

**WSR 08-14-052**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)  
 [Filed June 24, 2008, 2:17 p.m., effective July 25, 2008]

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

Purpose: The department is reestablishing a noncovered services, eyeglasses, and contact lenses section (WAC 388-544-0575) which was previously repealed due to a lack of sufficient notice to stakeholders as required by the Administrative Procedure Act (APA). In addition to this, the department is relocating sections, updating cross references, adding the children's health program back in under eligibility, clarifying authorization requirements, including orthoptics and vision training therapy under covered services, requiring that all eyeglass lenses be placed into frames purchased by the department, limiting frequency of incidental repairs to eyeglass frames, and lowering the spherical requirement for high index lenses. When effective, this permanent rule replaces the emergency rule filed as WSR 08-11-048 filed on May 15, 2008.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-544-0450; and amending WAC 388-544-0010, 388-544-0050, 388-544-0100, 388-544-0150, 388-544-0250, 388-544-0300, 388-544-0350, 388-544-0400, 388-544-0500, 388-544-0550, and 388-544-0600.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.09.510, 74.09.520.

Adopted under notice filed as WSR 08-09-110 on April 21, 2008.

A final cost-benefit analysis is available by contacting Marlene Black, P.O. Box 45506, Olympia, WA 98504-5506, phone (360) 725-1577, fax (360) 586-9727, e-mail blackml@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 11, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 11, Repealed 1.

Date Adopted: June 24, 2008.

Robin Arnold-Williams  
Secretary

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

**WAC 388-544-0010 Vision care—General.** (1) The department covers the vision care services listed in this chap-

ter, according to department rules and subject to the ((excep- tions, restrictions, and)) limitations ((listed)) and require- ments in this chapter. The department pays for vision care ((is covered)) when it is:

(a) Covered:

(b) Within the scope of the eligible client's medical care program; ((see WAC 388-501-0060 and 388-501-0065); and ((b)) (c) Medically necessary as defined in WAC 388-500-0005;

(d) Authorized, as required within this chapter, chapters 388-501 and 388-502 WAC, and the department's published billing instructions and numbered memoranda; and

(e) Billed according to this chapter, chapters 388-501 and 388-502 WAC, and the department's published billing instructions and numbered memoranda.

(2) The department ((evaluates a request for any service that is listed as noncovered in this chapter under the provisions of WAC 388-501-0160)) does not require prior authori- zation for covered vision care services that meet the clinical criteria set forth in this chapter.

(3) The department ((evaluates requests for covered ser- vices that are subject to limitations or other restrictions and approves such services beyond those limitations or restric- tions under the provisions of WAC 388-501-0169)) requires prior authorization for covered vision care services when the clinical criteria set forth in this chapter are not met, including the criteria associated with the expedited prior authorization process. The department evaluates these requests on a case- by-case basis to determine whether they are medically neces- sary, according to the process found in WAC 388-501-0165.

~~((4) The department evaluates a request for a service that is in a covered category, but has been determined to be experimental or investigational under WAC 388-531-0550, under the provisions of WAC 388-501-0165.))~~

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0050 Vision care—Definitions.** The following definitions and those found in WAC 388-500-0005 apply to this chapter. Unless otherwise defined in this chapter, medical terms are used as commonly defined within the scope of professional medical practice in the state of Wash- ington.

**"Blindness"** - A diagnosis of visual acuity for distance vision of twenty/two hundred or worse in the better eye with best correction or a limitation of the client's visual field (widest diameter) subtending an angle of less than twenty degrees from central.

**"Conventional soft contact lenses"** or **"rigid gas per- meable contact lenses"** - FDA-approved contact lenses that do not have a scheduled replacement (discard and replace with new contacts) plan. The soft lenses usually last one year, and the rigid gas permeable lenses usually last two years. Although some of these lenses are designed for extended wear, ~~((MAA))~~ the department generally approves only those lenses that are designed to be worn as daily wear (remove at night).

**"Disposable contact lenses"** - FDA-approved contact lenses that have a planned replacement schedule (e.g., daily,

every two weeks, monthly, quarterly). The contacts are then discarded and replaced with new ones as scheduled. Although many of these lenses are designed for extended wear, ~~((MAA))~~ the department generally approves only those lenses that are designed to be worn as daily wear (remove at night).

**"Expedited prior authorization"** - A form of authorization used by the provider to certify that the department-published clinical criteria for a specific vision care service(s) have been met.

**"Extended wear soft contacts"** - Contact lenses that are designed to be worn for longer periods than daily wear (remove at night) lenses. These can be conventional soft contact lenses or disposable contact lenses designed to be worn for several days and nights before removal.

**"Hardware"** - Eyeglass frames and lenses and contact lenses.

**"Prior authorization"** - A form of authorization used by the provider to obtain the department's written approval for a specific vision care service(s). The department's approval is based on medical necessity and must be received before the service(s) are provided to clients as a precondition for payment.

**"Specialty contact lens design"** - Custom contact lenses that have a more complex design than a standard spherical lens. These specialty contact lenses (e.g., lenticular, aspheric, or myodisc) are designed for the treatment of specific disease processes, such as keratoconus, or are required due to high refractive errors. This definition of specialty contact lens does not include lenses used for surgical implantation.

**"Stable visual condition"** - A client's eye condition has no acute disease or injury; or the client has reached a point after any acute disease or injury where the variation in need for refractive correction has diminished or steadied. The client's vision condition has stabilized to the extent that eyeglasses or contact lenses are appropriate and that any prescription for refractive correction is likely to be sufficient for one year or more.

**"Visual field exams or testing"** - A process to determine defects in the field of vision and test the function of the retina, optic nerve and optic pathways. The process may include simple confrontation to increasingly complex studies with sophisticated equipment.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0100 Vision care—Eligible clients.** (1) ~~((Clients who receive services under the following medical assistance programs are eligible for covered vision care))~~ Vision care services are available to clients who are eligible for services under the following medical assistance programs only:

- (a) Categorically needy program (CN or CNP);
- (b) Categorically needy program - state children's health insurance program (CNP-SCHIP);
- (c) Children's healthcare programs as defined in WAC 388-505-0210;

~~(d) Limited casualty program - medically needy program (LCP-MNP);~~

~~((e))~~ (e) General assistance (GA-U/ADATSA) (within Washington state or designated border cities); and

~~((f))~~ (f) Emergency medical only programs when the services are directly related to an emergency medical condition only.

(2) Clients who are enrolled in ~~((an MAA-managed care plan))~~ a department-contracted managed care organization (MCO) are eligible under fee-for-service for covered vision care services that are not covered by their plan(~~(s)~~) and subject to the provisions of this chapter ~~((388-544-WAC))~~ and other applicable WAC.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0150 Vision care—Provider requirements.** (1) Enrolled/contracted eye care providers must:

- (a) Meet the requirements in chapter 388-502 WAC;
- (b) Provide only those services that are within the scope of the provider's license;
- (c) Obtain all hardware (including the tinting of eyeglass lenses) and contact lenses for ~~((MAA))~~ clients from ~~((MAA's contracted))~~ the department's designated supplier as published in the department's current vision care billing instructions; and
- (d) Return all unclaimed hardware and contact lenses to ~~((MAA's contracted))~~ the department's designated supplier using a postage-paid envelope furnished by the ~~((contractor))~~ supplier.

(2) The following providers are eligible to enroll/contract with ~~((MAA))~~ the department to provide and bill for vision care services furnished to eligible clients:

- (a) Ophthalmologists;
- (b) Optometrists;
- (c) Opticians; and
- (d) Ocularists.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0250 Vision care—Covered eye services (examinations ~~((and))~~, refractions, visual field testing, and vision therapy).** (1) ~~((The medical assistance administration (MAA) covers eye examinations and refraction services for asymptomatic clients under the following conditions and limitations, unless the circumstances in subsections (2) or (3) of this section apply:~~

- ~~((a) For clients twenty one years of age or older, once every twenty four months;~~
- ~~((b) For clients twenty years of age or younger, once every twelve months; or~~
- ~~((c) For clients with developmental disabilities, regardless of age, once every twelve months.~~
- (2) ~~MAA covers eye examinations and refraction services as often as medically necessary when:~~
  - ~~((a) The provider is diagnosing or treating the client for a medical condition that has symptoms of vision problems or disease; or~~
  - ~~((b) The client is on medication that affects vision.~~

~~(3) MAA covers eye examinations/refractions outside the time limitations in subsection (1) of this section when the eye examination/refraction is necessary due to lost or broken eyeglasses/contacts. In this situation, MAA does not require authorization for children. To receive payment for an adult client, providers must:~~

- ~~(a) Follow the expedited prior authorization process; and~~
- ~~(b) Document the following in the client's file:~~
  - ~~(i) The eyeglasses or contacts are lost or broken; and~~
  - ~~(ii) The last examination was at least eighteen months ago.~~

~~(4) MAA covers visual field exams for the diagnosis and treatment of abnormal signs, symptoms, or injuries. To receive payment, providers must document all of the following in the client's record:~~

- ~~(a) The extent of the testing;~~
- ~~(b) Why the testing was reasonable and necessary for the client; and~~

~~(c) The medical basis for the frequency of testing.)~~ The department covers, without prior authorization, eye examinations and refraction services with the following limitations:

(a) Once every twenty-four months for asymptomatic clients twenty-one years of age or older;

(b) Once every twelve months for asymptomatic clients twenty years of age or younger; or

(c) Once every twelve months, regardless of age, for asymptomatic clients of the division of developmental disabilities.

(2) The department covers additional examinations and refraction services outside the limitations described in subsection (1) of this section when:

(a) The provider is diagnosing or treating the client for a medical condition that has symptoms of vision problems or disease;

(b) The client is on medication that affects vision; or

(c) The service is necessary due to lost or broken eyeglasses/contacts. In this case:

(i) No type of authorization is required for clients twenty years of age or younger or for clients of the division of developmental disabilities, regardless of age.

(ii) Providers must follow the department's expedited prior authorization process to receive payment for clients twenty-one years of age or older. Providers must also document the following in the client's file:

(A) The eyeglasses or contacts are lost or broken; and

(B) The last examination was at least eighteen months ago.

(3) The department covers visual field exams for the diagnosis and treatment of abnormal signs, symptoms, or injuries. Providers must document all of the following in the client's record:

(a) The extent of the testing;

(b) Why the testing was reasonable and necessary for the client; and

(c) The medical basis for the frequency of testing.

