW SECTION**

**WAC 220-56-28500N Shad—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-285, effective 12:01 a.m. March 11, 1998 through May 15, 1998 it is unlawful to take, fish for or possess shad in those waters of the Columbia River from Bonneville Dam downstream to the mouth.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 15, 1998:

WAC 220-56-28500N Shad—Areas and seasons

**WSR 98-06-040  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-30—Filed February 26, 1998, 3:54 p.m., effective March 11, 1998, 12:01 a.m.]

Date of Adoption: February 25, 1998.  
Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H; 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: 1) Closes steelhead angling in the mainstem Columbia River concurrent with the salmon closure because of predicted poor returns of spring chinook in 1998. 2) and 3) Closes game fish angling on the North Lewis and Cowlitz rivers during times and in areas of high salmon concentrations and abundance. Both of these rivers will be closed for salmon fishing in the spring of 1998. Action is consistent with an announcement by the state of Washington during a hearing on sport fisheries on January 29, 1998, and is consistent with requirements of the Endangered Species Act. 4) Requires selective fishery regulations in the upper Kalama River to protect wild summer steelhead which are projected to return in very low numbers in 1998. There is insufficient time to promulgate permanent regulations.

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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 11, 1998, 12:01 a.m.  
February 25, 1998  
Bern Shanks  
Director

NEW SECTION

**WAC 232-28-61900H Regional exceptions to permanent game fish rules.** Notwithstanding the provisions of WAC 232-28-619, it is unlawful to fish for or possess the following species taken from the following waters during the periods provided for herein:

1) Effective 12:01 a.m. March 11, through March 31, 1998, it is unlawful to fish for steelhead in the waters of the Columbia River downstream from Bonneville Dam.

2) Effective 12:01 a.m. April 1, through June 15, 1998, it is unlawful to fish for game fish in waters of the North Fork Lewis River from Johnson Creek upstream to Colvin Creek.

3) Effective 12:01 a.m. April 1 through June 15, 1998, it is unlawful to fish for game fish from the south side of the Cowlitz River from the Barrier Dam to a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

4) Effective immediately until further notice, in those waters of the Kalama River from 1,000 feet above the fishway at the Kalama Falls Hatchery upstream to Summers Creek, selective fishery regulations are in effect for all species.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 15, 1998:

WAC 232-28-61900H Regional exceptions to permanent game fish rules.

**WSR 98-06-041  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-31—Filed February 26, 1998, 5:05 p.m., effective February 27, 1998, 12:01 a.m.]

Date of Adoption: February 26, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900W; 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: On August 11, 1997, NMFS announced that steelhead originating within the Upper Columbia Evolutionary Significant Unit (ESU) would be listed as endangered. The date this action took effect was October 17, 1997. With an endangered listing, ESA mandates closures on fishing activities that target or may cause incidental mortality on the species and stocks of concern. The boundaries to the Upper Columbia start immediately upstream of the mouth of the Yakima River up to Chief Joseph Dam, and incorporating all tributaries within this region.

On the mainstem within this reach, both steelhead and trout were closed since there is no resident trout population and trout are not planted in these waters. For the tributaries, all fishing will be closed to prevent incidental hooking mortality on steelhead in these waters. The majority of the winter-time effort in these streams is primarily directed on steelhead. Trout fisheries are essentially nonexistent during the winter months.

These regulations are extensions of regulations that took effect November 1, 1997, in an effort to take a conservative approach and minimize impacts during the 1997-98 season and be in compliance with ESA. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: February 27, 1998, 12:01 a.m.  
February 26, 1998  
Evan Jacoby  
for Bern Shanks  
Director

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**NEW SECTION**

**WAC 232-28-61900I 1997-1998 Washington game fish seasons and catch limits — Columbia River from Highway 395 Bridge at Pasco to Chief Joseph Dam, Wenatchee River, Icicle River (Creek), Entiat River, Methow River, Twisp River, Okanogan River, Similkameen River.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. February 27, 1998, the following regulations apply:

**Columbia River** — From Highway 395 Bridge at Pasco to Chief Joseph Dam. Closed to the fishing for trout and steelhead, 12:01 a.m. February 27, 1998 until further notice.

**Wenatchee River** — From the mouth to Lake Wenatchee. Closed to all fishing, 12:01 a.m. February 27, 1998 until 11:59 p.m. March 31, 1998.

**Icicle River (Creek)** — From the mouth to Leavenworth National Fish Hatchery Rack. Closed to all fishing, 12:01 a.m. February 27, 1998 until 11:59 p.m. March 31, 1998.

**Entiat River** — From the mouth (Hwy. 97 Bridge) to Fox Creek. Closed to all fishing, 12:01 a.m. February 27, 1998 until 11:59 p.m. March 31, 1998.

**Methow River** — From the mouth (Hwy. 97 Bridge) to Lost River. Closed to all fishing, 12:01 a.m. February 27, 1998 until 11:59 p.m. March 31, 1998.

**Okanogan River** — From the mouth to highway bridge at Malott. Closed to the fishing for trout and steelhead, 12:01 a.m. February 27, 1998 until further notice.

**Okanogan River** — From the highway bridge at Malott to Osoyoos Lake. Closed to all fishing, 12:01 a.m. February 27, 1998 until further notice.

**Similkameen River** — From the mouth to Enloe Dam. Closed to all fishing, 12:01 a.m. February 27, 1998 until 11:59 p.m. March 31, 1998.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 27, 1998:

WAC 232-28-61900W Washington game fish seasons and catch limits. (97-218)

**WSR 98-06-059  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-24—Filed February 27, 1998, 4:50 p.m., effective March 1, 1998, 12:01 a.m.]

Date of Adoption: February 26, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
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: This rule is interim until permanent rules can be filed or take effect. This rule is necessary to implement size and catch limits for game fish in Coffee Pot Lake. Public access has just been obtained and this is a new fishery.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

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

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

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

Effective Date of Rule: March 1, 1998, 12:01 a.m.

February 26, 1998

Bern Shanks

Director

**NEW SECTION**

**WAC 232-28-61900E Washington game fish— Exceptions to state-wide rules.** Notwithstanding the provisions of WAC 232-12-619 and WAC 232-28-619, effective 12:01 a.m. March 1, 1998 until further notice, the following rules apply in Coffee Pot Lake (Lincoln County): Selective gear rules except electric motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

**WSR 98-06-060  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-29—Filed February 27, 1998, 4:50 p.m., effective March 1, 1998, 12:01 a.m.]

Date of Adoption: February 27, 1998.

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: This regulation opens three lakes in southwest Washington and modifies the trout daily limit. Surplus adult hatchery steelhead have been released into these lakes to promote additional harvest and to remove them from spawning areas where they would impact wild

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steelhead. This regulation will provide additional angling opportunity and will provide opportunity for anglers to harvest hatchery steelhead in area lakes. There is insufficient time to promulgate permanent regulations, however, this regulation will become permanent on May 1, 1998, as part of the new sportfishing regulation package.

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 1, 1998, 12:01 a.m.

February 27, 1998

Bern Shanks

Director

#### NEW SECTION

**WAC 232-28-61900G Washington game fish seasons and catch limits exceptions to statewide rules.** Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice it is unlawful to fish for trout and other gamefish in the following waters in Region 5 except as provided below:

1a) Kline Ponds - Open March 1, 1998 until further notice. Trout - No more than two trout can be greater than 20 inches in length.

b) Kress Lake - Open March 1, 1998 until further notice. Trout - No more than two trout can be greater than 20 inches in length.

c) Horseshoe Lake - Open March 1, 1998 through March 30, 1998. Trout - No more than two trout can be greater than 20 inches in length.

2) The daily limit for other gamefish in these lakes is the same as the permanent rules.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 1, 1998.

WAC 232-28-61900G	Washington game fish seasons and catch limits exceptions to statewide rules.
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**WSR 98-06-010**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
 [Memorandum—February 17, 1998]

At their February 12, 1998, meeting, the board of trustees of Community College District 24 voted to move the regular, Thursday, March 12, 1998, board meeting to Thursday, March 19, 1998, and begin at 2:30 p.m. in the Boardroom of the Administrative and Student Services Building on the main campus.

If you have any questions, please contact 754-7711, ext. 202.

**WSR 98-06-011**  
**NOTICE OF PUBLIC MEETINGS**  
**COUNTY ROAD ADMINISTRATION BOARD**  
 [Memorandum—February 10, 1998]

MEETING NOTICE: April 8, 1998  
 County Road Administration Board  
 2404 Chandler Court S.W., Suite 240  
 Olympia, WA 98504-0913  
 1:00 p.m. to 5:00 p.m.

April 9, 1998  
 County Road Administration Board  
 2404 Chandler Court S.W., Suite 240  
 Olympia, WA 98504-0913  
 8:00 a.m. to noon

PUBLIC HEARING: April 9, 1998  
 County Road Administration Board  
 2404 Chandler Court S.W., Suite 240  
 Olympia, WA 98504-0913  
 9:00 a.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

**WSR 98-06-017**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**  
 [Memorandum—February 18, 1998]

The Washington State Convention and Trade Center's (WSCTC) Design Committee will meet on Wednesday, February 25, 1998, from 10:30 a.m. - 12:30 p.m. in Room 505-506 of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will be held on Wednesday, February 25, 1998, at 1:30 p.m. in Room 504 of the Convention Center.