(4) The department covers orthoptics and vision training therapy. Providers must obtain prior authorization from the department.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0300 Vision care—Covered eyeglasses (frames and/or lenses) and repair services.** (1) ~~((The medical assistance administration (MAA) covers eyeglasses for asymptomatic clients:~~

~~(a) Under the following conditions and limitations:~~

~~(i) For clients twenty-one years of age or older, once every twenty-four months;~~

~~(ii) For clients twenty years of age or younger, once every twelve months; or~~

~~(iii) For clients with developmental disabilities, regardless of age, once every twelve months.~~

~~(b) When:~~

~~(i) The client has a stable visual condition;~~

~~(ii) The client's treatment is stabilized;~~

~~(iii) The prescription is less than eighteen months old; and~~

~~(iv) One of the following minimum correction needs in a least one eye is documented in the client's file:~~

~~(A) Sphere power equal to, or greater than, plus or minus 0.50 diopter;~~

~~(B) Astigmatism power equal to, or greater than, plus or minus 0.50 diopter; or~~

~~(C) Add power equal to, or greater than, 1.0 diopter for bifocals and trifocals.~~

~~(2) MAA covers eyeglasses and/or lenses for clients who are twenty years of age or younger with a diagnosis of accommodative esotropia or any strabismus correction. In this situation, the client is not subject to the requirements in subsection (1)(b) of this section.~~

~~(3) MAA covers selected frames called "durable" or "flexible" frames through MAA's contracted supplier when a client has a diagnosed medical condition that has contributed to two or more broken eyeglass frames in a twelve-month period. To receive payment, providers must follow the expedited prior authorization process.~~

~~(4) MAA covers the cost of coating contact eyeglass frames to make the frames nonallergenic if the client has a medically diagnosed and documented allergy to the materials in the available eyeglass frames.~~

~~(5) MAA pays for incidental repairs to a client's eyeglass frames when all of the following apply:~~

~~(a) The provider typically charges the general public for the repair or adjustment;~~

~~(b) The contractor's one year warranty period has expired; and~~

~~(c) The cost of the repair does not exceed MAA's cost for replacement frames.~~

~~(6) MAA covers replacement eyeglass frames and/or lenses that have been lost or broken. To receive payment, providers must follow the expedited prior authorization process for clients twenty-one years of age and older. MAA does not require authorization for clients who are twenty years of age and younger or for clients with developmental disabilities, regardless of age. (See WAC 388-544-0350 for additional coverage of lens replacement.)~~

~~(7) MAA covers one pair of back-up eyeglasses when contact lenses are medically necessary and the contact lenses are the client's primary visual correction aid as described in~~

WAC 388-544-0400(1). MAA limits coverage for back-up eyeglasses as follows:

(a) For clients twenty-one years of age and older, once every six years;

(b) For clients twenty years of age or younger, once every two years; or

(c) For clients with developmental disabilities, regardless of age, once every two years)) The department covers eyeglasses, without prior authorization, as follows:

(a) When the following clinical criteria are met:

(i) The client has a stable visual condition;

(ii) The client's treatment is stabilized;

(iii) The prescription is less than eighteen months old;  
and

(iv) One of the following minimum correction needs in at least one eye is documented in the client's file:

(A) Sphere power equal to, or greater than, plus or minus 0.50 diopter;

(B) Astigmatism power equal to, or greater than, plus or minus 0.50 diopter; or

(C) Add power equal to, or greater than, 1.0 diopter for bifocals and trifocals.

(b) With the following limitations:

(i) Once every twenty-four months for clients twenty-one years of age or older;

(ii) Once every twelve months for clients twenty years of age or younger; or

(iii) Once every twelve months, regardless of age, for clients of the division of developmental disabilities.

(2) The department covers eyeglasses (frames/lenses), without prior authorization, for clients who are twenty years of age or younger with a diagnosis of accommodative esotropia or any strabismus correction. In this case, the limitations of subsection (1) of this section do not apply.

(3) The department covers one pair of back-up eyeglasses for clients who wear contact lenses as their primary visual correction aid (see WAC 388-544-0400(1)) with the following limitations:

(a) Once every six years for clients twenty years of age or older;

(b) Once every two years for clients twenty years of age or younger or regardless of age for clients of the division of developmental disabilities.

#### NEW SECTION

**WAC 388-544-0325 Vision care—Covered eyeglass frames.** (1) The department covers durable or flexible frames, without prior authorization, when the client has a diagnosed medical condition that has contributed to two or more broken eyeglass frames in a twelve-month period. To receive payment, the provider must:

(a) Follow the department's expedited prior authorization process; and

(b) Order the "durable" or "flexible" frames through the department's designated supplier.

(2) The department covers all of the following without prior authorization:

(a) Coating contact eyeglass frames to make the frames nonallergenic. Clients must have a medically diagnosed and

documented allergy to the materials in the available eyeglass frames.

(b) Incidental repairs to a client's eyeglass frames. To receive payment, all of the following must be met:

(i) The provider typically charges the general public for the repair or adjustment;

(ii) The contractor's one year warranty period has expired;

(iii) The cost of the repair does not exceed the department's cost for replacement frames and a fitting fee; and

(iv) The frequency of the repair does not exceed two per client in a six-month period. This limit does not apply to clients twenty years of age or younger or to clients of the division of developmental disabilities, regardless of age.

(3) The department covers replacement eyeglass frames that have been lost or broken as follows:

(a) No type of authorization is required for clients twenty years of age or younger or for clients of the division of developmental disabilities, regardless of age.

(b) To receive payment for clients twenty-one years of age or older, excluding clients of the division of developmental disabilities, providers must follow the department's expedited prior authorization process.

**AMENDATORY SECTION** (Amending WSR 05-17-153, filed 8/22/05, effective 9/22/05)

**WAC 388-544-0350 Vision care—Covered (~~plastic scratch-resistant~~) eyeglass lenses and services.** (1) The (~~medical assistance administration (MAA)~~) department covers the following plastic scratch-resistant eyeglass lenses without prior authorization:

(a) Single vision lenses;

(b) Round or flat top D-style bifocals;

(c) Flat top trifocals; and

(d) Slab-off and prism lenses (including Fresnel lenses).

(2) (~~MAA allows bifocal lenses to be replaced with single vision or trifocal lenses or trifocal lenses to be replaced with bifocal or single vision lenses when all of the following apply:~~

~~(a) A client has attempted to adjust to the bifocals or trifocals for at least sixty days;~~

~~(b) The client is unable to make the adjustment; and~~

~~(c) The bifocal or trifocal lenses being replaced are returned to the provider.~~

(3) MAA covers high index lenses for clients who require one of the following in at least one eye:

~~(a) A spherical refractive correction of plus or minus eight diopters or greater; or~~

~~(b) A cylinder correction of plus or minus three diopters or greater.~~

To receive payment, providers must follow the expedited prior authorization process.

(4) MAA covers the tinting of plastic lenses through MAA's contracted lens supplier. The client's medical need must be diagnosed and documented as one or more of the following chronic (expected to last longer than three months) eye conditions causing photophobia:

~~(a) Blindness;~~

~~(b) Chronic corneal keratitis;~~

(c) Chronic iritis, iridocyclitis;  
 (d) Diabetic retinopathy;  
 (e) Fixed pupil;  
 (f) Glare from cataracts;  
 (g) Macular degeneration;  
 (h) Migraine disorder;  
 (i) Ocular albinism;  
 (j) Optic atrophy and/or optic neuritis;  
 (k) Rare photo-induced epilepsy conditions; or  
 (l) Retinitis pigmentosa.

(5) MAA covers plastic photochromatic lenses when the client's medical need is diagnosed as relating to ocular albinism or retinitis pigmentosa.

(6) MAA covers polycarbonate lenses as follows:

(a) For clients who are blind in one eye and need protection for the other eye, regardless of whether a vision correction is required;

(b) Infants and toddlers with motor ataxia;

(c) For clients twenty years of age or younger who are diagnosed with strabismus or amblyopia; or

(d) For clients with developmental disabilities.

(7) MAA covers requests for lenses only when the client owns frames not purchased by MAA, when:

(a) The eyeglass frames are serviceable (MAA and MAA's contractor do not accept responsibility for these frames); and

(b) The size and style of the required lenses meet MAA's contract requirements.

(8) MAA covers replacement lenses as follows:

(a) Due to lost or broken lenses according to WAC 388-544-0300(6); and

(b) Due to refractive changes, without regard to time limits, when caused by one of the following:

(i) Eye surgery, the effects of prescribed medication, or one or more diseases affecting vision. In this case, all of the following must be documented in the client's file:

(A) The client has a stable visual condition;

(B) The client's treatment is stabilized;

(C) The lens correction must have a 1.0 or greater diopter change between the sphere or cylinder correction in at least one eye; and

(D) The previous and new refraction.

(ii) Headaches, blurred vision, or difficulty with school or work. In this case, all of the following must be documented in the client's file:

(A) Copy of current prescription (less than eighteen months old);

(B) Date of last dispensing, if known;

(C) Absence of a medical condition that is known to cause temporary visual acuity changes (e.g., diabetes, pregnancy, etc.); and

(D) A refractive change of at least .75 diopter or greater between the sphere or cylinder correction in at least one eye.

(e) To receive payment for replacement lenses, providers must follow the expedited prior authorization process)) Eye-glass lenses, as described in subsection (1) of this section must be placed into a frame that is, or was, purchased by the department.

(3) The department covers, without prior authorization, the following lenses when the clinical criteria are met:

(a) High index lenses. Providers must follow the department's expedited prior authorization process. The client's medical need in at least one eye must be diagnosed and documented as:

(i) A spherical refractive correction of plus or minus six diopters or greater; or

(ii) A cylinder correction of plus or minus three diopters or greater.

(b) Plastic photochromatic lenses. The client's medical need must be diagnosed and documented as ocular albinism or retinitis pigmentosa.

(c) Polycarbonate lenses. The client's medical need must be diagnosed and documented as one of the following:

(i) Blind in one eye and needs protection for the other eye, regardless of whether a vision correction is required;

(ii) Infants and toddlers with motor ataxia;

(iii) Strabismus or amblyopia for clients twenty years of age or younger; or

(iv) For clients of the division of developmental disabilities.

(d) Bifocal lenses to be replaced with single vision or trifocal lenses, or trifocal lenses to be replaced with bifocal or single vision lenses when:

(i) The client has attempted to adjust to the bifocals or trifocals for at least sixty days; and

(ii) The client is unable to make the adjustment; and

(iii) The trifocal lenses being replaced are returned to the provider.

(4) The department covers, without prior authorization, the tinting of plastic lenses when the client's medical need is diagnosed and documented as one or more of the following chronic (expected to last longer than three months) eye conditions causing photophobia:

(a) Blindness;

(b) Chronic corneal keratitis;

(c) Chronic iritis, iridocyclitis;

(d) Diabetic retinopathy;

(e) Fixed pupil;

(f) Glare from cataracts;

(g) Macular degeneration;

(h) Migraine disorder;

(i) Ocular albinism;

(j) Optic atrophy and/or optic neuritis;

(k) Rare photo-induced epilepsy conditions; or

(l) Retinitis pigmentosa.

(5) The department covers replacement lenses when the lenses are lost or broken as follows:

(a) No type of authorization is required for clients twenty years of age and younger or for clients of the division of developmental disabilities, regardless of age.

(b) Providers must follow the expedited prior authorization process to receive payment for clients twenty-one years of age or older.

(6) The department covers replacement lenses, without prior authorization, when the client meets one of the clinical criteria. To receive payment, providers must follow the expedited prior authorization process. The clinical criteria are:

(a) Eye surgery or the effects of prescribed medication or one or more diseases affecting vision:

- (i) The client has a stable visual condition;
  - (ii) The client's treatment is stabilized;
  - (iii) The lens correction must have a 1.0 or greater diopter change between the sphere or cylinder correction in at least one eye; and
  - (iv) The previous and new refraction are documented in the client's record.
- (b) Headaches, blurred vision, or visual difficulty in school or at work. In this case, all of the following must be documented in the client's file:
- (i) Copy of current prescription (less than eighteen months old);
  - (ii) Date of last dispensing, if known;
  - (iii) Absence of a medical condition that is known to cause temporary visual acuity changes (e.g., diabetes, pregnancy, etc.); and
  - (iv) A refractive change of at least .75 diopter or greater between the sphere or cylinder correction in at least one eye.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0400 Vision care—Covered contact lenses and services.** (1) ~~((The medical assistance administration (MAA) covers the following types of contact lenses as the client's primary refractive correction method when a client has a spherical correction of plus or minus 6.0 diopters or greater in at least one eye. In order to qualify for the spherical correction, the prescription may be from either the glasses or the contact lenses prescriptions and/or written in either "minus cyl" or "plus cyl" form. See subsection (2) of this section for exception to the plus or minus 6.0 diopter criteria:~~

- ~~(a) Conventional soft contact lenses or rigid gas permeable contact lenses that are prescribed for daily wear; or~~
- ~~(b) Disposable contact lenses that are prescribed for daily wear and have a monthly or quarterly planned replacement schedule, as follows:~~
  - ~~(i) Twelve pairs of monthly replacement contact lenses;~~
  - ~~or~~
  - ~~(ii) Four pairs of three-month replacement contact lenses.~~

~~(2) For clients diagnosed with high anisometropia, MAA covers the contact lenses in subsection (1) of this section when the client's refractive error difference between the two eyes is plus or minus 3.0 diopters and eyeglasses cannot reasonably correct the refractive errors.~~