Rooms 504 and 505-506 may be accessed via the elevator located inside the main entrance on Level 4.

If you have any questions regarding these meetings, please call 694-5000.

**WSR 98-06-019**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC EMPLOYEES BENEFITS BOARD**  
 [Memorandum—February 20, 1998]

Public Employees Benefits Board  
 Tyee Hotel, Coho C  
 1:00 p.m., February 24, 1998

If you are a person with a disability and need a special accommodation, please contact Judy Lamm at (360) 923-2828.

**WSR 98-06-021**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Barley Commission)  
 [Memorandum—February 20, 1998]

The Washington Barley Commission's March 25, 1998, regular meeting has been rescheduled. The meeting will now be held on March 26, 1998. The meeting will begin at 9:00 a.m. and will be held at the Washington Wheat Commission's Conference Room, 907 West Riverside Avenue, Spokane, WA.

If you have any questions, please call (509) 456-4400.

**WSR 98-06-024**  
**POLICY AND INTERPRETIVE STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed February 24, 1998, 2:02 p.m.]

Following is a list of Policy and Interpretive Statements issued by the department during January, 1998. If you need additional information or have questions please call (360) 902-4206.

**POLICY AND INTERPRETIVE STATEMENTS**

**Consultation and Compliance/WISHA**

WISHA Interim Operations Memorandum #98-1-A, "Targeting WISHA Activities (General)," rescinds and replaces WISHA Interim Operations Memoranda #96-4-D and #97-4-B. It provides guidance to WISHA staff regarding programmed inspections and targeted consultations.

WISHA Interim Operations Memorandum #98-1-B, "Coordinating WISHA Enforcement and Consultation," replaces and rescinds WISHA Interim Operations Memorandum #97-4-C. It provides guidance to WISHA staff regarding programmed inspections and targeted consultations.

WISHA Interim Operations Memorandum #98-1-C, "Use of Statewide 'WISHA 200' List." WISHA has committed to

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closer coordination between enforcement and consultation targeting efforts and has committed to the development of a list of 200 of the highest hazard employers. This interim memorandum provides guidance to WISHA regarding these "WISHA 200" employers.

WISHA Interim Interpretive Memorandum #98-1-D, "Programmed WISHA Activities in Construction," provides guidance to WISHA compliance staff regarding programmed enforcement activities within construction.

WISHA Interim Operations Memorandum #98-1-E, "Programmed WISHA Activities in Logging," provides guidance to WISHA compliance staff regarding programmed enforcement activities within logging.

WISHA Interim Operations Memorandum #98-1-F, "Programmed WISHA Activities in Seasonal Agriculture," provides guidance to WISHA compliance staff regarding programmed enforcement activities within seasonal agriculture.

WISHA Interim Operations Memorandum #98-1-G, "Programmed WISHA Activities in Maritime," provides guidance to WISHA compliance staff regarding programmed enforcement activities within maritime.

WISHA Interim Operations Memorandum #98-1-H, "Programmed WISHA Activities in Electrical Utilities and Communication," provides guidance to WISHA compliance staff regarding programmed enforcement activities within electrical utilities and communication.

WISHA Interim Operations Memorandum #98-1-I, "Local Emphasis Programs," provides guidance regarding the creation of special enforcement programs within particular regions.

WISHA Interim Interpretive Memorandum #98-1-J, "Certification of Fish Dock Cranes," provides guidance to WISHA consultation and compliance staff (as well as to crane certifiers) regarding the need for anti-two-blocking devices on limited capacity, ship-built, fish dock cranes.

WISHA Interim Interpretive Memorandum #98-1-K, "Rental Cranes and Maritime Crane Certification," provides guidance to WISHA consultation and compliance staff (as well as to maritime crane certifiers) regarding the extent of maritime certification and the nature of employer obligations related to rental cranes.

WISHA Interim Interpretive Memorandum #98-1-L, "Preventing Lead Exposure When Welding, Cutting, and Heating in Enclosed or Confined Spaces," provides guidance to WISHA consultation and compliance staff regarding appropriate application of state standards during such activities.

WISHA Interim Interpretive Memorandum #98-1-M, "Guarding of Metal Lathes," provides guidance to WISHA consultation and compliance staff regarding identification of and protection against two noted hazards. The first involves general guarding of the chuck, jaws, and workpiece. The second is the hazard created by metal chips and coolant.

WISHA Interim Interpretive Memorandum #98-1-N, "Carbon Monoxide and Air Compressors" provides direction to WISHA enforcement and consultation staff regarding the

appropriate application of standards, particularly in relation to oil-lubricated compressors.

**Contact:** Teri Neely  
Mailstop 4648  
(360) 902-5503  
Michael Silverstein  
Assistant Director

#### Insurance Services

Insurance Services Policy Number 7.22, Authorizing Post-Acute Brain Injury Rehabilitation. This policy provides guidance to claims management staff when authorizing a post-acute brain injury rehabilitation program.

Insurance Services Policy Number 30.11, Non-Agency Attendant Care. This policy provides guidance to claim management staff when authorizing nonagency attendant care for injured workers.

Insurance Services Policy Number 61.05, Processing Jail Industries for Cities and/or Counties. This policy provides guidance to employer services staff when establishing industrial insurance policies for jail industries.

Insurance Services Policy Number 91.21, Audit Sampling Tolerance. This policy provides guidance to field audit staff to allow a no-charge for completed audits based on a sample quarter.

**Contact:** Linda Norris  
Mailstop 4311  
(360) 902-5003  
Doug Connell  
Assistant Director

Marie Myerchin-Redifer  
Rules Coordinator

**WSR 98-06-026**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed February 24, 1998, 2:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Children's Administration Policy 98-10.

Subject: Opposing testimony.  
Effective Date: February 12, 1998.

Document Description: The directive provides instruction to Children's Administration staff who may be called upon to provide testimony or documentation in support of a party opposing an official position of the department in an administrative hearing or court proceeding. The directive applies to actions in dependency cases and department actions with licensed out-of-home care providers. It does not apply to employee personnel actions.

To receive a copy of the interpretive or policy statement, contact Art Cantrall, Mailstop 45710, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7956, TDD (360) 902-7906, FAX (360) 902-7903, e-mail CANA300@dshs.wa.gov.

February 12, 1998  
Jennifer Strus

For additional information please contact Cathy M. Stussy at (360) 753-2914 or FAX (360) 586-7575 or Internet cstussy@statelib.wa.gov.

**WSR 98-06-032**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTRAL WASHINGTON UNIVERSITY**  
[Memorandum—February 23, 1998]

Revised CWU Board of Trustees' Meeting Date

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University campus in Ellensburg at 1:00 p.m. (note exception) on the following dates:

- April 10, 1998 (CWU Yakima Center, 16th and Nob Hill, Yakima)
- May 18, 1998 (changed from May 15)
- June 12, 1998

The board will also meet in retreat session July 30-31, 1998, at Sleeping Lady Resort in Leavenworth, Washington.

**WSR 98-06-033**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
[Memorandum—February 26, 1998]

Eastern Washington University  
Board of Trustees  
February 27, 1998, 9:00 a.m.  
Cheney Campus  
Pence Union Building  
Room 263-67

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the Pence Union Building, Room 263-67.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

**WSR 98-06-034**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
(Library Commission)  
[Memorandum—February 25, 1998]

REVISION - WASHINGTON STATE LIBRARY  
COMMISSION MEETING

The Washington State Library Commission has revised their meeting date and location from Friday, March 13, 1998, at the Timberland Regional Library to:

- DATE: Monday, March 16, 1998
- TIME: 9:30 a.m.
- SUBJECT: WSL Commission Quarterly Business Meeting
- LOCATION: John Cherberg Building  
Hearing Room 2  
Olympia, Washington

**WSR 98-06-048**  
**NOTICE OF PUBLIC MEETINGS**  
**OLYMPIC COLLEGE**  
[Memorandum—February 25, 1998]

The board of trustees has changed the regular board meeting that was scheduled to be held on March 24, 1998, at 7:30 p.m. in the Board Room at Olympic College, District No. 3, Bremerton, Washington, to March 16, 1998, same time and location.

**WSR 98-06-049**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
[Memorandum—February 26, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the University of Washington Public Records Office.

Neurological Surgery  
Faculty Meetings

Meeting Dates	Location	Time
March 2, 1998	HMC Dining Room A	5 p.m.
June 1, 1998	HMC Dining Room A	5 p.m.
September 21, 1998	HMC Board Room (IC-30)	5 p.m.
November 30, 1998	HMC Board Room (IC-30)	5 p.m.

**WSR 98-06-063**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—February 27, 1998]

EDMONDS COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
NOTICE OF SPECIAL MEETINGS  
TO MEDIA/OTHER

- March 3, 1998\* Edmonds Community College Board of Trustees and President's Cabinet Accreditation Study Session: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
- March 12, 1998 Edmonds Community College Board of Trustees Regular Board Meeting: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.

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- March 30, 1998\* Edmonds Community College New Student VIP Social: EdCC, Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 4:00 p.m.
- March 31, 1998\* City/County/Edmonds School District/Edmonds Community College Officials Reception and Dinner: EdCC, Mulligan's Restaurant, Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 5:30 p.m.