~~(3) A client who qualifies for contact lenses as the primary refractive correction method must choose one style of contact lenses from those listed in subsection (1) of this section for each twelve-month period of coverage.~~

~~(4) MAA covers soft toric contact lenses for clients with astigmatism requiring a cylinder correction of plus or minus 1.0 diopter in at least one eye and the client also meets the spherical correction listed in subsection (1) of this section.~~

~~(5) MAA covers specialty contact lens designs for clients who are diagnosed with one or more of the following:~~

- ~~(a) Aphakia;~~
- ~~(b) Keratoconus; or~~
- ~~(c) Corneal softening.~~

~~(6) MAA covers replacement contact lenses as follows:~~

- ~~(a) Once every twelve months for lost or damaged contact lenses; or~~
- ~~(b) As often as medically necessary when all of the following apply:~~
  - ~~(i) One of the following caused the vision change:~~
    - ~~(A) Eye surgery;~~
    - ~~(B) The effect(s) of prescribed medication; or~~
    - ~~(C) One or more diseases affecting vision.~~
  - ~~(ii) The client has a stable visual condition;~~
  - ~~(iii) The client's treatment is stabilized; and~~
  - ~~(iv) The lens correction has a 1.0 or greater diopter change in at least one eye between the sphere or cylinder correction. The previous and new refraction must be documented in the client's record.~~

~~(e) To receive payment for adults, providers must follow the expedited prior authorization process. Prior authorization is not required for children or for clients with developmental disabilities.~~

~~(7) MAA covers therapeutic contact bandage lenses only when needed immediately after eye injury or eye surgery))~~  
~~The department covers contact lenses, without prior authorization, as the client's primary refractive correction method when the client has a spherical correction of plus or minus 6.0 diopters or greater in at least one eye. See subsection (4) of this section for exceptions to the plus or minus 6.0 diopter criteria. The spherical correction may be from the prescription for the glasses or the contact lenses and may be written in either "minus cyl" or "plus cyl" form.~~

~~(2) The department covers the following contact lenses with limitations:~~

~~(a) Conventional soft contact lenses or rigid gas permeable contact lenses that are prescribed for daily wear; or~~

~~(b) Disposable contact lenses that are prescribed for daily wear and have a monthly or quarterly planned replacement schedule, as follows:~~

- ~~(i) Twelve pairs of monthly replacement contact lenses;~~
- ~~or~~
- ~~(ii) Four pairs of three-month replacement contact lenses.~~

~~(3) The department covers soft toric contact lenses, without prior authorization, for clients with astigmatism when the following clinical criteria are met:~~

~~(a) The client's cylinder correction is plus or minus 1.0 diopter in at least one eye; and~~

~~(b) The client meets the spherical correction listed in subsection (1) of this section.~~

~~(4) The department covers contact lenses, without prior authorization, when the following clinical criteria are met. In these cases, the limitations in subsection (1) of this section do not apply.~~

~~(a) For clients diagnosed with high anisometropia,~~

~~(i) The client's refractive error difference between the two eyes is at least plus or minus 3.0 diopters; and~~

~~(ii) Eyeglasses cannot reasonably correct the refractive errors.~~

~~(b) Specialty contact lens designs for clients who are diagnosed with one or more of the following:~~

- ~~(i) Aphakia;~~
- ~~(ii) Keratoconus; or~~
- ~~(iii) Corneal softening.~~

(c) Therapeutic contact bandage lenses only when needed immediately after eye injury or eye surgery.

(5) The department covers replacement contact lenses, limited to once every twelve months, when lost or damaged as follows:

(a) Authorization is not required for clients twenty years of age or younger or for clients of the division of developmental disabilities, regardless of age.

(b) Providers must follow the expedited prior authorization process to receive payment for clients twenty-one years of age or older.

(6) The department covers replacement contact lenses when all of the clinical criteria are met:

(a) The clinical criteria are:

(i) One of the following caused the vision change:

(A) Eye surgery;

(B) The effect(s) of prescribed medication; or

(C) One or more diseases affecting vision.

(ii) The client has a stable visual condition;

(iii) The client's treatment is stabilized; and

(iv) The lens correction has a 1.0 or greater diopter change in at least one eye between the sphere or cylinder correction. The previous and new refraction must be documented in the client's record.

(b) No type of authorization is required for clients twenty years of age and younger or for clients of the division of developmental disabilities, regardless of age.

(c) To receive payment for clients twenty-one years of age or older, providers must follow the expedited prior authorization process.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0500 Vision care—Covered ocular prosthetics.** The ~~((medical assistance administration (MAA)))~~ department covers ~~((medically necessary))~~ ocular prosthetics when provided by any of the following:

(1) An ophthalmologist;

(2) An ocularist; or

(3) An optometrist who specializes in ~~((orthotics))~~ prosthetics.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0550 Vision care—Covered eye surgery.** (1) The ~~((medical assistance administration (MAA)))~~ covers cataract surgery when:

(a) It is included in the scope of care for the client's medical program;

(b) It is medically necessary as defined in subsection (2) of this section; and

(c) The provider clearly documents the need in the client's record.

(2) MAA considers cataract surgery to be medically necessary when the client has:

(a) Correctable visual acuity in the affected eye at 20/50 or worse, as measured on the Snellen test chart; or

(b) One or more of the following conditions:

(i) Dislocated or subluxated lens;

(ii) Intraocular foreign body;

(iii) Ocular trauma;

(iv) Phacogenic glaucoma;

(v) Phacogenic uveitis;

(vi) Phacoanaphylactic endophthalmitis; or

(vii) Increased ocular pressure in a person who is blind and is experiencing ocular pain.

(3) MAA covers strabismus surgery as follows:

(a) For clients seventeen years of age and younger, when medically necessary. The provider must clearly document the need in the client's record:

(b) For clients eighteen years of age and older when:

(i) The client has double vision; and

(ii) The surgery is not performed for cosmetic reasons.

(c) To receive payment for clients eighteen years of age and older, providers must follow MAA's expedited prior authorization process listed in WAC 388-544-0450. MAA does not require authorization for clients seventeen years of age and younger.

(4) MAA covers blepharoplasty or blepharoptosis surgery for nonecosmetic reasons when:

(a) The excess upper eyelid skin impairs the vision by blocking the superior visual field; and

(b) The vision is blocked to within ten degrees of central fixation using a central visual field test)) department covers cataract surgery, without prior authorization, when the following clinical criteria are met:

(a) Correctable visual acuity in the affected eye at 20/50 or worse, as measured on the Snellen test chart; or

(b) One or more of the following conditions:

(i) Dislocated or subluxated lens;

(ii) Intraocular foreign body;

(iii) Ocular trauma;

(iv) Phacogenic glaucoma;

(v) Phacogenic uveitis;

(vi) Phacoanaphylactic endophthalmitis; or

(vii) Increased ocular pressure in a person who is blind and is experiencing ocular pain.

(2) The department covers strabismus surgery as follows:

(a) For clients seventeen years of age and younger. The provider must clearly document the need in the client's record. The department does not require authorization for clients seventeen years of age and younger; and

(b) For clients eighteen years of age and older, when the clinical criteria are met. To receive payment, providers must follow the expedited prior authorization process. The clinical criteria are:

(i) The client has double vision; and

(ii) The surgery is not being performed for cosmetic reasons.

(3) The department covers blepharoplasty or blepharoptosis surgery when all of the clinical criteria are met. To receive payment, providers must follow the department's expedited prior authorization process. The clinical criteria are:

(a) The client's excess upper eyelid skin is blocking the superior visual field; and

(b) The blocked vision is within ten degrees of central fixation using a central visual field test.

NEW SECTION**WAC 388-544-0560 Vision care—Authorization.** (1)

The department requires providers to obtain authorization for covered vision care services as required in this chapter, chapters 388-501 and 388-502 WAC, and in published department billing instructions and/or numbered memoranda or when the clinical criteria required in this chapter are not met.

(a) For prior authorization (PA), a provider must submit a written request to the department as specified in the department's published vision care billing instructions.

(b) For expedited prior authorization (EPA), a provider must meet the clinically appropriate EPA criteria outlined in the department's published vision care billing instructions. The appropriate EPA number must be used when the provider bills the department.

(c) Upon request, a provider must provide documentation to the department showing how the client's condition met the criteria for PA or EPA.

(2) Authorization requirements in this chapter are not a denial of service.

(3) When a service requires authorization, the provider must properly request authorization in accordance with the department's rules, billing instructions, and numbered memoranda.

(4) When authorization is not properly requested, the department rejects and returns the request to the provider for further action. The department does not consider the rejection of the request to be a denial of service.

(5) The department's authorization of service(s) does not necessarily guarantee payment.

(6) The department evaluates requests for authorization of covered vision care services that exceed limitations in this chapter on a case-by-case basis in accordance with WAC 388-501-0169.

(7) The department may recoup any payment made to a provider if the department later determines that the service was not properly authorized or did not meet the EPA criteria. Refer to WAC 388-502-0100 (1)(c).

NEW SECTION

**WAC 388-544-0575 Vision care—Noncovered services, eyeglasses, and contact lenses.** (1) The department does not cover the following:

- (a) Executive style eyeglass lenses;
- (b) Bifocal contact lenses;
- (c) Daily and two week disposable contact lenses;
- (d) Extended wear soft contact lenses, except when used as therapeutic contact bandage lenses or for aphakic clients;
- (e) Custom colored contact lenses;
- (f) Services for cosmetic purposes only;
- (g) Glass lenses;
- (h) Group vision screening for eyeglasses;
- (i) Nonglare or anti-reflective lenses;
- (j) Progressive lenses;
- (k) Refractive surgery of any type that changes the eye's refractive error. The intent of the refractive surgery procedure is to reduce or eliminate the need for eyeglass or contact lens corrections. This does not include intraocular lens implantation following cataract surgery.

(l) Sunglasses and accessories that function as sunglasses (e.g., "clip-ons");

(m) Upgrades at private expense to avoid the department's contract limitations (e.g., frames that are not available through the department's contract or noncontract frames or lenses for which the client or other person pays the difference between the department's payment and the total cost).

(2) An exception to rule (ETR), as described in WAC 388-501-0160, may be requested for a noncovered service.

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0600 Vision care—Payment methodology.** (1) ~~((In order))~~ To receive payment, vision care providers must bill the ~~((medical assistance administration (MAA)))~~ department according to the conditions of payment under WAC 388-502-0020 (1)(a) through (c) and WAC 388-502-0100 and ~~((MAA's))~~ the department's published billing instructions.

(2) ~~((MAA covers))~~ The department pays one hundred percent of the ((MAA)) department contract price for covered eyeglass frames, lenses, and contact lenses when these items are obtained through ((MAA's)) the department's approved ((contract(s)) contractor.

(3) See WAC 388-531-1850 for professional fee payment methodology.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-544-0450 Vision care—Prior authorization.

**WSR 08-15-002****PERMANENT RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 08-165—Filed July 3, 2008, 9:02 a.m., effective August 3, 2008]

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

Purpose: Amend rules for recreational marine and freshwater salmon fishing, which includes WAC 220-56-105, 220-56-116, 220-56-124, 220-56-195, 220-56-500, 232-28-619, 232-28-620, and 232-28-621.

Citation of Existing Rules Affected by this Order: Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08; amending WSR 08-07-003, filed 3/5/08, effective 4/5/08; and WSR 07-16-056, filed 7/26/07, effective 8/26/07.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Adopted under notice filed as WSR 08-11-122 on May 21, 2008.

Changes Other than Editing from Proposed to Adopted Version: On the Lewis River, North Fork, from the mouth of Colvin Creek to the overhead powerlines at Merwin Dam, for



salmon, the season is open December 16 through December 31, not December 30, 2008.

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 8, Repealed 0.

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

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

Date Adopted: July 2, 2008.

J. P. Koenings  
Director

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

**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.

Chambers Creek - Burlington Northern Railroad Bridge.

Chehalis River - Highway 101 Bridge in Aberdeen.

Chelan River - Railroad Bridge.

Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.

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.

Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.

Hoquiam River - Highway 101 Bridge.

Humptulips 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 - 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 fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the Lewis River to a fishing boundary marker near the south shore.

McLane Creek - A line 100 feet upstream of and parallel to the southernmost Highway 101 Bridge.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

Nisqually River - At the upstream end of Alder Lake, the mouth of the Nisqually River is the Highway 7 Bridge at Elbe.

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 McGlinn 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.

Wallace River - The furthest downstream railroad bridge.

Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

White Salmon River - Between markers on the east and west shores downstream of the Burlington Northern Railroad Bridge except when buoys are in place southerly from the shore to the buoys and east and west between the buoys.

Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.

Willapa River - South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

**AMENDATORY SECTION** (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

**WAC 220-56-116 Statewide saltwater hook rules.** (1)

It is unlawful to use more than two hooks to fish in saltwater, except for forage fish jigger gear and squid jig gear, and when fishing from the north jetty of the Columbia River.

(2) It is unlawful to use barbed hooks in Marine Areas 5-13, except for forage fish jigger gear.

(3) It is unlawful to use other than one single barbless hook to fish for sturgeon.

(4) It is unlawful to use other than single barbless hooks to fish for salmon in Marine Areas ~~((1-4))~~ 1-13, except in the Ocean Shores and Westport Boat Basins, and in Marine Area 2-1 from August 1 through January 31, as provided for in this section.

(5) It is unlawful to fish for or possess salmon taken with terminal gear hooks in violation of nonbuoyant lure restrictions in the following saltwater areas during the periods indicated:

(a) Budd Inlet waters south of a line projected true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128 - July 16 through October 31.

(b) ~~((Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island - July 1 through October 31.~~

(e)) Ocean Shores Boat Basin - August 16 through January 31.

~~((d))~~ (c) Westport Boat Basin - August 16 through January 31.

(6) It is unlawful to use forage fish jig gear or other than one single-point barbless hook, and night closure in effect, in the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford

Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island - July 1 through October 31.

(7) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

~~((7))~~ (8) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

**AMENDATORY SECTION** (Amending Order 02-158, filed 7/16/02, effective 8/16/02)

**WAC 220-56-124 Unlawful provisions—Hoodspout Hatchery.** During the period July 1 through December 31, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspout Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length, and no more than two may be coho. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

**AMENDATORY SECTION** (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

**WAC 220-56-195 Closed areas—Saltwater salmon angling.** The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

~~((a))~~ Those waters north of a line from Green Point to Penrose Point are closed to salmon angling April 16 through July 31.

~~((b))~~ Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling ~~((July 1))~~ April 16 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and

then to the Port Williams boat ramp are closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed June 1 through July 31.

(7) Southern Rosario Strait and eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - September 30.

(8) Kydaka Point - waters south of a line from Kydaka Point to Shipwreck Point are closed to fishing for salmon July 1 through September 30.

(9) Port Angeles Harbor - waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon from July 1 through August 31.

(10) ~~(Port Susan - waters north of a line from Camano Head to a boundary marker approximately 1.4 miles northwest of Hermosa Point closed to salmon fishing August 1 through August 31.~~

~~(11))~~ Grays Harbor Control Zone: Waters within a line from the lighthouse one mile south of the south jetty, thence to Buoy number 2, thence to Buoy number 3, thence to the tip of the north jetty, thence to the exposed end of the south jetty, thence following the south jetty and shoreline to the light-

house closed to fishing for salmon August 1 through September ~~((48))~~ 30.

AMENDATORY SECTION (Amending Order 06-135, filed 6/13/06, effective 7/14/06)

**WAC 220-56-500 Game fish seasons.** It is unlawful to fish for game fish except during open seasons or open time periods.

(1) Freshwater lakes, ponds and reservoirs: Open year round except as provided for in WAC 232-28-619.

(2) Freshwater rivers, streams and beaver ponds: Open June 1 through October 31 except as provided for in WAC 232-28-619.

(3) Saltwater (all waters downstream and seaward of the mouths of rivers and streams generally defined in WAC 220-16-245 and specifically defined in WAC 220-56-105): Open year-round, except:

(a) Lake Washington Ship Canal - 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.

(b) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(c) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through August 31.

(d) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

(e) Agate Pass - 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 game fish angling from January 1 through March 31; except a person can fish with gear meeting the fly-fishing-only requirements of WAC 220-56-210, as long as he or she does not use lead-core fly line. Use of gear other than fly-fishing gear or use of a lead core line in violation of this subsection is an infraction punishable under RCW 77.15.160. It is unlawful to retain any fish taken during the period January 1 through March 31.

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

**WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.** (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) Freshwater terminal gear restrictions: In all waters with freshwater terminal gear restrictions, including, but not limited to, selective gear rules, whitefish gear rules, single point barbless hooks required, fly-fishing only, and nonbuoyant lure restrictions, violation of the gear rules is an infraction, punishable under RCW 77.15.160. It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to

constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree.

(3) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(4) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an internal combustion motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Additional season October 1 through November 30 and March 1 through Friday before last Saturday in April. Selective gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Closed waters: From Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8 July 16 through September 15. Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and trout: Release trout.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only (~~July 1~~) June 14 through July 31 except closed 12:01 a.m. (~~July 5~~) June 30 through 2:00 p.m. July (~~6~~) 2 and 12:01 a.m. July (~~4~~) 9 through 2:00 p.m. July 11. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters except for salmon. Salmon: Open only June 14 through July 31 from Highway 20 Bridge upstream 250

feet. Daily limit 2 sockeye salmon. Nonbuoyant lure restriction and night closure.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five. Crappie: Daily limit 10, minimum size 9 inches in length.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. All species: Release all fish except salmon and except up to two hatchery steelhead may be retained each day. From the Lime Quarry Road to the Longview Fiber Bridge: Selective gear rules June 1 through March 31. All species: Release all fish except up to two hatchery steelhead may be retained each day. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult Chinook(~~(, and chum)~~). Upstream of Longview Fiber Bridge: Closed waters.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an

internal combustion motor prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): June 1 through August 31 season. Juveniles only.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Closed waters August 1 through August 31: Waters within 100 feet of the Seabeck Highway NW Bridge. Selective gear rules. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through October 31 season and all game fish: Release all fish. From mouth to Rodgers Street selective gear rules June 1 through August 15 and closed waters August 16 through October 31. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 through August 15, one single point barbless hook August 16 through October 31, and night closure August 16 through October 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon. Only coho salmon hooked inside the mouth may be retained.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Big Tiffany Lake (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Release all cutthroat.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only anglers who permanently use a wheelchair may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with clipped right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead downstream from High-

way 101 Bridge. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boulder Creek and tributaries (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten, no minimum size. Release all cutthroat.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream (including the portion flowing through the dry lakebed): Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply. May 15 through the last day of Free Fishing Weekend (as defined in WAC 220-55-160): Juveniles only.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through October 31 season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead from mouth to Highway 101 Bridge. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calispell Creek and tributaries: Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Camas Slough: Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Season: Open when the adjacent mainstem Columbia or Washougal rivers are open to fishing for salmon. Daily limit same as most liberal regulation of either area.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Canyon Creek (Whatcom County): Closed waters: Mouth to Canyon Creek Road Bridge.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through (~~November 30~~) October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: September 1 through last day in February season. Nonbuoyant lure restriction, night closure and single point barbless hooks (~~August~~) September 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: July 1 through August 15 and Decem-

ber 1 through last day in February season. Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery Chinook. Release chum and wild adult Chinook salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Nonbuoyant lure restriction and night closure September 16 through November 30. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July ((8)) 15. Nonbuoyant lure restriction and night closure. Daily limit ((2)) 4 hatchery Chinook, of which no more than 2 may be adult hatchery Chinook. Open September 16 through November 30. Daily limit 4 coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June

1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: June 1 through August 31 season. Selective gear rules and night closure. Trout: Release all trout. Landsburg Road to Cedar Falls: Closed waters.

Cedar River (Pacific County): Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek (Pierce County): July 1 through November 15 season. Night closure and nonbuoyant lure restriction.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Night closure and nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: ~~((Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through October 31, the daily limit may contain no more than one adult Chinook, release~~



~~chum. November 1 through November 30, release adult Chinook, and chum. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult Chinook, and chum. December 1 through last day in February, Porter Bridge to High Bridge, release adult Chinook, wild adult coho, and chum.)~~ Open September 16 through September 30 from mouth to Lakeside Industries Tower in Aberdeen, approximately 1.25 miles upstream of mouth. Daily limit 6 fish, of which no more than 2 may be adult salmon, and of which only 1 may be a wild adult coho. Release chum and adult Chinook. Bait prohibited and fishing from any floating device prohibited. Open October 1 through October 15 from mouth to high bridge. Daily limit 6 fish, of which no more than 2 may be adult salmon, and of which only 1 may be a wild adult coho. Release chum and adult Chinook. Open October 16 through January 31 from mouth to high bridge. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook. Sturgeon: Open year-round, and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

From the High Bridge on Weyerhaeuser 1000 line, upstream, including all forks and tributaries: June 1 through April 15 season. Selective gear rules. All species: Release all fish, except up to two hatchery steelhead may be retained per day.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit 10, no minimum length. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house: May 15 through August 31 season. Nonbuoyant lure restriction. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: 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): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year around. ~~(Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild Chinook January 1 through July 31.)~~ Salmon minimum size 8 inches. January 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cispus River, North Fork (Lewis County): Selective gear rules. Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Clearwater River (Pierce County): July 1 through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hvas Lake except Tucquala Lake: Selective gear rules.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 30 season. Selective gear rules except internal combustion motors allowed. Trout: Daily limit one, minimum length eighteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April

1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Trout: Daily limit three fish. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below McNary Dam: Daily limit five fish, bass 12 to 17 inches in length may be retained. Up to but not more than three of the daily limit may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except Camas Slough, where the license of either state is valid when fishing from a floating device.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10, upstream to a line ((between)) projected from Rocky Point ((#)) on the Washington ((#)) bank through Red Buoy 44 to the navigation light at Tongue Point ((#)) on the Oregon bank: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through September ~~((30, daily limit 2 salmon. Release Chinook, chum, sockeye, wild coho, Chinook less than 24 inches in length, and coho less than 16 inches in length, except one Chinook may be retained August 22 through September 3))~~ 1, daily limit 2 salmon, of which only 1 may be a Chinook. Release chum, sockeye, wild coho, Chinook less than 24 inches in length, and coho less than 16 inches in length. September 2 through September 30, daily limit 2 hatchery coho only. Release coho less than 16 inches in length. October 1 through December 31, daily limit 6 ~~((fish)) hatchery coho~~, of which no more than 2 may be adult ~~((salmon and not more than one of which may be an adult Chinook salmon. Release chum, sockeye, and wild))~~ hatchery coho. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and wild Chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings, with barbed hooks allowed, and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 9 and June 25 through December 31. Minimum size when open to retain sturgeon is 42

inches January 1 through April 30, and 45 inches May 10 through June 24. Bottomfish: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of Marine Area 1.

From ~~((the Rocky Point - Tongue Point line))~~ a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, upstream to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through June 15 daily limit 6 hatchery jack Chinook. June 16 through ~~((June 30))~~ July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. ~~((Release sockeye, July 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon.))~~ Release sockeye, chum, wild coho, and adult Chinook, except adult Chinook may be retained June 21 through June 28. August 1 through ~~((March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. August 1 through December 31 the daily limit may contain not more than 1 adult Chinook, except release))~~ August 31, daily limit 6 hatchery coho, of which no more than 2 may be adult hatchery coho. September 1 through September 16, daily limit 6 fish, of which no more than 2 may be adult salmon; and of the adult fish, only 1 may be an adult Chinook. Release sockeye, chum, wild coho, and Chinook ((September 5 through September 30)) downstream of a line from the boundary marker on lower end of Bachelor Island((?) to the Warrior Rock Lighthouse, and upstream of a line from Light Number 62 on Deer Island to Light Number 63 on the lower end of Martin Island. ~~((Release wild Chinook January 1 through March 31.))~~ September 17 through December 31, daily limit 6 hatchery coho, of which no more than 2 may be adult hatchery coho. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye, chum, wild coho, and wild Chinook. (1) Release sturgeon May 1 through May 9 and June 25 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 42 inches January 1 through April 30, and 45 inches May 10 through June 24; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, Saturdays, and Sundays from January 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway

entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam ~~((and release all cutthroat in the waters of Drano Lake))~~. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Snake River Confluence Protection Area: From the first powerline crossing the Columbia upstream of Sacajawea State Park to the railroad bridge between Burbank and Kennewick: All species: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to a line from navigation marker 85 on the Washington shore at a right angle to the thread of the river to the Oregon shore, from 400 feet below McNary Dam to the Highway 82 Bridge and from John Day Dam downstream to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, Saturdays, and Sundays from January 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to the navigation marker 85 line and the closure to the Highway 82 Bridge. Release sturgeon on other days and during other time periods. (4) Release sturgeon August 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. (5) From the Hamilton Island boat launch (USACE boat restricted zone boundary) to Bonneville Dam, anglers must stop fishing for sturgeon once a daily limit has been retained. Salmon: From I-5 Bridge to Bonneville Dam: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through ~~((June 30, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye, July 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and sockeye. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish, only 1 may be an adult Chinook. Release wild coho, sockeye, and chum))~~ July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye, chum, wild coho, and adult Chinook, except adult Chinook may be retained June 21 through June 28. August 1 through August 31, daily limit 6 hatchery coho, of which no more than 2 may be adult hatchery coho. September 1 through September 16, daily limit 6 fish, of which no more than 2 may be adult salmon; and of the adult fish, only 1 may be an adult Chi-

nook. Release sockeye, chum, and wild coho. September 17 through December 31, daily limit 6 hatchery coho, of which no more than 2 may be adult hatchery coho. From Bonneville Dam to McNary Dam: Open only June 16 through December 31. Daily limit 6 fish, of which only 2 may be adult salmon. Release sockeye. August 1 through December 31, release chum. August 1 through December 31, release wild coho from Bonneville Dam to Hood River Bridge. From McNary Dam to the Highway 395 Bridge at Pasco: Open only June 16 through December 31(~~(7)~~); daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold (~~(Hatchery)~~) Area Bank Fishery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout, except up to two hatchery steelhead having both adipose and ventral fin clips may be retained per day. October 1 through October 31. Release all trout, except up to two hatchery steelhead may be retained per day. November 1 through March 31. Salmon: Open only June 16 through (~~(July 31 and August 16 through December 31)~~) October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye (~~(June 16 through July 31)~~). Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold (~~(Springs Rearing Facility)~~) Area Bank Fishery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15, except closed for salmon(~~(7 to)~~) fishing. Fishing allowed only from the bank and only on the hatchery side of the river. Trout: Release all fish, except hatchery steelhead. Salmon: Open only May 1 through May 31 (~~(to)~~). Fishing allowed only from the bank and only on the hatchery side of the river. Daily limit two hatchery (~~(salmon)~~) Chinook. Night closure and nonbuoyant lure restriction.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): (~~(All species)~~) February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through (~~(July 31 and August 16 through)~~) October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release sockeye (~~(June 16 through July 31)~~).

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through (~~(July 31 and August 16 through)~~)

October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye (~~(June 16 through July 31)~~).

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. All species: Nonbuoyant lure restriction and night closure from Rocky Reach Dam to the most upriver edge of Turtle Rock. Salmon: Daily limit 6 fish, of which no more than 2 may be adult salmon. Release coho and sockeye. From Priest Rapids Dam to Wells Dam, open only July 1 through October 15. (~~(Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye.)~~) From Wells Dam to Chief Joseph Dam, open only July 1 through July 15 and September 1 through October 15 from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport, and July 16 through August 31 from Wells Dam to Highway 17 Bridge at Bridgeport. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: Daily limit 8 fish. No minimum size. Not more than one walleye greater than 22 inches may be retained. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and adult Chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cottonwood Creek (Walla Walla County): Closed waters.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): 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.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. From Mulholland Creek upstream: June 1 through August 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: ~~((Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild Chinook June 1 through July 31.))~~ Open only June 1 through last day in February. January 1 through last day in February and June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho and wild Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: (1) From 400 feet or posted markers below Cowlitz salmon hatchery barrier dam to boundary markers near the Cowlitz salmon hatchery water intake approximately 1,700 feet upstream of

the Cowlitz salmon hatchery barrier dam. (2) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam. (3) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure except anglers who permanently use a wheelchair may fish within posted markers when adjacent waters are open. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the Cowlitz salmon hatchery barrier dam. Lawful to fish up to four hundred feet or the posted deadline at the Cowlitz salmon hatchery barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the Cowlitz salmon hatchery barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the Cowlitz salmon hatchery barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Release all steelhead missing right ventral fin. Salmon: Open year-round. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release all salmon except hatchery Chinook and hatchery coho. August 1 through December 31, daily limit 6 fish (~~of which no more than 2 may be adult Chinook~~). Release all salmon except ~~((Chinook and))~~ hatchery coho and hatchery jack Chinook. ((Mill Creek to Blue Creek — release all Chinook October 1 through December 31. Highway 4 Bridge in Kelso downstream, release Chinook September 5 through September 30.)) Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Salmon minimum size 12 inches. January 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. ((Salmon minimum size 12 inches.)) Release wild coho ~~((Release))~~ and wild Chinook ((January 1 through July 31)). August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release wild coho.

Cowlitz River, Clear and Muddy Forks (Lewis County): Selective gear rules. Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: April 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. In those waters from Grant County Road 7 to

the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Moses Lake. From Moses Lake downstream to the confluence of the outlet streams March 1 through May 31 terminal gear restricted to one single-point hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Potholes Reservoir.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Curley Creek (Kitsap County): June 1 through October 31 season. Trout: Minimum length fourteen inches.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Dalton Lake (Franklin County): Trout: No more than two over 13 inches in length may be retained.

Damon Lake (Grays Harbor County): 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): April 1 through August 31: Selective gear rules. All species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Land-locked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook and wild coho. August 1 through December 31, daily limit 6 fish of which no more than 4 may be adult salmon, and of the adult salmon, no more than 2 may be adult Chinook. Release chum and wild coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): March 1 through October 31 season. Trout: No more than two over thirty inches in length may be retained.

De Roux Creek (Kittitas County): Mouth to the USFS Trail #1392 (De Roux Cr. Trail) stream crossing (approximately one river mile): Closed waters. Upstream of USFS Trail #1392 stream crossing: Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: June 1 through March 31 season. Nonbuoyant lure

restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through (~~November 30~~) October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through (~~November 30~~) October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Selective gear rules. Game fish: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (Clallam County): June 1 through April 30 season in mainstem Dickey outside Olympic National Park and East Fork Dickey upstream to D5200 road and June 1 through March 15 in East Fork Dickey upstream from D5200 road and West Fork Dickey. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Highway 101 Bridge. Selective gear rules June 1 through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): March 1 through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Creek (Walla Walla County): Upstream from the middle Waitsburg Road: Closed waters.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Selective gear rules June 1 through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Little Walla Walla River (Walla Walla County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from

Highway 105 Bridge to the confluence of the East and Middle Branches. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon; and of the adult fish, only 1 may be an adult wild coho. Release adult Chinook, and chum. October 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through December 31. September 1 through October 15, daily limit 6 fish, of which no more than 4 may be adult ~~((salmon, and of the adult fish, no more than 2 may be adult Chinook))~~ coho. Release chum ~~((and))~~ wild coho, wild Chinook, and hatchery adult Chinook. ~~((October 1 through October 15 release Chinook upstream of Highway 4 Bridge.))~~ October 16 through December 31, daily limit 6 fish, of which no more than 2 may be adult ~~((salmon))~~ coho. Release chum ~~((and))~~ wild coho, wild Chinook, and hatchery adult Chinook. ~~((Release Chinook upstream of Highway 4 Bridge.))~~

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Dam downstream two hundred feet.

From mouth to two hundred feet below the south spillway on the Aldwell Dam: October 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply. Above Entiat Falls: Selective gear rules. Trout: Daily limit 5 trout, not more than one of which may be greater than 12 inches in length. Eastern brook trout not included in trout daily limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.



Fortson Mill Pond #2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 31 season. Selective gear rules. All species: Release all fish.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Golf Course Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches. Channel catfish: No daily limit mouth to Oregon state line.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules, June 1 through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 ~~((hatchery coho))~~ fish, of which no more than four may be adult ~~((coho))~~ salmon, and of the 4 adults, only 2 may be adult Chinook. Release ~~((all salmon except hatchery coho))~~ chum, wild coho and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead. Salmon: Additional September 1 through October 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction. Daily limit 6 ~~((hatchery coho))~~ fish of which not more than 4 may be adult ~~((coho))~~ salmon, and of the 4 adults, only 2 may be adult Chinook. ~~((Release all salmon except hatchery coho.))~~ Release chum, wild coho and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When nonbuoyant lure restriction in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except hatchery steelhead. Salmon: Open August 1 through November 30. Daily limit 6 fish, of which not more than four may be adult ~~((salmon, and of the adult salmon only 2 may be adult Chinook))~~ coho. Release chum ~~((and))~~, wild coho, wild Chinook, and hatchery adult Chinook. ~~((Release Chinook October 1 through November 30.))~~

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to ~~((the northbound Interstate 5 bridge))~~ Tukwila International Boulevard/Old Highway 99: June 1 through July 31 and September ~~((+))~~ 16 through February 15 season. Nonbuoyant lure restriction and night closure September ~~((+))~~ 16 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September ~~((+))~~ 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only September ~~((+))~~ 16 through December 31. Daily limit 6 fish, of which no more than 3 may be adult salmon ~~((and only 1 may be a Chinook))~~. Release Chinook.

From ~~((the northbound Interstate 5 bridge to SW 43rd Street/South 180th Street Bridge))~~ Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:

June 1 through July 31 and September ~~((+6))~~ 1 through February 15 season. Nonbuoyant lure restriction and night closure September ~~((+6))~~ 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September ~~((+6))~~ 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only September ~~((+6))~~ 1 through December 31. Daily limit 6 fish, of which no more than 3 may be adult salmon, and only 1 may be a Chinook. ~~((Release Chinook.))~~

From the ~~((SW 43rd Street/South 180th Street Bridge))~~ Interstate 405 Bridge to South 277th Street Bridge in Auburn: Open only June 1 through July 31 and October 1 through February 15. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and October 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 3 may be adult salmon. Release Chinook.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only June 1 through August 15 and October 16 through last day in February. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through last day in February. Trout, minimum length fourteen inches. July 1 through August 15 and October 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon. Release Chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. July 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only November 1 through December 31. Daily limit 2 chum.

Greenwater River (King County), from mouth to Greenwater Lakes: July 1 through October 31 season. Selective gear rules. Trout: Minimum length 14 inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): Last Saturday in April through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), outside of Olympic National Park: May ~~((+5))~~ 16 through April 15 season. May ~~((+5))~~ 16 through May 31, open Wednesday through Sunday downstream from Willoughby Creek only. Willoughby Creek upstream to park boundary closed through May 31. Selective gear rules, except a person can fish from a floating device equipped with an internal combustion motor July 1 through August 31 from Olympic National Park upstream to DNR Oxbow Campground Boat Launch. Selective gear rules July 1 through October 15 from DNR Oxbow Campground Boat Launch to Willoughby Creek. June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of South Fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of South Fork. Trout: Minimum length fourteen inches. Catch and release during May, except up to two hatchery steelhead may be retained on open days. November 1 through February 15, daily limit three steelhead downstream from the Oxbow Campground Boat Launch. December 1 through April 15, downstream of DNR Oxbow Campground Boat Launch, one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 downstream of Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May ~~((+5))~~ 16 through August 31 downstream of Willoughby Creek open Wednesday through Sunday only of each week ~~((and))~~, daily limit may contain no more than one adult salmon, and release wild Chinook. September 1 through October 15 from Willoughby Creek to DNR Oxbow Campground Boat Launch, release wild Chinook.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. December 1 through March 15, one wild steelhead per day may be retained.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): June 1 through March 31 season. Fly fishing only. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through last day of February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to mouth of Berryman Creek. Daily limit 6 fish of which no more than 2

may be adult salmon, except release chum, wild coho, and adult Chinook (~~(-and chum)~~).