\*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

in Room 172 from 10:00 a.m. to 1:00 p.m. All meetings of the IIPMCC are open to the public.

During the 1997 regular session of the 55th legislature, SSB 5077 was passed. The bill was signed by Governor Locke and codified as chapter 17.15 RCW. The law affirms that it is the policy of the state of Washington to require all state agencies and institutions of higher education, that have pest control responsibilities, to utilize the principles of Integrated Pest Management (IPM). Chapter 17.15 RCW also creates the IIPMCC. The IIPMCC meetings allow the members, composed of state agencies and institutions of higher education, to share information and promote interagency coordination. IPM training programs will also be discussed.

For Further Information Contact: Roy Brunskill, (360) 902-1923.

**WSR 98-06-068**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
 [Memorandum—February 27, 1998]

MEETING NOTICE  
 WASHINGTON STATE  
 WORKFORCE TRAINING AND  
 EDUCATION COORDINATING BOARD  
 MEETING NO. 59  
 MARCH 25, 1998

ASSOCIATION OF WASHINGTON BUSINESS  
 1414 CHERRY STREET S.E.  
 OLYMPIA, WA 98501  
 (360) 943-1600

March 25, 1998, 8:00 a.m. - 3:00 p.m., the Workforce Training and Education Coordinating Board will hold a meeting on March 25, 1998, at the Association of Washington Business, Olympia, Washington. The board will accept and discuss the results of "Workforce Training Results," and learn about other states' work in Regional Alliances. There will also be discussion of some preliminary findings for "Workforce Training: Supply, Demand and Gaps." The board will take action on the goals and process for the 1998 comprehensive plan, and the framework for the annual report.

The meeting site is barrier free. People needing special accommodations, please call Caroline Haggard at least ten days in advance at (360) 753-5677.

**WSR 98-06-081**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Interagency Integrated Pest Management  
 Coordinating Committee)  
 [Memorandum—March 2, 1998]

Pursuant to RCW 17.15.040, please be advised that the Interagency Integrated Pest Management Coordinating Committee (IIPMCC) will hold its first meeting of 1998 on April 3, 1998. The meeting will be held at the Natural Resources Building, 1111 Washington Street, Olympia, WA,

**WSR 98-06-084**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—February 27, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the University of Washington Public Records Office.

Speech and Hearing Sciences  
 Faculty Meeting

Meeting Dates	Location	Time
First Wednesday of each month during academic year	Eagleson Hall Room 211	3:00-5:00

Executive Committee

Meeting Dates	Location	Time
First Wednesday of each month during academic year	Eagleson Hall Room 204	8:30-9:30

**WSR 98-06-085**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Memorandum—March 4, 1998]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, March 19, 1998, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

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**WSR 98-06-086****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF ECOLOGY**

(1998 Spill Prevention, Preparedness,  
and Response Merger Evaluation Committee)  
[Memorandum—March 4, 1998]

**1998 Spill Prevention, Preparedness,  
and Response Merger Evaluation Committee Meetings**

March 27, 1998, at the Westcoast Sea-Tac, 18220 Pacific  
Highway South, Seattle, Washington.

July 16, 1998, at the Westcoast Sea-Tac, 18220 Pacific  
Highway South, Seattle, Washington.

November to be announced.

Contact Peggy Noble, (360) 407-7454.

hearing will be held April 21, 1998, from 3 p.m. to 5 p.m.  
at Ecology's Northwest Regional Office in Bellevue.  
Assistance for persons with disabilities is available by calling  
(TDD) (360) 407-6006. Ecology will publish a notice in the  
Washington State Register and provide notification to those  
persons who attended the initial workshops and hearings. In  
addition, ecology will provide notice to local government  
elected officials and public works departments as well as a  
broad range of environmental, business, and construction  
groups and other potentially affected parties.

**Staff Contact:** Tony Barrett, Acting Stormwater Unit  
Supervisor, Water Quality Program, (360) 407-6467, or TDD  
407-6006, FAX 407-6426.

**WSR 98-06-091****DEPARTMENT OF ECOLOGY**

[Filed March 4, 1998, 11:34 a.m.]

**Continuance of Comment Period and Delayed  
Adoption of Modifications to The Stormwater General  
Permit for Construction Activities**

**Background and Summary of Issue:** Ecology is  
proposing to modify the existing general permit for construc-  
tion activities, issued on November 18, 1995. This permit  
modification is proposed to comply with an order issued by  
the Pollution Control Hearings Board (PCHB – No. 95-141,  
*Save Lake Sammamish v. Ecology & DOT*). The PCHB  
ordered ecology to "issue a modified permit extending  
coverage under the general permit for construction activities  
to municipalities within the state with populations under  
100,000." The modification does not change any other  
permit requirements and does not affect any projects already  
subject to permit coverage.

Ecology published the original notice in the Washington  
State Register (WSR 97-18-077) on September 17, 1997.  
Ecology initially proposed to remove the permit exemption  
for construction projects owned by municipalities with a  
population less than 100,000. The initial publication  
provided notice of public workshops and hearings, specified  
that the comment period would end on November 7, 1997,  
and proposed an adoption date of November 21, 1997. As  
a result of comments received, ecology extended the com-  
ment period to December 18, 1997, and changed the pro-  
posed adoption date to January 9, 1998.

**Current Status:** Ecology received additional comments  
from the Washington State Association of Counties and the  
Association of Washington Cities requesting that the depart-  
ment remove the exemption only for those municipalities  
draining into Lake Sammamish, leaving intact the exemption  
for all other municipalities under 100,000 population.

**Proposed Action:** We propose to continue the com-  
ment period on the proposed permit modification, allowing  
public comment on the recommended action, which would  
limit additional permit coverage to only those municipalities  
draining into Lake Sammamish and continue to exempt all  
other municipalities under 100,000 population. This extend-  
ed comment period will end on April 30, 1998. A public



## 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  
 -XA = Expedited adoption  
 -XR = Expedited repeal  
 Note: These filings will appear in a special section of Issue 98-09  
 No suffix means permanent action

**WAC #** shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25	AMD-C	98-05-020	16-573-030	NEW	98-04-093	51-11-0527	AMD	98-03-003
16-08-151	AMD-XA	98-04-082	16-573-040	NEW	98-04-093	51-11-0530	AMD	98-03-003
16-32-009	PREP	98-05-104	16-573-041	NEW	98-04-093	51-11-0541	AMD	98-03-003
16-102	PREP	98-04-075	16-573-050	NEW	98-04-093	51-11-0602	AMD	98-03-003
16-167-010	AMD-XA	98-04-076	16-573-060	NEW	98-04-093	51-11-0606	REP	98-03-003
16-167-020	AMD-XA	98-04-076	16-573-070	NEW	98-04-093	51-11-0607	REP	98-03-003
16-167-030	AMD-XA	98-04-076	16-573-080	NEW	98-04-093	51-11-0608	REP	98-03-003
16-167-040	AMD-XA	98-04-076	16-575	PREP	98-06-096	51-11-0625	AMD	98-03-003
16-167-050	AMD-XA	98-04-076	16-752	PREP	98-04-077	51-11-0626	AMD	98-03-003
16-167-060	AMD-XA	98-04-076	25-18-010	REP	98-05-027	51-11-0627	AMD	98-03-003
16-168-010	AMD	98-03-089	25-18-020	REP	98-05-027	51-11-0628	AMD	98-03-003
16-168-020	AMD	98-03-089	25-18-030	REP	98-05-027	51-11-0629	AMD	98-03-003
16-168-030	AMD	98-03-089	25-18-040	REP	98-05-027	51-11-0630	AMD	98-03-003
16-168-040	AMD	98-03-089	25-18-050	REP	98-05-027	51-11-0701	AMD	98-03-003
16-168-050	AMD	98-03-089	25-18-060	REP	98-05-027	51-11-0800	AMD	98-03-003
16-168-060	AMD	98-03-089	25-18-070	REP	98-05-027	51-11-1002	AMD	98-03-003
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16-168-090	AMD	98-03-089	25-18-110	REP	98-05-027	51-11-1006	AMD	98-03-003
16-168-100	AMD	98-03-089	25-18-120	REP	98-05-027	51-11-1007	AMD	98-03-003
16-316-474	PREP	98-06-093	25-18-130	REP	98-05-027	51-11-1008	AMD	98-03-003
16-316-525	PREP	98-06-093	25-36-010	REP	98-05-027	51-11-1009	AMD	98-03-003
16-319-041	PREP	98-06-094	25-36-020	REP	98-05-027	51-11-1010	REP	98-03-003
16-325-005	NEW-XA	98-05-106	25-36-030	REP	98-05-027	51-11-1120	AMD	98-03-003
16-325-010	NEW-XA	98-05-106	25-36-040	REP	98-05-027	51-11-1130	AMD	98-03-003
16-325-015	NEW-XA	98-05-106	25-36-050	REP	98-05-027	51-11-1132	AMD	98-03-003
16-325-020	NEW-XA	98-05-106	25-36-060	REP	98-05-027	51-11-1133	AMD	98-03-003
16-325-025	NEW-XA	98-05-106	25-36-070	REP	98-05-027	51-11-1210	AMD	98-03-003
16-354-002	REP-P	98-06-082	25-36-080	REP	98-05-027	51-11-1310	AMD-W	98-05-064
16-354-005	AMD-P	98-06-082	25-36-090	AMD	98-05-027	51-11-1312	AMD	98-03-003
16-354-010	AMD-P	98-06-082	25-36-100	REP	98-05-027	51-11-1322	AMD-W	98-05-064
16-354-020	AMD-P	98-06-082	25-36-110	REP	98-05-027	51-11-1323	AMD	98-03-003
16-354-030	AMD-P	98-06-082	25-36-120	REP	98-05-027	51-11-1331	AMD	98-03-003
16-354-040	AMD-P	98-06-082	25-36-130	REP	98-05-027	51-11-1334	AMD	98-03-003
16-354-050	AMD-P	98-06-082	51-04-015	AMD	98-02-048	51-11-1411	AMD	98-03-003
16-354-070	AMD-P	98-06-082	51-04-070	AMD	98-02-048	51-11-1412	AMD	98-03-003
16-354-100	AMD-P	98-06-082	51-06-020	AMD	98-02-049	51-11-1414	AMD	98-03-003
16-532-010	AMD-P	98-02-073	51-06-120	AMD	98-02-049	51-11-1421	AMD	98-03-003
16-532-0402	REP-P	98-02-073	51-11-0101	AMD	98-03-003	51-11-1422	AMD	98-03-003
16-532-0404	REP-P	98-02-073	51-11-0104	AMD	98-03-003	51-11-1423	AMD	98-03-003
16-532-0406	REP-P	98-02-073	51-11-0201	AMD	98-03-003	51-11-1433	AMD	98-03-003
16-532-0408	REP-P	98-02-073	51-11-0402	AMD	98-03-003	51-11-1452	AMD	98-03-003
16-532-0410	REP-P	98-02-073	51-11-0502	AMD	98-03-003	51-11-1454	AMD	98-03-003
16-532-0412	REP-P	98-02-073	51-11-0503	AMD	98-03-003	51-11-1512	AMD	98-03-003
16-532-0414	REP-P	98-02-073	51-11-0504	AMD	98-03-003	51-11-1530	AMD	98-03-003
16-573-010	NEW	98-04-093	51-11-0505	AMD-W	98-05-064	51-11-1701	AMD	98-03-003
16-573-020	NEW	98-04-093	51-11-0525	AMD	98-03-003	51-11-2005	AMD	98-03-003



Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-34-6319	REP	98-02-053	51-40-1091	NEW	98-02-054	51-44-002	NEW	98-02-053
51-34-6320	REP	98-02-053	51-40-1100	NEW	98-02-054	51-44-003	NEW	98-02-053
51-34-6321	REP	98-02-053	51-40-1101	NEW	98-02-054	51-44-007	NEW	98-02-053
51-34-6322	REP	98-02-053	51-40-1102	NEW	98-02-054	51-44-008	NEW	98-02-053
51-34-6323	REP	98-02-053	51-40-1103	NEW	98-02-054	51-44-0103	NEW	98-02-053
51-34-6324	REP	98-02-053	51-40-1104	NEW	98-02-054	51-44-0200	NEW	98-02-053
51-34-7800	REP	98-02-053	51-40-1105	NEW	98-02-054	51-44-0900	NEW	98-02-053
51-34-7802	REP	98-02-053	51-40-1106	NEW	98-02-054	51-44-1003	NEW	98-02-053
51-34-7900	REP	98-02-053	51-40-1107	NEW	98-02-054	51-44-1007	NEW	98-02-053
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51-34-7904	REP	98-02-053	51-40-1109	NEW	98-02-054	51-44-1109	NEW	98-02-053
51-34-8000	REP	98-02-053	51-40-1110	NEW	98-02-054	51-44-2500	NEW	98-02-053
51-34-8001	REP	98-02-053	51-40-1111	NEW	98-02-054	51-44-5200	NEW	98-02-053
51-34-8003	REP	98-02-053	51-40-1112	NEW	98-02-054	51-44-6100	NEW	98-02-053
51-34-9100	REP	98-02-053	51-40-1113	NEW	98-02-054	51-44-6300	NEW	98-02-053
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51-34-9102	REP	98-02-053	51-40-1191	NEW	98-02-054	51-44-7802	NEW	98-02-053
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51-34-9104	REP	98-02-053	51-40-1193	NEW	98-02-054	51-44-8000	NEW	98-02-053
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51-34-9106	REP	98-02-053	51-40-1195	NEW	98-02-054	51-45-002	NEW	98-02-053
51-34-9107	REP	98-02-053	51-40-1196	NEW	98-02-054	51-45-003	NEW	98-02-053
51-34-9108	REP	98-02-053	51-40-1203	NEW	98-02-054	51-45-007	NEW	98-02-053
51-35-001	REP	98-02-053	51-40-1506	NEW-W	98-05-065	51-45-008	NEW	98-02-053
51-35-002	REP	98-02-053	51-40-1616	NEW	98-02-054	51-45-80400	NEW	98-02-053
51-35-003	REP	98-02-053	51-40-1702	NEW	98-02-054	51-46-001	NEW	98-02-055
51-35-007	REP	98-02-053	51-40-1909	NEW	98-02-054	51-46-002	NEW	98-02-055
51-35-008	REP	98-02-053	51-40-23110	NEW	98-02-054	51-46-003	NEW	98-02-055
51-35-52000	REP	98-02-053	51-40-2406	NEW	98-02-054	51-46-007	NEW	98-02-055
51-35-52400	REP	98-02-053	51-40-2900	NEW	98-02-054	51-46-008	NEW	98-02-055
51-35-52440	REP	98-02-053	51-40-2929	NEW	98-02-054	51-46-0100	NEW	98-02-055
51-35-52441	REP	98-02-053	51-40-3004	NEW	98-02-054	51-46-0101	NEW	98-02-055
51-35-52442	REP	98-02-053	51-40-3102	NEW	98-02-054	51-46-0102	NEW	98-02-055
51-35-52500	REP	98-02-053	51-40-31200	NEW	98-02-054	51-46-0103	NEW	98-02-055
51-35-52510	REP	98-02-053	51-40-3404	NEW	98-02-054	51-46-0200	NEW	98-02-055
51-35-52520	REP	98-02-053	51-40-93115	NEW	98-02-054	51-46-0205	NEW	98-02-055
51-35-52530	REP	98-02-053	51-40-93116	NEW	98-02-054	51-46-0215	NEW	98-02-055
51-35-52540	REP	98-02-053	51-40-93117	NEW	98-02-054	51-46-0218	NEW	98-02-055
51-35-52550	REP	98-02-053	51-40-93118	NEW	98-02-054	51-46-0300	NEW	98-02-055
51-35-52560	REP	98-02-053	51-40-93119	NEW	98-02-054	51-46-0301	NEW	98-02-055
51-35-52570	REP	98-02-053	51-40-93120	NEW	98-02-054	51-46-0310	NEW	98-02-055
51-35-52580	REP	98-02-053	51-42-001	NEW	98-02-056	51-46-0311	NEW	98-02-055
51-35-52590	REP	98-02-053	51-42-002	NEW	98-02-056	51-46-0313	NEW	98-02-055
51-35-52600	REP	98-02-053	51-42-003	NEW	98-02-056	51-46-0314	NEW	98-02-055
51-40-001	NEW	98-02-054	51-42-004	NEW	98-02-056	51-46-0316	NEW	98-02-055
51-40-002	NEW	98-02-054	51-42-005	NEW	98-02-056	51-46-0392	NEW	98-02-055
51-40-003	NEW	98-02-054	51-42-007	NEW	98-02-056	51-46-0400	NEW	98-02-055
51-40-004	NEW	98-02-054	51-42-008	NEW	98-02-056	51-46-0402	NEW	98-02-055
51-40-005	NEW	98-02-054	51-42-0200	NEW	98-02-056	51-46-0412	NEW	98-02-055
51-40-007	NEW	98-02-054	51-42-0223	NEW	98-02-056	51-46-0413	NEW	98-02-055
51-40-008	NEW	98-02-054	51-42-0303	NEW	98-02-056	51-46-0500	NEW	98-02-055
51-40-009	NEW	98-02-054	51-42-0303	NEW	98-02-056	51-46-0501	NEW	98-02-055
51-40-0200	NEW	98-02-054	51-42-0504	NEW	98-02-056	51-46-0501	NEW	98-02-055
51-40-0302	NEW	98-02-054	51-42-0600	NEW	98-02-056	51-46-0502	NEW	98-02-055
51-40-0303	NEW	98-02-054	51-42-0601	NEW	98-02-056	51-46-0505	NEW	98-02-055
51-40-0304	NEW	98-02-054	51-42-0605	NEW	98-02-056	51-46-0507	NEW	98-02-055
51-40-0305	NEW	98-02-054	51-42-0901	NEW	98-02-056	51-46-0509	NEW	98-02-055
51-40-0307	NEW	98-02-054	51-42-1000	NEW	98-02-056	51-46-0512	NEW	98-02-055
51-40-0308	NEW	98-02-054	51-42-1002	NEW	98-02-056	51-46-0513	NEW	98-02-055
51-40-0310	NEW	98-02-054	51-42-1004	NEW	98-02-056	51-46-0514	NEW	98-02-055
51-40-0311	NEW	98-02-054	51-42-1005	NEW	98-02-056	51-46-0515	NEW	98-02-055
51-40-0313	NEW	98-02-054	51-42-1100	NEW	98-02-056	51-46-0516	NEW	98-02-055
51-40-0403	NEW	98-02-054	51-42-1101	NEW	98-02-056	51-46-0517	NEW	98-02-055
51-40-0405	NEW	98-02-054	51-42-1102	NEW	98-02-056	51-46-0518	NEW	98-02-055
51-40-0510	NEW	98-02-054	51-42-1103	NEW	98-02-056	51-46-0519	NEW	98-02-055
51-40-0804	NEW	98-02-054	51-42-1104	NEW	98-02-056	51-46-0520	NEW	98-02-055
51-40-0902	NEW	98-02-054	51-42-1105	NEW	98-02-056	51-46-0521	NEW	98-02-055
51-40-0904	NEW	98-02-054	51-42-1106	NEW	98-02-056	51-46-0522	NEW	98-02-055
51-40-1000	NEW	98-02-054	51-42-1107	NEW	98-02-056	51-46-0523	NEW	98-02-055
51-40-1002	NEW	98-02-054	51-42-1108	NEW	98-02-056	51-46-0524	NEW	98-02-055
51-40-1003	NEW	98-02-054	51-42-1311	NEW	98-02-056	51-46-0525	NEW	98-02-055
51-40-1004	NEW	98-02-054	51-42-1312	NEW	98-02-056	51-46-0600	NEW	98-02-055
51-40-1007	NEW	98-02-054	51-42-1401	NEW	98-02-056	51-46-0603	NEW	98-02-055
			51-44-001	NEW	98-02-053	51-46-0604	NEW	98-02-055

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51-46-0609	NEW	98-02-055	131-28-080	REP-P	98-06-072	136-210-030	AMD-W	98-06-044
51-46-0610	NEW	98-02-055	131-28-085	REP-P	98-06-072	136-210-030	AMD-P	98-06-045
51-46-0700	NEW	98-02-055	131-28-090	REP-P	98-06-072	136-220-020	AMD-P	98-05-036
51-46-0701	NEW	98-02-055	131-36	AMD-P	98-06-074	136-220-020	AMD-W	98-06-044
51-46-0704	NEW	98-02-055	131-36-010	AMD-P	98-06-074	136-220-020	AMD-P	98-06-045
51-46-0710	NEW	98-02-055	131-36-050	AMD-P	98-06-074	136-220-030	AMD-P	98-05-036
51-46-0713	NEW	98-02-055	131-36-055	NEW-P	98-06-074	136-220-030	AMD-W	98-06-044
51-46-0793	NEW	98-02-055	131-36-100	AMD-P	98-06-074	136-220-030	AMD-P	98-06-045
51-46-0800	NEW	98-02-055	131-36-150	AMD-P	98-06-074	137-28-150	AMD	98-04-086
51-46-0810	NEW	98-02-055	131-36-200	AMD-P	98-06-074	137-28-190	AMD	98-04-086
51-46-0814	NEW	98-02-055	131-36-250	AMD-P	98-06-074	137-100-001	AMD-P	98-02-074
51-46-0815	NEW	98-02-055	131-36-300	AMD-P	98-06-074	137-100-010	AMD-P	98-02-074
51-46-0900	NEW	98-02-055	131-46-020	REP-P	98-06-070	137-100-020	AMD-P	98-02-074
51-46-0903	NEW	98-02-055	131-46-025	REP-P	98-06-070	137-100-030	AMD-P	98-02-074
51-46-1000	NEW	98-02-055	131-46-027	REP-P	98-06-070	137-100-040	NEW-P	98-02-074
51-46-1003	NEW	98-02-055	131-46-029	REP-P	98-06-070	173-152	NEW-C	98-04-019
51-46-1012	NEW	98-02-055	131-46-030	REP-P	98-06-070	173-152-010	NEW-E	98-04-018
51-46-1300	NEW	98-02-055	131-46-035	REP-P	98-06-070	173-152-010	NEW	98-06-042
51-46-1301	NEW	98-02-055	131-46-040	REP-P	98-06-070	173-152-020	NEW-E	98-04-018
51-46-1302	NEW	98-02-055	131-46-045	REP-P	98-06-070	173-152-020	NEW	98-06-042
51-46-1303	NEW	98-02-055	131-46-050	REP-P	98-06-070	173-152-025	NEW-E	98-04-018
51-46-1304	NEW	98-02-055	131-46-055	REP-P	98-06-070	173-152-030	NEW	98-06-042
51-46-1305	NEW	98-02-055	131-46-060	REP-P	98-06-070	173-152-040	NEW-E	98-04-018
51-46-1400	NEW	98-02-055	131-46-065	REP-P	98-06-070	173-152-040	NEW	98-06-042
51-46-1401	NEW	98-02-055	131-46-070	REP-P	98-06-070	173-152-050	NEW-E	98-04-018
51-46-1491	NEW	98-02-055	131-46-075	REP-P	98-06-070	173-152-050	NEW	98-06-042
51-46-97120	NEW	98-02-055	131-46-080	REP-P	98-06-070	173-160	AMD-C	98-04-020
51-46-97121	NEW	98-02-055	131-46-085	REP-P	98-06-070	173-162	AMD-C	98-04-020
51-46-97122	NEW	98-02-055	131-46-090	REP-P	98-06-070	173-202-020	AMD-XA	98-03-071
51-46-97123	NEW	98-02-055	131-46-095	REP-P	98-06-070	173-202-020	AMD-S	98-04-021
51-46-97124	NEW	98-02-055	131-46-105	REP-P	98-06-070	173-202-020	AMD-W	98-04-069
51-46-97125	NEW	98-02-055	131-46-110	REP-P	98-06-070	173-224-030	AMD	98-03-046
51-46-97126	NEW	98-02-055	131-46-115	REP-P	98-06-070	173-224-040	AMD	98-03-046
51-46-97127	NEW	98-02-055	131-46-120	REP-P	98-06-070	173-224-050	AMD	98-03-046
51-46-97128	NEW	98-02-055	131-46-125	REP-P	98-06-070	173-303-017	AMD	98-03-018
51-46-97129	NEW	98-02-055	132B-120-010	AMD-P	98-05-049	173-303-040	AMD	98-03-018
51-47-001	NEW	98-02-055	132B-120-020	AMD-P	98-05-049	173-303-045	AMD	98-03-018
51-47-002	NEW	98-02-055	132B-120-030	AMD-P	98-05-049	173-303-070	AMD	98-03-018
51-47-003	NEW	98-02-055	132B-120-040	AMD-P	98-05-049	173-303-071	AMD	98-03-018
51-47-007	NEW	98-02-055	132B-120-055	NEW-P	98-05-049	173-303-073	AMD	98-03-018
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131-08-005	AMD-P	98-06-071	132B-120-075	NEW-P	98-05-049	173-303-081	AMD	98-03-018
131-08-007	AMD-P	98-06-071	132B-120-080	AMD-P	98-05-049	173-303-082	AMD	98-03-018
131-08-008	AMD-P	98-06-071	132B-120-085	NEW-P	98-05-049	173-303-090	AMD	98-03-018
131-12-020	AMD-P	98-06-069	132B-120-120	AMD-P	98-05-049	173-303-100	AMD	98-03-018
131-12-030	AMD-P	98-06-069	132B-120-130	AMD-P	98-05-049	173-303-104	AMD	98-03-018
131-12-040	AMD-P	98-06-069	132B-120-135	NEW-P	98-05-049	173-303-110	AMD	98-03-018
131-12-041	AMD-P	98-06-069	132B-120-170	AMD-P	98-05-049	173-303-120	AMD	98-03-018
131-16-010	AMD-P	98-06-075	132B-120-180	AMD-P	98-05-049	173-303-140	AMD	98-03-018
131-16-011	AMD-P	98-06-075	132B-120-190	AMD-P	98-05-049	173-303-145	AMD	98-03-018
131-16-015	REP-P	98-06-075	132B-120-200	AMD-P	98-05-049	173-303-160	AMD	98-03-018
131-16-021	AMD-P	98-06-075	132B-120-210	NEW-P	98-05-049	173-303-180	AMD	98-03-018
131-16-031	AMD-P	98-06-075	132B-120-220	NEW-P	98-05-049	173-303-201	AMD	98-03-018
131-16-040	REP-P	98-06-075	132H-160-052	AMD	98-03-044	173-303-210	AMD	98-03-018
131-16-045	AMD-P	98-06-075	136-130-030	AMD-P	98-05-036	173-303-230	AMD	98-03-018
131-16-050	AMD-P	98-06-075	136-130-030	AMD-W	98-06-044	173-303-280	AMD	98-03-018
131-16-055	AMD-P	98-06-075	136-130-030	AMD-P	98-06-045	173-303-282	AMD	98-03-018
131-16-056	AMD-P	98-06-075	136-130-040	AMD-P	98-05-036	173-303-300	AMD	98-03-018
131-16-060	REP-P	98-06-075	136-130-040	AMD-W	98-06-044	173-303-335	AMD-W	98-05-062
131-16-061	AMD-P	98-06-075	136-130-040	AMD-P	98-06-045	173-303-350	AMD	98-03-018
131-16-062	REP-P	98-06-075	136-161-070	AMD-P	98-05-036	173-303-380	AMD	98-03-018
131-16-065	REP-P	98-06-075	136-161-070	AMD-W	98-06-044	173-303-395	AMD	98-03-018
131-16-066	REP-P	98-06-075	136-161-070	AMD-P	98-06-045	173-303-400	AMD	98-03-018
131-24-010	AMD-P	98-06-073	136-161-080	AMD-P	98-05-036	173-303-505	AMD	98-03-018
131-24-020	AMD-P	98-06-073	136-161-080	AMD-W	98-06-044	173-303-520	AMD	98-03-018
131-24-030	AMD-P	98-06-073	136-161-080	AMD-P	98-06-045	173-303-522	NEW	98-03-018
131-24-040	REP-P	98-06-073	136-161-090	AMD-P	98-05-036	173-303-573	NEW	98-03-018
131-28-005	NEW-P	98-06-072	136-161-090	AMD-W	98-06-044	173-303-600	AMD	98-03-018
131-28-02501	AMD-P	98-06-072	136-161-090	AMD-P	98-06-045	173-303-610	AMD	98-03-018
131-28-025	AMD-P	98-06-072	136-200-040	AMD-P	98-05-036	173-303-620	AMD	98-03-018
131-28-026	AMD-P	98-06-072	136-200-040	AMD-W	98-06-044	173-303-655	AMD-W	98-05-062
131-28-027	AMD-P	98-06-072	136-200-040	AMD-P	98-06-045	173-303-665	AMD	98-03-018