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to Highway 101 Bridge: June 1 through March 31 season, except closed September 1 through ~~((October 15 mouth to Highway 101 Bridge))~~ September 30. Night closure and single-point barbless hooks required August 16 through November 30. Bait prohibited October 1 through October 15. Trout: Minimum length fourteen inches. Salmon: Open October 1 through January 31. October 1 through October 15, daily limit of 6 salmon, no more than two of which may be adult salmon. Release chum, wild coho, and adult Chinook. October 16 through January 31 ~~((-))~~, daily limit of 6 salmon, not more than two of which may be adult salmon. ~~((October 16 through November 30 the daily limit may contain no more than one adult Chinook and one wild adult coho. Release chum. December 1 through January 31 release adult Chinook, wild adult coho, and chum.))~~ Release chum, wild coho, and adult Chinook. From Highway 101 Bridge to forks: June 1 through last day in February season. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion motors prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Indian Creek (Yakima County): From mouth to waterfall approximately six miles upstream (including the portion of the creek that flows through the dry lakebed): Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): June 1 through August 31 season. Juveniles only.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

Johns Creek (Mason County): Closed waters.

Johns River (Grays Harbor County): Mouth to Ballon Creek: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through November 30(=), daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook(=, and chum).

Ballon Creek upstream, including North and South Forks: June 1 through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from Modrow Bridge downstream to one thousand five hun-

dred feet below the rack are closed waters when the rack is installed. Nonbuoyant lure restriction and night closure April 1 through October 31 from the mouth to ~~((the natural gas pipeline at Mahaffey's Campground and April 1 through August 31 from the pipeline to the posted deadline at))~~ the intake ~~((to))~~ at the lower salmon hatchery. Stationary gear restriction September 1 through October 31 from mouth to the natural gas pipeline at Mahaffey's Campground. All species: When nonbuoyant lure restriction in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. All game fish: Release all fish year-round except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook and wild coho. August 1 through December 31, daily limit 6 fish of which no more than 4 may be adult salmon, and of the adult salmon only 2 may be adult Chinook. Release chum, wild jack Chinook, and wild coho. October 1 through December 31, release adult Chinook upstream ((from)) of natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. All species: Release all fish.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. All species: Release all fish.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained.

Kelsey Creek (tributary of Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. All species: Selective gear rules. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: April 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: Open April 1 through May 31 on Mondays, Wednesdays and Saturdays only(☺); daily limit 1 hatchery steelhead or 1 salmon. Release wild Chinook. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook June 1 through July 31.

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. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon and release wild Chinook. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release Chinook November 1 through November 30. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Closed waters.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Le Clerc Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatch-

ery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six fish of which not more than 2 may be adult salmon. Release sockeye, wild Chinook, and wild coho. August 1 through December 31, daily limit 6 ~~((fish))~~ hatchery coho, of which no more than 4 may be adult ~~((salmon, and of the adult salmon only 2 may be adult Chinook))~~ hatchery coho. ~~((Release chum, sockeye, and wild coho. September 5 through September 30 release Chinook.))~~ Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Nonbuoyant lure restriction and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. August 1 through December 15, fishing from any floating device prohibited from Johnson Creek to Colvin Creek. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six fish of which not more than 2 may be adult salmon. Release sockeye, wild Chinook and wild coho. August 1 through December 31, daily limit 6 ~~((fish))~~ hatchery coho, of which no more than 4 may be adult ~~((salmon, and of the adult salmon only 2 may be adult Chinook. Release chum, sockeye, and wild coho. September 5 through September 30 release Chinook downstream of the I-5 bridge))~~ hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: May 1 through September 30 and December 16 through April 30 season. August 1 through September 30, fishing from any floating device prohibited. Nonbuoyant lure restriction and night closure April 1 through September 30. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only January 1 through September 30 and December 16 through December ~~((30))~~ 31. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye, wild Chinook and wild coho. August 1 through September 30 and December 16 through December 31, daily limit 6 ~~((fish))~~ hatchery coho, of

which no more than 4 may be adult ~~((salmon, and of the adult salmon only 2 may be adult Chinook. Release chum and wild coho. Release sockeye August 1 through September 30))~~ hatchery coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: From the fishing pier to the access road at Swift Dam: Last Saturday in April through October 31 season. Fishing from a floating device prohibited. Trout: No minimum size, daily limit 5.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): March 1 through October 31 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only.

Lions Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): June 1 through August 31 season. Juveniles only.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road: All species: Selective gear rules and release all fish. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 31 season, except for hatchery steelhead and Chinook season in April, and except closed Wednesdays beginning the second Wednesday in April through May 31 and from 6 p.m. Tuesday through 6 p.m. Wednesday, October 1 through October 31. Nonbuoyant lure restriction and night closure May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. March 16 through June 30 daily limit of two fish, of which one or both may be hatchery steelhead or one or both may be Chinook salmon. Release wild Chinook. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and Chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon. Release wild coho and wild jack Chinook.

Lone Lake (Island County): Selective gear rules. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mashel River (Pierce County): July 1 through October 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.



Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

~~McLane Creek (Thurston County)((-from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.~~

~~From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream))): Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: Minimum length fourteen inches.~~

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): March 1 through October 31 season. Selective gear rules except fishing from a floating

device equipped with a motor prohibited. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to County Road 1535 (Burma Road) Bridge: Closed waters June 1 through October 31. County Road 1535 (Burma Road) Bridge to Foghorn Dam: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Foghorn Dam to Weeman Bridge: June 1 through August 15 season. Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31. Additional season Gold Creek to falls above Brush Creek: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other

than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Mill Creek (Walla Walla County):

From mouth to Gose St. Bridge: June 1 through March 31 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through March 31. Trout: Daily limit three hatchery steelhead.

From Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only except open to all ages during Free Fishing Weekend (as defined in WAC 220-56-160).

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective 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): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: December 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit ten, only crappie more than nine inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Walleye: Daily limit 8 walleye. Minimum length twelve inches. No more than one walleye over 22 inches in length may be retained. Yellow perch: Daily limit 25 yellow perch.

Mosquito Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Mountain Lake (San Juan County): Trout: Daily limit may not contain more than one trout over 18 inches in length.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season. Additional season March 1 through the last Friday in April. All species: Selective gear rules and release all fish.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Murray Creek (Pierce County): Closed waters.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls. Waters from the North Valley Road Bridge (Big Hill Bridge) to Highway 4 closed August 16 through October 15.

Mainstem: June 1 through April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions above mouth of South Fork August 16 through November 30. Selective gear rules March 1 through April 15 above mouth of South Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish, of which no more than 3 may be adult salmon and of these 3 adult fish, no more than ~~(1 may be a wild adult coho and not more than)~~ 2 may be adult Chinook. Release ~~((chum))~~ wild coho.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night closure August 16 through November 30. Game fish: Release game fish except up to two hatchery steelhead per day may be retained. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season, except closed August 1 through September 30 on North Nemah from Highway 101 Bridge upstream to Nemah Hatchery. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge and South Nemah above confluence with Middle Nemah. Night closure August 16 through November 30 on South Nemah to the confluence with Middle Nemah and Middle Nemah and

October 1 through November 30 on North Nemah. Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road and the Middle Nemah from the DNR Bridge on A-line Road upstream August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, stationary gear restriction during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah, and open October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. ~~((Release chum.))~~ North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult Chinook. ~~((Release chum.))~~

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Leonard Road. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Leonard Road. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook ~~((and chum. December 1 through last day in February release wild adult coho))~~.

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.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult Chinook ~~((and chum))~~.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to Military Tank Crossing Bridge: July 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen

inches. All species: Release all species except salmon December 1 through January 31. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook.

From Military Tank Crossing Bridge to four hundred feet below LaGrande Falls: July 1 through October 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day. Selective gear rules.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from yellow marker at the FFA High School barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure (~~(August)~~) June 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to yellow marker at the FFA High School barn in Deming. Open only October 16 through December 31 in mainstem from the FFA barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release (~~(pink and)~~) wild coho, release wild Chinook from mouth to FFA barn, and release Chinook from FFA barn to forks and in North Fork.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season except closed July 1 through October 15 from Saxon Road Bridge to mouth of Skookum Creek. Selective gear rules. Night closure (~~(August)~~) June 1 through (~~(October 31)~~) November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release Chinook(~~(pink,)~~) and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Closed waters.

North Creek (tributary of Sammamish River) (Snohomish/King counties): June 1 through August 31 season. Juveniles only.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing

from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction and night closure from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult Chinook(~~(and chum)~~). Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout. Salmon: Open only July 1 through October 15 from mouth to Highway 97 Bridge immediately upstream of mouth. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. All species: Nonbuoyant lure restriction and night closure July 1 through October 15.

Closed waters: From Zosel Dam downstream to first Highway 97 Bridge.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Old Mill Stream (Chelan County): Closed waters.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult Chinook (and chum). Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year-round season. Mainstem from mouth to base of Palouse Falls. Trout: Daily limit 6 fish, minimum length 10 inches, no more than 3 trout over 20 inches may be retained, except release all trout April 1 through June 15 and release steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Walleye: Daily limit 10 fish, no minimum size. No more than 5 walleye over 18 inches in length may be retained, and no more than 1 walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Palouse River mainstem above Palouse Falls and tributaries except Rock Creek: Year-round season.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited. Trout: No more than two over 13 inches in length may be retained.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Ping Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only. Game fish: Daily limit of five fish in the aggregate. No minimum or maximum size for any species.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish. Walleye: Minimum size 12 inches in length. Daily limit 8 walleye, not more than 1 of which may be greater than 22 inches in length.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through July 31 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: July 1 through last day in February season. Single point barbless hooks, nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River.

Trout: Minimum length fourteen inches. Salmon: Open only (~~September 1~~) August 16 through December 31 from mouth to Carbon River. Daily limit 6 fish, of which no more than 2 may be adult salmon (~~, plus 2 additional adult pink salmon~~). Release wild adult Chinook.

From Electron power plant outlet upstream: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February, one wild steelhead per day may be retained.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round outside of Olympic National Park only. May 1 through May 31 release all game fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon February 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the 3 adult salmon may contain no more than 2 adult Chinook or 2 adult wild coho or 1 adult Chinook and 1 adult wild coho. February 1 through August 31 release wild adult coho and wild adult Chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules. All species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Klickitat County): Mouth to the Army Corps of Engineers Park: Year-round season. Daily limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.

Rock Creek (Skamania County): Mouth to falls: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed waters: (1) March 1 through the Friday immediately preceding Memorial Day weekend from the Little Dalles power line crossing upstream approximately one mile to marked rock point, and from Northport power line crossing upstream to most upstream point of Steamboat Rock; (2) January 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake; and (3) April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 22 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries. Carp: Unlawful to fish for carp with bow and arrow.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with an internal combustion motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Ruby Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Kokanee not included in daily trout limit. Kokanee daily limit 2. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Salmon River (Jefferson County) outside of Olympic National Park and Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult Chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Stationary gear restriction from mouth to Interstate 5 Bridge August 1 through December 31.

Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit (~~two~~) four salmon, of which only two may be Chinook. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through October 31.

From mouth to bridge at Schafer Park: June 1 through March 31 season. Salmon: Open only October 1 through January 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon; and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through January 31((-)), daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook(~~(-and chum)~~).