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173-303-800	AMD	98-03-018	180-39-030	REP	98-05-004	192-32-100	NEW	98-05-042
173-303-802	AMD	98-03-018	180-39-035	REP	98-05-004	192-32-105	AMD	98-05-042
173-303-804	AMD	98-03-018	180-51-050	PREP	98-06-028	192-32-115	AMD	98-05-042
173-303-805	AMD	98-03-018	180-56-003	REP	98-05-005	192-32-120	REP	98-05-042
173-303-806	AMD	98-03-018	180-58-010	REP	98-05-006	192-32-125	REP	98-05-042
173-303-807	AMD	98-03-018	180-58-015	REP	98-05-006	192-32-130	NEW	98-05-042
173-303-810	AMD	98-03-018	180-58-020	REP	98-05-006	192-32-135	NEW	98-05-042
173-303-815	AMD	98-03-018	180-58-030	REP	98-05-006	192-33-005	NEW	98-05-042
173-303-830	AMD	98-03-018	180-58-040	REP	98-05-006	192-33-006	NEW	98-05-042
173-303-840	AMD	98-03-018	180-58-045	REP	98-05-006	194-10-010	REP	98-05-027
173-303-900	AMD	98-03-018	180-58-055	REP	98-05-006	194-10-020	REP	98-05-027
173-303-910	AMD	98-03-018	180-58-065	REP	98-05-006	194-10-030	REP	98-05-027
173-303-9903	AMD	98-03-018	180-58-075	REP	98-05-006	194-10-040	REP	98-05-027
173-303-9904	AMD	98-03-018	180-58-085	REP	98-05-006	194-10-050	REP	98-05-027
173-303-9905	AMD	98-03-018	180-58-090	REP	98-05-006	194-10-060	REP	98-05-027
173-308-010	NEW	98-05-101	180-59-005	REP	98-05-007	194-10-070	REP	98-05-027
173-308-020	NEW	98-05-101	180-59-010	REP	98-05-007	194-10-080	REP	98-05-027
173-308-030	NEW	98-05-101	180-59-015	REP	98-05-007	194-10-090	REP	98-05-027
173-308-040	NEW	98-05-101	180-59-020	REP	98-05-007	194-10-100	REP	98-05-027
173-308-050	NEW	98-05-101	180-59-025	REP	98-05-007	194-10-110	REP	98-05-027
173-308-060	NEW	98-05-101	180-59-030	REP	98-05-007	194-10-120	REP	98-05-027
173-308-070	NEW	98-05-101	180-59-032	REP	98-05-007	194-10-130	REP	98-05-027
173-308-080	NEW	98-05-101	180-59-035	REP	98-05-007	194-10-140	REP	98-05-027
173-308-090	NEW	98-05-101	180-59-037	REP	98-05-007	197-11-680	AMD	98-06-092
173-308-100	NEW	98-05-101	180-59-040	REP	98-05-007	204-10-020	AMD	98-04-053
173-308-110	NEW	98-05-101	180-59-045	REP	98-05-007	204-10-070	AMD	98-04-053
173-308-120	NEW	98-05-101	180-59-047	REP	98-05-007	204-10-090	AMD	98-04-053
173-308-130	NEW	98-05-101	180-59-050	REP	98-05-007	204-10-100	REP	98-04-053
173-308-140	NEW	98-05-101	180-59-055	REP	98-05-007	204-10-110	REP	98-04-053
173-308-150	NEW	98-05-101	180-59-060	REP	98-05-007	204-10-130	REP	98-04-053
173-308-160	NEW	98-05-101	180-59-065	REP	98-05-007	204-10-140	REP	98-04-053
173-308-170	NEW	98-05-101	180-59-070	REP	98-05-007	204-10-150	REP	98-04-053
173-308-180	NEW	98-05-101	180-59-075	REP	98-05-007	204-72-030	AMD	98-04-054
173-308-190	NEW	98-05-101	180-59-080	REP	98-05-007	204-72-040	AMD	98-04-054
173-308-200	NEW	98-05-101	180-59-090	REP	98-05-007	204-90-030	AMD	98-04-052
173-308-210	NEW	98-05-101	180-59-095	REP	98-05-007	204-90-040	AMD	98-04-052
173-308-220	NEW	98-05-101	180-59-100	REP	98-05-007	204-90-070	AMD	98-04-052
173-308-230	NEW	98-05-101	180-59-105	REP	98-05-007	204-90-120	AMD	98-04-052
173-308-240	NEW	98-05-101	180-59-110	REP	98-05-007	204-90-140	AMD	98-04-052
173-308-250	NEW	98-05-101	180-59-115	REP	98-05-007	212-17-185	AMD	98-04-007
173-308-260	NEW	98-05-101	180-59-120	REP	98-05-007	212-17-21503	NEW	98-04-007
173-308-270	NEW	98-05-101	180-59-125	REP	98-05-007	212-17-21505	NEW	98-04-007
173-308-275	NEW	98-05-101	180-59-130	REP	98-05-007	212-17-21507	NEW	98-04-007
173-308-280	NEW	98-05-101	180-59-135	REP	98-05-007	212-17-21509	NEW	98-04-007
173-308-290	NEW	98-05-101	180-59-140	REP	98-05-007	212-17-21511	NEW	98-04-007
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173-308-300	NEW	98-05-101	180-59-150	REP	98-05-007	212-17-21515	NEW	98-04-007
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246-922-290	AMD	98-05-060	246-976-860	AMD	98-04-038	284-36A-025	AMD-XA	98-04-085
246-922-295	AMD	98-05-060	246-976-870	NEW	98-04-038	284-36A-030	REP-XA	98-04-085
246-922-300	AMD	98-05-060	246-976-880	REP	98-04-038	284-36A-040	NEW-XA	98-04-085
246-922-320	REP	98-05-060	246-976-881	NEW	98-04-038	284-36A-045	NEW-XA	98-04-085
246-922-990	AMD	98-05-060	246-976-885	AMD	98-04-038	284-36A-050	NEW-XA	98-04-085
246-922-995	NEW	98-05-060	246-976-890	AMD	98-04-038	284-36A-055	NEW-XA	98-04-085
246-924-110	AMD	98-05-060	246-976-935	NEW	98-05-035	284-36A-060	NEW-XA	98-04-085
246-924-120	REP	98-05-060	251-04-170	NEW-C	98-06-014	284-36A-065	NEW-XA	98-04-085
246-924-230	AMD	98-05-060	251-10-030	AMD	98-03-051	284-43	AMD-C	98-02-063
246-924-290	REP	98-05-060	251-19-100	AMD-C	98-06-015	284-43	AMD-C	98-03-004
246-924-320	REP	98-05-060	251-19-105	AMD-C	98-06-013	284-43	AMD	98-04-005
246-924-490	REP	98-05-060	255-01-010	NEW-P	98-04-060	284-43-040	REP	98-04-005
246-924-500	AMD	98-05-060	255-01-020	NEW-P	98-04-060	284-43-100	REP	98-04-005
246-924-990	AMD	98-05-060	255-01-030	NEW-P	98-04-060	284-43-110	NEW	98-04-005
246-926-160	REP	98-05-060	255-01-040	NEW-P	98-04-060	284-43-120	NEW	98-04-005
246-926-170	AMD	98-05-060	255-01-050	NEW-P	98-04-060	284-43-130	NEW	98-04-005
246-926-200	AMD	98-05-060	255-01-060	NEW-P	98-04-060	284-43-200	NEW	98-04-005
246-926-990	AMD	98-05-060	255-01-070	NEW-P	98-04-060	284-43-210	NEW	98-04-005
246-926-995	NEW-W	98-05-059	255-01-080	NEW-P	98-04-060	284-43-220	NEW	98-04-005
246-928-090	REP	98-05-060	255-01-090	NEW-P	98-04-060	284-43-250	NEW	98-04-005
246-928-190	AMD	98-05-060	255-01-100	NEW-P	98-04-060	284-43-300	NEW	98-04-005
246-928-990	AMD	98-05-060	255-01-110	NEW-P	98-04-060	284-43-310	NEW	98-04-005
246-930-020	AMD	98-05-060	255-01-120	NEW-P	98-04-060	284-43-320	NEW	98-04-005
246-930-400	REP	98-05-060	255-01-130	NEW-P	98-04-060	284-43-330	NEW	98-04-005
246-930-410	AMD	98-05-060	255-01-140	NEW-P	98-04-060	284-43-340	NEW	98-04-005
246-930-420	AMD	98-05-060	255-02-010	NEW-P	98-04-059	284-43-700	NEW	98-04-005
246-930-430	REP	98-05-060	255-02-020	NEW-P	98-04-059	284-43-710	NEW	98-04-005
246-930-431	NEW	98-05-060	255-02-030	NEW-P	98-04-059	284-43-720	NEW	98-04-005
246-930-990	AMD	98-05-060	255-02-040	NEW-P	98-04-059	284-43-730	NEW	98-04-005
246-930-995	NEW	98-05-060	255-02-050	NEW-P	98-04-059	284-43-800	NEW	98-04-005
246-933-180	REP	98-05-060	255-02-060	NEW-P	98-04-059	284-43-900	NEW	98-04-011
246-933-305	AMD	98-05-060	255-02-070	NEW-P	98-04-059	284-43-905	NEW	98-04-011
246-933-420	AMD	98-05-060	255-02-080	NEW-P	98-04-059	284-43-910	NEW	98-04-011
246-933-430	REP	98-05-060	255-02-090	NEW-P	98-04-059	284-43-915	NEW	98-04-011
246-933-470	REP	98-05-060	255-02-100	NEW-P	98-04-059	284-43-920	NEW	98-04-011
246-933-480	AMD	98-05-060	255-02-110	NEW-P	98-04-059	284-43-925	NEW	98-04-011
246-933-990	AMD	98-05-060	284-01-050	NEW	98-04-063	284-43-930	NEW	98-04-011
246-935-130	AMD	98-05-060	284 10	REP-C	98-03-004	284-43-935	NEW	98-04-011
246-935-990	AMD	98-05-060	284 10-010	REP	98-04-005	284-43-940	NEW	98-04-011
246-937-050	AMD	98-05-060	284 10-015	REP	98-04-005	284-43-945	NEW	98-04-011
246-937-080	AMD	98-05-060	284 10-020	REP	98-04-005	284-43-950	NEW	98-04-011
246-937-990	AMD	98-05-060	284 10-030	REP	98-04-005	284-43-955	NEW	98-04-011
246-976-470	REP	98-04-038	284 10-050	REP	98-04-005	284-44	REP-C	98-02-063
246-976-475	REP	98-04-038	284 10-060	REP	98-04-005	284-44	REP-C	98-03-004
246-976-480	REP	98-04-038	284 10-070	REP	98-04-005	284-44-100	REP	98-04-011
246-976-485	NEW	98-04-038	284 10-090	REP	98-04-005	284-44-110	REP	98-04-011
246-976-490	NEW	98-04-038	284 10-140	REP	98-04-005	284-44-120	REP	98-04-011
246-976-500	AMD	98-04-038	284 17-135	REP	98-06-022	284-44-130	REP	98-04-011
246-976-510	AMD	98-04-038	284 17-300	REP-XA	98-04-084	284-44-140	REP	98-04-011
246-976-520	AMD	98-04-038	284-23	AMD-C	98-02-062	284-44-150	REP	98-04-011
246-976-550	AMD	98-04-038	284-23	AMD-C	98-03-076	284-44-160	REP	98-04-011
246-976-560	AMD	98-04-038	284-23-200	AMD-P	98-04-083	284-44-190	REP	98-04-011
246-976-570	AMD	98-04-038	284-23-210	AMD-P	98-04-083	284-44-200	REP	98-04-011
246-976-600	AMD	98-04-038	284-23-220	AMD-P	98-04-083	284-44-210	REP	98-04-011
246-976-610	AMD	98-04-038	284-23-230	AMD-P	98-04-083	284-44-220	REP	98-04-011
246-976-615	NEW	98-04-038	284-23-235	NEW-P	98-04-083	284-44-240	REP	98-04-005
246-976-620	NEW	98-04-038	284-23-240	AMD-P	98-04-083	284-44-410	REP	98-04-005
246-976-640	AMD	98-04-038	284-23-250	AMD-P	98-04-083	284-46	REP-C	98-03-004
246-976-650	AMD	98-04-038	284-23-260	REP-P	98-04-083	284-46-020	REP	98-04-005
246-976-680	AMD	98-04-038	284-23-270	REP-P	98-04-083	284-46-575	REP	98-04-005
246-976-690	AMD	98-04-038	284-23-610	AMD	98-05-026	284-51-180	REP-XA	98-04-084
246-976-720	AMD	98-04-038	284-23-620	AMD	98-05-026	284-58-040	REP-XA	98-04-084
246-976-730	AMD	98-04-038	284-23-640	AMD	98-05-026	284-58-050	REP-XA	98-04-084
246-976-740	AMD	98-04-038	284-23-645	NEW	98-05-026	284-58-060	REP-XA	98-04-084
246-976-770	AMD	98-04-038	284-23-650	AMD	98-05-026	284-74-010	AMD	98-05-069
246-976-780	AMD	98-04-038	284-23-660	AMD	98-05-026	284-74-020	NEW	98-05-069
246-976-790	AMD	98-04-038	284-23-690	AMD	98-05-026	286-04-010	AMD-P	98-04-079
246-976-810	AMD	98-04-038	284-23-710	AMD	98-05-026	286-04-060	AMD-P	98-04-079
246-976-820	AMD	98-04-038	284-23-730	AMD	98-05-026	286-06-065	AMD-P	97-04-079
246-976-822	NEW	98-04-038	284-24	PREP	98-05-102	286-13-030	AMD-P	98-04-079
246-976-830	AMD	98-04-038	284-24-065	PREP	98-04-081	286-13-040	AMD-P	98-04-079
246-976-840	AMD	98-04-038	284-36A-010	AMD-XA	98-04-085	286-13-045	AMD-P	98-04-079
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286-13-100	AMD-P	98-04-079	296-155-494	NEW	98-05-046	308-94-050	AMD-P	98-04-072
286-26-020	AMD-P	98-04-079	296-155-496	NEW	98-05-046	308-94-070	REP-P	98-04-072
286-26-110	AMD-P	98-04-079	296-155-497	NEW	98-05-046	308-94-080	AMD-P	98-04-072
286-27-040	AMD-P	98-04-079	296-155-498	NEW	98-05-046	308-94-090	REP-P	98-04-072
286-27-055	AMD-P	98-04-079	296-155-528	NEW	98-05-046	308-94-100	AMD-P	98-04-072
286-27-065	AMD-P	98-04-079	296-155-605	AMD	98-05-046	308-94-110	REP-P	98-04-072
286-27-075	AMD-P	98-04-079	296-155-615	AMD	98-05-046	308-96A-005	PREP	98-03-021
286-30-050	NEW-P	98-04-079	296-155-683	AMD	98-05-046	308-96A-010	PREP	98-03-021
286-35-060	AMD-P	98-04-079	296-155-688	AMD	98-05-046	308-96A-015	PREP	98-03-021
292-110-050	NEW	98-03-045	296-155-689	AMD	98-05-046	308-96A-021	PREP	98-03-021
292-110-060	NEW	98-04-001	296-155-700	AMD	98-05-046	308-96A-025	PREP	98-03-021
296-20-135	AMD-P	98-05-100	296-155-730	AMD	98-05-046	308-96A-026	PREP	98-03-021
296-23-220	AMD-P	98-05-100	296-307	PREP	98-04-094	308-96A-035	PREP	98-03-021
296-23-230	AMD-P	98-05-100	296-400A	PREP	98-06-043	308-96A-040	PREP	98-03-021
296-24-060	REP	98-06-061	308-04-010	PREP	98-03-023	308-96A-065	AMD-P	98-04-071
296-24-061	NEW	98-06-061	308-04-010	AMD-P	98-06-080	308-96A-066	AMD-P	98-04-071
296-24-06105	NEW	98-06-061	308-04-020	PREP	98-03-023	308-96A-067	NEW-P	98-04-071
296-24-06110	NEW	98-06-061	308-04-020	AMD-P	98-06-080	308-96A-068	NEW-P	98-04-071
296-24-06115	NEW	98-06-061	308-12-025	PREP	98-06-047	308-96A-070	AMD-P	98-04-071
296-24-06120	NEW	98-06-061	308-12-326	PREP	98-05-012	308-96A-071	AMD-P	98-04-071
296-24-06125	NEW	98-06-061	308-56A-005	PREP	98-03-024	308-96A-073	AMD-P	98-04-071
296-24-06130	NEW	98-06-061	308-56A-010	PREP	98-03-024	308-96A-074	AMD-P	98-04-071
296-24-06135	NEW	98-06-061	308-56A-015	PREP	98-03-024	308-96A-080	PREP	98-03-022
296-24-06140	NEW	98-06-061	308-56A-020	PREP	98-03-024	308-96A-085	PREP	98-03-022
296-24-06145	NEW	98-06-061	308-56A-021	PREP	98-03-024	308-96A-090	PREP	98-03-022
296-24-06150	NEW	98-06-061	308-56A-022	PREP	98-03-024	308-96A-095	PREP	98-03-022
296-24-06155	NEW	98-06-061	308-56A-023	PREP	98-03-024	308-96A-097	PREP	98-03-022
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296-24-065	REP	98-06-061	308-56A-085	PREP	98-03-024	308-96A-176	AMD-P	98-04-071
296-24-067	REP	98-06-061	308-56A-090	PREP	98-03-024	308-96A-180	PREP	98-03-021
296-24-070	REP	98-06-061	308-93-060	PREP	98-03-026	308-96A-260	PREP	98-03-021
296-62-07477	AMD-P	98-05-061	308-93-070	PREP	98-03-026	308-96A-295	PREP	98-03-021
296-62-07515	AMD-P	98-05-061	308-93-071	PREP	98-03-026	308-96A-300	PREP	98-03-021
296-81	PREP	98-02-080	308-93-073	PREP	98-03-026	308-96A-340	AMD-P	98-04-014
296-104-700	AMD-P	98-04-017	308-93-074	PREP	98-03-026	308-96A-341	NEW-P	98-04-014