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: June 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: June 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot



Creek: Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): 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. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Crappie: Daily limit ten crappie. Minimum size nine inches in length.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silver Nail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with an internal combustion motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit 2 salmon except release Chinook (~~and pink~~).

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 15 season. Night closure and nonbuoyant lure restriction July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1

through December 31. Daily limit 2 salmon except release Chinook (~~(and pink)~~).

From Gilligan Creek to ~~((Cascade River))~~ the Dalles Bridge at Concrete: June 1 through March 15 season ~~((except closed June 1 through June 30 and August 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))~~. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit ~~((;))~~; minimum length twenty inches. Salmon: Open only September 16 through December 31 ~~((Gilligan Creek to the Dalles Bridge at Concrete))~~. Daily limit 2 salmon, except release Chinook (~~(and pink)~~).

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport ~~((--))~~: June 1 through March 15 season, except closed June 1 through June 13, and August 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. Nonbuoyant lure restriction and night closure June 14 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open ((July 4)) June 14 through July 31, except closed 12:01 a.m. ((July 5)) June 30 until 2:00 p.m. July ((6)) 2, and 12:01 a.m. July ((40)) 2 until 2:00 p.m. July 11, and, except closed from 200 feet above the mouth of the Baker River to the ((Cascade River)) Highway 530 Bridge at Rockport. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. Daily limit 2 salmon, except release Chinook (~~(and pink)~~). Additional season: March 16 through April 30. Selective gear rules except lawful to fish from a floating device equipped with an internal combustion motor. Unlawful to fish from a floating device while under power. All species: Release all fish.

From the Highway 530 Bridge at Rockport to the Cascade River ~~((--))~~: June 1 through March 15 season. Nonbuoyant lure restriction and night closure June 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length twenty inches. Salmon open June 1 through July ((8)) 15. ((Nonbuoyant lure restriction and night closure June 1 through November 30.)) Daily limit ((two)) four hatchery Chinook salmon, of which only two may be adult hatchery Chinook. ((Release all salmon except hatchery Chinook.)) Salmon open September 16 through December 31. Daily limit 2 salmon. Release Chinook (~~(and pink)~~). Additional season: March 16 through April 30. Selective gear rules, except ~~((lawful to))~~ a person can fish from a floating device equipped with an internal combustion motor. Unlawful to fish from a floating device while under power. All species: Release all fish.

From Cascade River to Gorge Powerhouse: June 1 through March 15 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through July 31 and October 31 through December 15 season from mouth to Highway 101 Bridge. June 1 through October 31 season from Highway 101 Bridge to forks. All game fish: Release all fish. Selective gear rules from Highway 101 Bridge to forks. Salmon: Open only August 1 through September 5, and October 1 through December 15, mouth to Highway 101 Bridge. Terminal gear restricted to no closer than 25 feet of a tribal gill net. Daily limit 1 salmon August 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and release Chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through October 31 season. All species: Release all fish. Selective gear rules.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through October 31 season. All species: Release all fish. Selective gear rules.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): 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. Single point barbless hooks and night closure August 16

through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon (~~(, except December 1 through the last day in February)~~). Release chum, wild ((adult) coho ((-Release)), and adult Chinook ((, and chum)).

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

#### Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 2 hatchery Chinook. In years ending in even numbers, open September 1 through December 31 mouth to Wallace River. Daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers, open August 16 through December 31 mouth to Lewis Street Bridge in Monroe and open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 2 salmon plus 2 additional pink. Release Chinook.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

#### Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

#### Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August

1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Slate Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult Chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. All species: April 24 through June 15 from Texas Rapids boat launch upstream to the Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam: Night closure, barbless hooks only, and hooks must measure 5/8 inch or less from point to shank. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit. Salmon: Open only April 24 through June 15 from Texas Rapids boat launch upstream to the Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam. Daily limit 1 hatchery Chinook.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night clo-

sure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: In years ending in even numbers, open only September 1 through December 31. Daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers: Open only August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

#### Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with an internal combustion motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release Chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all game fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Sol Duc Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge downstream of Snider Creek to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead from mouth to concrete pump station at Sol Duc Hatchery. December 1 through April 30, from mouth to the concrete pump station at the Sol Duc Hatchery, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon February 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. February 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild adult coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or 1 adult Chinook and 1 adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except salmon. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 30 to fishing by juveniles only. Night closure October 16 through November 30. Terminal gear restricted to one single point hook. Daily limit two coho salmon.

Bridge near hatchery residence 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 gear rules. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): April 1 through September 30 season.

Spirit Lake (Skamania County): Closed waters.

#### Spokane River (Spokane County):

From SR 25 Bridge upstream to the upstream boundary at Plese Flats Day Use Area (Riverside State Park), except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no minimum length, no more than one over twenty-two inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam: June 1 through March 15 season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: June 1 through March 15 season. Selective gear rules, except fishing from a floating device equipped with an internal combustion motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Trout: No more than two over twenty inches in length may be retained. Crappie and bluegill: Combined daily limit twenty-five fish. Crappie: Minimum length nine inches.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through September 30 and December 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only ((~~September~~) November 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink

salmon. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with an internal combustion motor allowed. Game fish: June 1 through November 30 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only ((~~September~~) November 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink salmon. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. June 1 through November 30: All species: Release all fish except hatchery steelhead. June 1 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suittle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream and tributaries: Selective gear rules. Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit

for trout other than eastern brook trout and eastern brook trout has been taken.

Sullivan Lake (Pend Oreille County): Trout: Daily limit 2 trout, except kokanee not counted in daily trout limit. Kokanee daily limit ten.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): June 1 through August 31 season. Juveniles only.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Sylvia Lake (Grays Harbor County): Trout: No more than two over 15 inches in length may be retained per day.

Tacoma Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Tahuya River (Mason County): Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Fishing from a floating device equipped with an internal combustion engine prohibited. Selective gear rules. Trout daily limit one fish.

Teanaway River (Kittitas County): Selective gear rules. Trout: Release all trout.

Teanaway River, North Fork (Kittitas County): Mouth to Beverly Creek including all tributaries: Selective gear rules. Trout: Release all trout. Beverly Creek to impassable waterfall at the end of USFS Road 9737 (about 8 river miles): Closed waters.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): June 1 through August 31 season. Juveniles only.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Selective gear rules June 1 through October 31. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County): Closed waters: Spillway channel and within 400' of Clear Lake Dam. From Rimrock Lake to Clear Lake Dam including that portion of the river that flows through the dry lakebed. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From the bridge on USFS Road 1200 to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only June 1 through December 31. Minimum length eight inches. June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild coho. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult ((fish)) Chinook. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the Fish Hatchery Road Bridge: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From Fish Hatchery Road Bridge to posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake: January 15 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length 14 inches.

From the posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Trout: Release all steelhead. Tributaries other than North

Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 4 may be adult ~~((salmon and of the adult salmon only 2 may be adult Chinook))~~ coho. Release chum ((and)), wild coho, wild Chinook, and hatchery adult Chinook. ((Release all Chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.))

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 hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through March 31 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through August 15 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Trout: No more than two over 15 inches in length may be retained per day. Salmon: Land-locked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Trout: No more than two over 15 inches in length may be retained per day. Salmon: Land-locked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult Chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From 363rd Avenue S.E./Reece Road to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):



From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Channel catfish: No daily limit.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Channel catfish: No daily limit. Additional season November 1 through March 31. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion motor permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit (~~two~~) four coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County): Night closure year-round.

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction and stationary gear restriction July 1 through October 31. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum (~~and~~), wild coho, and wild jack Chinook. Upstream of Little Washougal River, release adult Chinook October 1 through November 30.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season. Selective gear rules. Trout: Release all steelhead.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered

kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, including Lake Jolanda (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

Wentworth Lake (Clallam County): Unlawful to fish from a floating device equipped with an internal combustion engine.

West Evans Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

West Twin River (Clallam County): June 1 through October 31 season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon. Anglers fishing lawfully, within 50 yards of the Bellingham Technical College Hatchery Collection Tube, and on the hatchery side of the creek, that hook and land chum salmon, may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: October 1 through October 31 all species: Fly fishing only and release all fish. November 1 through last day in February. Trout: Minimum length fourteen inches. Nonbuoyant lure restriction and night closure November 1 through November 30.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: July 1 through October 31 season. Nonbuoyant lure restriction and night closure October 1 through

October 31. Selective gear rules July 1 through October 31. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through January 31 season. Whitefish gear rules apply.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Release (~~wild coho and~~) wild Chinook. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. October 1 through December 31, release adult Chinook upstream (~~from~~) of posted markers 0.5 miles upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Release trout April 1 through April 30. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. November 16 through December 31, release adult Chinook. Salmon and steelhead: Open April 1 through June (~~30~~) 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Release (~~wild coho and~~) wild Chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Highway 6 Bridge: June 1 through March 31 season. All game fish: Release all game fish except that up to two hatchery steelhead may be retained per day. All species: August 16 through November 30 night closure and single point barbless hooks

required. August 16 through November 30 above the WDFW access at the mouth of Ward/Wilson Creek stationary gear restriction. Highway 6 Bridge to Fork Creek: June 1 through July 15 and October 16 through March 31 season. Night closure, single point barbless hooks, and stationary gear restriction October 16 through November 30.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult Chinook. ~~((Release chum.))~~

Sturgeon: Open year round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork: June 1 through last day in February season. Selective gear rules June 1 through October 31. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season. All species: Catch and release except up to five rainbow trout may be retained.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. 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: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction and night closure. When nonbuoyant lure restriction is in effect, only fish hooked in the mouth may be retained. Salmon and steelhead: Open March 16 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Release ~~((wild coho and))~~ wild Chinook. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild jack Chinook. Release adult Chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Nonbuoyant lure restriction and night closure. When nonbuoyant lure restriction is in effect, only fish hooked in the mouth may be retained. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Additional season September 16 through November 30. Selective gear rules. All species: Release all fish.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: From ~~((dam))~~ weir at Wishkah Rearing Ponds ~~((formerly Mayr Bros.))~~, downstream ~~((to))~~ 200 feet ~~((below dam))~~. Trout: Minimum length fourteen inches. Mouth to mouth of the West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish, except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open ~~((only))~~ October 1 through December 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon; and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through December 31((-), daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook((-, and chum)).

From the mouth of the West Fork to ~~((four))~~ two hundred feet below ~~((outlet))~~ the weir at the Wishkah Rearing Ponds: June 1 through March 31 season. ~~((Selective gear rules.))~~ All species: March 1 through March 31, release all fish, except up to two hatchery steelhead may be retained per day ((March 1 through March 31)), and selective gear rules. Salmon: Open ~~((only))~~ October 1 through December 31. October 1 through October 15, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the adult salmon, only 1 may be an adult wild coho. Release chum and adult Chinook. October 16 through December 31 ((to 200 feet below the weir at the Long Live the Kings/Mayr Brothers facility)), daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and adult Chinook((-, and chum)).

From the weir at the Wishkah Rearing Ponds upstream: Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon (~~(, except daily limit may contain no more than 1 wild adult coho December 1 through January 31)~~). Release chum, wild coho, and adult Chinook (~~(, and chum)~~).

7400 line bridge upstream: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained per day.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to 400 feet below Prosser Dam: March 1 through October 22 season. Closed waters: From the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the power-line crossing immediately upstream of the powerhouse September 1 through October 22. Chumming permitted. Trout: Release all trout. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: Nonbuoyant lure restriction and night closure. September 1 through October 22.

From Prosser Dam to Highway 223 Bridge: May 1 through October 31 season. Trout: Release all trout.

From mouth to Highway 223 Bridge: Bass: Bass 12 to 17 inches in length may be retained. No daily limit for bass, but not more than 3 bass greater than 15 inches in length may be retained.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Year-round season. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. All species: Nonbuoyant lure restriction and night closure September 1 through October 22.

From ~~((mouth))~~ Sunnyside Dam to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. ~~((March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam.))~~ Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31.