296-125	PREP	98-02-079	308-93-075	PREP	98-03-026	308-300-310	REP	98-03-055
296-155-229	NEW-P	98-05-073	308-93-078	PREP	98-03-026	308-312-010	NEW	98-03-055
296-155-24525	AMD	98-05-046	308-93-079	PREP	98-03-026	308-312-020	NEW	98-03-055
296-155-330	AMD-P	98-05-073	308-93-080	PREP	98-03-026	308-312-030	NEW	98-03-055
296-155-481	AMD	98-05-046	308-93-085	PREP	98-03-026	308-312-040	NEW	98-03-055
296-155-482	NEW	98-05-046	308-93-110	PREP	98-03-027	308-312-050	NEW	98-03-055
296-155-483	AMD	98-05-046	308-93-120	PREP	98-03-027	308-312-060	NEW	98-03-055
296-155-484	NEW	98-05-046	308-93-180	PREP	98-03-027	308-312-080	NEW	98-03-055
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296-155-48503	REP	98-05-046	308-93-200	PREP	98-03-027	308-312-100	NEW	98-03-055
296-155-48504	REP	98-05-046	308-93-210	PREP	98-03-027	314-12-200	NEW-P	98-05-103
296-155-48505	REP	98-05-046	308-93-215	PREP	98-03-027	314-64-08001	NEW-P	98-02-069
296-155-48506	REP	98-05-046	308-93-220	PREP	98-03-027	315-02-030	AMD-P	98-04-073
296-155-48507	REP	98-05-046	308-93-230	PREP	98-03-027	315-02-040	AMD-P	98-04-073
296-155-48508	REP	98-05-046	308-93-241	PREP	98-03-025	315-02-060	AMD-P	98-04-073
296-155-48509	REP	98-05-046	308-93-242	PREP	98-03-025	315-02-070	AMD-P	98-04-073
296-155-48510	REP	98-05-046	308-93-243	PREP	98-03-025	315-02-080	AMD-P	98-04-073
296-155-48511	REP	98-05-046	308-93-244	PREP	98-03-025	315-02-170	REP-P	98-04-073
296-155-48512	REP	98-05-046	308-93-245	PREP	98-03-025	315-02-180	REP-P	98-04-073
296-155-48513	REP	98-05-046	308-93-285	PREP	98-03-026	315-02-220	AMD-P	98-04-073
296-155-48514	REP	98-05-046	308-93-290	PREP	98-03-027	315-06-123	PREP	98-03-074
296-155-48515	REP	98-05-046	308-93-295	PREP	98-03-027	315-10-010	AMD-P	98-04-073
296-155-48516	REP	98-05-046	308-93-300	PREP	98-03-026	315-10-020	AMD-P	98-04-073
296-155-48517	REP	98-05-046	308-93-330	PREP	98-03-026	315-10-023	NEW-P	98-04-073
296-155-48518	REP	98-05-046	308-93-350	PREP	98-03-026	315-10-024	NEW-P	98-04-073
296-155-48519	REP	98-05-046	308-93-360	PREP	98-03-026	315-10-025	AMD-P	98-04-073
296-155-48523	REP	98-05-046	308-93-420	PREP	98-03-026	315-10-030	AMD-P	98-04-073
296-155-48525	REP	98-05-046	308-93-430	REP-P	98-05-068	315-11A-207	AMD	98-03-075
296-155-48527	REP	98-05-046	308-93-440	AMD-P	98-05-068	315-11A-215	NEW	98-03-075
296-155-48529	REP	98-05-046	308-93-450	AMD-P	98-05-068	315-11A-216	NEW	98-03-075
296-155-48531	REP	98-05-046	308-93-460	AMD-P	98-05-068	315-11A-217	NEW	98-03-075
296-155-48533	REP	98-05-046	308-93-470	AMD-P	98-05-068	315-34-055	AMD-P	98-05-070
296-155-48536	REP	98-05-046	308-93-480	REP-P	98-05-068	315-36-010	NEW-P	98-04-073
296-155-487	NEW	98-05-046	308-93-620	PREP	98-03-026	315-36-020	NEW-P	98-04-073
296-155-488	NEW	98-05-046	308-93-630	PREP	98-03-026	315-36-030	NEW-P	98-04-073
296-155-489	NEW	98-05-046	308-93-640	PREP	98-03-026	315-36-040	NEW-P	98-04-073
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315-36-080	NEW-P	98-04-073	388-14-201	NEW-E	98-04-027	388-151-190	PREP	98-02-057
315-36-090	NEW-P	98-04-073	388-14-201	NEW-S	98-06-067	388-151-200	PREP	98-02-057
315-36-100	NEW-P	98-04-073	388-14-202	NEW-E	98-04-027	388-151-470	PREP	98-02-057
315-36-110	NEW-P	98-04-073	388-14-202	NEW-S	98-06-067	388-155-180	PREP	98-02-057
315-36-120	NEW-P	98-04-073	388-14-270	AMD-E	98-04-027	388-155-190	PREP	98-02-057
315-36-130	NEW-P	98-04-073	388-14-270	AMD-S	98-06-067	388-155-200	PREP	98-02-057
315-36-140	NEW-P	98-04-073	388-14-385	AMD-P	98-05-078	388-155-470	PREP	98-02-057
315-36-150	NEW-P	98-04-073	388-14-386	NEW-P	98-05-078	388-218-1700	REP-P	98-03-084
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317-01-030	REP	98-03-073	388-14-500	AMD-P	98-05-079	388-218-1800	REP	98-06-056
317-02-010	REP	98-03-073	388-15-030	REP-P	98-03-082	388-218-1940	REP-P	98-03-084
317-02-020	REP	98-03-073	388-15-201	NEW	98-04-026	388-218-1940	REP	98-06-056
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317-02-060	REP	98-03-073	388-15-310	REP	98-02-058	388-290-010	AMD-P	98-03-083
317-02-070	REP	98-03-073	388-15-320	REP	98-02-058	388-290-020	AMD-P	98-03-083
317-02-080	REP	98-03-073	388-15-330	REP	98-02-058	388-290-025	AMD-P	98-03-083
317-02-090	REP	98-03-073	388-15-610	AMD	98-04-026	388-290-035	AMD-P	98-03-083
317-02-100	REP	98-03-073	388-15-830	AMD	98-04-026	388-290-050	AMD-P	98-03-083
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disabled person parking	PROP	98-04-014			
license plates			<b>PENINSULA COLLEGE</b>		
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	PREP	98-03-022	<b>PERSONNEL RESOURCES BOARD AND</b>		
	PREP	98-03-023	<b>PERSONNEL, DEPARTMENT OF</b>		
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Real estate commission	PREP	98-03-024	Disabilities		
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licensing procedures	PERM	98-01-107		PROP	<b>98-06-013</b>
meetings	MISC	98-01-052	Layoffs	PERM	98-03-051
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Title and registration advisory committee			Seniority	PROP	98-01-139
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	MISC	98-05-028	Shift premium provisions and		
Vessels			compensation	PROP	<b>98-06-062</b>
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	PREP	98-03-027	<b>PIERCE COLLEGE</b>		
	PROP	98-05-068	Meetings	MISC	98-02-008
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	PERM	98-03-055	<b>POLLUTION LIABILITY INSURANCE AGENCY</b>		
			Eligibility assessment reimbursement	PERM	98-01-053
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Licenses			contributions	PROP	<b>98-06-052</b>
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Samples of spirituous liquor	PROP	98-02-069		PROP	98-05-107
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Instant game rules	PROP	98-04-073	County election officials		
Lotto			campaign disclosure reports, duties	PROP	<b>98-06-051</b>
jackpot payment period	PREP	98-01-006	Lobbyist employer reports	PERM	98-01-062
	PROP	98-05-070	Registered voters,		
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