From thirty-five hundred feet below Roza Dam to Roza Dam: Closed waters: From four hundred feet below Roza Dam (~~(=)~~), upstream. December 1 through last day in February season. Whitefish gear rules apply. Release all game fish except whitefish.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with

motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowhawk Creek (Walla Walla County): Closed waters.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

AMENDATORY SECTION (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

**WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits.** It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the species designated in this section. Open when a daily limit is provided:

**(1) Catch Record Card Area 1:**

(a) May 1 through ~~((June 30))~~ May 31 - Closed.

(b) ~~((July 1))~~ June 1 through June 28 - Daily limit of 1 Chinook.

(c) June 29 through September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

~~((e))~~ (d) October 1 through April 30 - Closed.

~~((e))~~ (e) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

**(2) Catch Record Card Area 2** ~~((and Catch Record Card Area 2-2 west of the Buoy 13 line)):~~

(a) May 1 through ~~((June 30))~~ May 31 - Closed.

(b) ~~((Area 2 July 1 through September 16 except closed to salmon fishing August 1 through September 16 in the Grays Harbor Control Zone described in WAC 220-56-195(11) and Area 2-2 west of the Buoy 13 line))~~ June 1 through June 28 - Open Sundays through Thursdays only. Daily limit 1 Chinook.

(c) June 29 through September 13 - Open Sundays through Thursdays only. Daily limit 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

~~((e) Area 2))~~ (d) September ~~((7))~~ (14) through April 30 ~~((and Area 2-2 west of Buoy 13 September 17 through April 30))~~ - Closed.

(e) Closed to salmon fishing August 1 through September 13 in the Grays Harbor Control Zone described in WAC 220-56-195(11).

**(3) Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through August 15 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) August 16 through January 31 - Daily limit 6 salmon, not more than 3 of which may be adult salmon, and of the adult salmon, not more than 2 may be Chinook.

(e) February 1 through April 30 - Closed.

**(4) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

(a) May 1 through September ~~(30)~~ 15 - Closed.

(b) ~~(October 1)~~ September 16 through November 30 - Daily limit of 2 salmon, of which only 1 may be a wild adult coho. ~~((Release Chinook salmon November 1 through November 30. October 1 through October 31 the daily limit may contain no more than one Chinook and no more than one wild adult coho.))~~ Release chum and Chinook. Open only east of a line drawn from the mouth of O'Leary Creek to Buoy 35, then to the westernmost tip of Moon Island.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

~~((4) Willapa Bay (Catch Record Card Area 2-1):~~

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through July 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.~~

~~(c) August 1 through August 15 - Daily limit of six salmon, not more than two of which may be adult salmon.~~

~~(d) August 16 through January 31 - Daily limit 6 salmon, not more than 3 of which may be adult salmon, and of the adult salmon not more than 2 may be Chinook. Release chum.~~

~~(e) February 1 through April 30 - Closed.)~~

**(5) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line) - Closed.**

**(6) Catch Record Card Area 3:**

(a) May 1 through ~~(July 2)~~ May 31 - Closed.

(b) ~~(July 3)~~ June 1 through June 28 - Open Tuesdays through Saturdays only. Daily limit 1 Chinook.

(c) June 29 through September ~~(15)~~ 13 - Open Tuesday through Saturday only. Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho. ~~((Beginning August 1, daily limit may include 1 additional pink.~~

~~(e))~~ (d) September ~~(14)~~ 14 through April 30 - Closed.

~~((d))~~ (e) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude open September ~~(22)~~ 20 through October ~~(7)~~ 5 - Daily limit two salmon, of which not more than one may be a Chinook salmon. Release wild coho.

~~((6))~~ **(7) Catch Record Card Area 4:**

(a) May 1 through ~~(July 2)~~ May 31 - Closed.

(b) ~~(July 3)~~ June 1 through June 28 - Open Tuesdays through Saturdays only. Daily limit 1 Chinook. Waters east of a true north-south line through Sail Rock closed.

(c) June 29 through September ~~(15)~~ 13 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Release Chinook salmon caught east of the Bonilla-Tatoosh line beginning August 1 ~~((through September 15)).~~ Release chum salmon beginning August 1. ~~((Beginning August 1, daily limit may include 1 additional pink.))~~

~~((e))~~ (d) September ~~(14)~~ 14 through April 30 - Closed.

AMENDATORY SECTION (Amending WSR 07-16-056, filed 7/26/07, effective 8/26/07)

**WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.** It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

**(1) Catch Record Card Area 5:**

(a) May 1 through June 30 - Closed.

(b) July 1 through August ~~(31)~~ 9 - Daily limit 2 salmon ~~((plus 2 additional pink)).~~ Release chum, wild Chinook and wild coho. ~~((Single-point barbless hooks required.))~~

(c) ~~(September 1)~~ August 10 through September 15 - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~ Release chum, Chinook and wild coho. ~~((Single-point barbless hooks required.))~~

(d) September 16 through September 30 - Daily limit of 2 salmon. Release chum and Chinook.

(e) October 1 through October 31 - Closed.

(f) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(g) December 1 through February ~~(15)~~ 13 - Closed.

(h) February ~~(14)~~ 14 through April 10 - Daily limit 1 salmon.

(i) April 11 through April 30 - Closed.

**(2) Catch Record Card Area 6:**

(a) May 1 through June 30 - Closed.

(b) July 1 through August ~~(31)~~ 9 - Daily limit 2 salmon ~~((plus 2 additional pink)).~~ Release chum, wild Chinook and wild coho. Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook. ~~((Single-point barbless hooks required.))~~

(c) ~~(September 1)~~ August 10 through September 30 - Daily limit of 2 salmon ~~((plus 2 additional pink)).~~ Release chum, Chinook and wild coho. ~~((Single-point barbless hooks required.))~~

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

(e) October 1 through October 31 - Daily limit of 2 salmon not more than 1 of which may be a Chinook salmon, except waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(f) November 1 through February ~~((+5))~~ 13 - Closed.

(g) February ~~((+6))~~ 14 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

**(3) Catch Record Card Area 7:**

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon (~~(plus 2 additional pink)~~), not more than one of which may be a Chinook salmon. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(c) August 1 through September 30 - Daily limit of 2 salmon (~~(plus 2 additional pink)~~), not more than one of which may be a Chinook salmon. Release chum and wild coho. (~~(Single-point barbless hooks required.)~~) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be Chinook salmon. (~~(Release pink.)~~) November 1 through June 30 - Same rules as Area 7.

(e) October 1 through October 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.

(g) November 1 through January 31 - Closed.

(h) February 1 through ~~((February 29))~~ April 15 - Daily limit 2 salmon. Release wild Chinook. (~~(Single-point barbless hooks required.)~~)

~~((i))~~ March 1 through April 15 - Daily limit of 1 salmon.

~~((j))~~ (i) April 16 through April 30 - Closed.

**(4) Catch Record Card Area 8-1:**

(a) May 1 through July 31 - Closed.

(b) August 1 through September 30 - Daily limit of 2 salmon. Release Chinook (~~(and pink)~~).

(c) October 1 through ~~((October))~~ December 31 - Closed, except October 1 through October 31, waters west of a line from Forbes Point to Bowers Bluff - Open for salmon fishing; daily limit 2 coho.

(d) ~~((November))~~ January 1 through April 30 - Daily limit 2 salmon. Release wild Chinook. (~~(Single-point barbless hooks required.)~~)

**(5) Catch Record Card Area 8-2:**

(a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - June ~~((+))~~ 15 through ~~((June 22 and June 24 through))~~ July 31, open only Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon (~~(plus 2 additional pink)~~).

(b) August 1 through September 30 - Daily limit 2 salmon (~~(plus 2 additional pink and)~~); release Chinook, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September ~~((24))~~ 1, open only Friday through 11:59 a.m. Monday of each week; and September 6 through September 28, open only Saturday and Sunday of each week - Daily limit of 2 salmon (~~(plus 2 additional pink)~~).

(c) October 1 through ~~((October))~~ December 31 - Closed, except October 1 through October 31, waters south of a line true east from Randall Point at 49°59'N - Open for salmon fishing; daily limit 2 salmon. Release Chinook.

(d) ~~((November))~~ January 1 through April 30 - Daily limit 2 salmon. Release wild Chinook. (~~(Single-point barbless hooks required.)~~)

**(6) Catch Record Card Area 9:**

(a) May 1 through July 15 - Closed.

(b) July 16 through August 15 - Daily limit of 2 salmon (~~(plus 2 additional pink)~~). Release chum, wild coho, and wild Chinook. Closed south of a line from Foulweather Bluff to Olele Point. (~~(Single-point barbless hooks required.)~~)

(c) August 16 through September ~~((30))~~ 15 - Daily limit of 2 salmon (~~(plus 2 additional pink)~~). Release chum, wild coho, and Chinook.

(d) September 16 through September 30 - Daily limit of 2 salmon. Release chum and Chinook.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release Chinook.

~~((f))~~ (f) November 1 through November 30 - Daily limit 2 salmon (~~(, of which not more than one may be a Chinook)~~). Release wild Chinook.

~~((g))~~ (g) December 1 through January 15 - Closed.

~~((h))~~ (h) January 16 through April 15 - Daily limit 2 salmon. Release wild Chinook. (~~(Closed south of a line from Foulweather Bluff to Olele Point. Single-point barbless hooks required.)~~)

~~((i))~~ (i) April 16 through April 30 - Closed.

~~((j))~~ (j) Edmonds Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum August 1 through September 30. ((July 1 through September 30, the daily limit may include 2 additional pink salmon.))

**(7) Catch Record Card Area 10:**

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release. (~~(Single-point barbless hooks required.)~~)

(c) July 1 through July 15 - Daily limit 2 salmon (~~(plus 2 additional pink)~~). Release Chinook.

(d) July 16 through August 15 - Daily limit 2 salmon (~~(plus 2 additional pink)~~). Release wild Chinook and beginning August 1 release chum. (~~(Single-point barbless hooks required.)~~)

(e) August 16 through September 30 - Daily limit 2 salmon (~~(plus 2 additional pink)~~). Release chum August 16 through September 15. Release Chinook.

(f) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August

31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August ~~((21))~~ 26, except waters east of a line from Pier 91 to Duwamish Head open July ~~((6))~~ 4 through ~~((11:59 a.m.))~~ August ~~((20))~~ 25, and open only on Friday through Monday of each week - Daily limit 2 salmon ~~((plus 2 additional pink))~~. Release chum August 1 through August ~~((20))~~ 25.

(g) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White - Daily limit 2 salmon ~~((plus 2 additional pink))~~ July 1 through September 30. Release chum August 1 through September 15.

(h) October 1 through October 15 - Daily limit of 2 salmon. Release Chinook salmon.

(i) October 16 through November 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(j) December 1 through January 31 - Daily limit of 2 salmon. Release wild Chinook. ~~((Single-point barbless hooks required.))~~ Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point fly fishing only, lead core lines prohibited and catch and release January 1 through January 31.

(k) February 1 through April 30 - Closed.

(l) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum August 1 through September 15. ~~((July 1 through September 30, the daily limit may include 2 additional pink salmon.))~~

(m) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, July 1 through October 31, night closure, only 1 single-point barbless hook may be used, and only fish hooked inside the mouth may be retained.

**(8) Catch Record Card Area 11:**

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Daily limit of 2 salmon. Release wild Chinook. ~~((Single-point barbless hooks required.))~~ Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed.

(c) July 1 through September 30 - Daily limit of 2 salmon ~~((plus 2 additional pink))~~. Release wild Chinook. ~~((Single-point barbless hooks required.))~~ Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed July 1 through July 31.

(d) October 1 through October 31 - Daily limit of 2 salmon.

(e) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) January 1 through February ~~((15))~~ 13 - Closed.

(g) February ~~((16))~~ 14 through April 10 - Daily limit of 1 salmon.

(h) April 11 through April 30 - Closed.

(i) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier and Point Defiance Boathouse Dock: Open year-round - Daily limit 2 salmon, not more than one of

which may be a Chinook salmon. ~~((July 1 through September 30, the daily limit may include 2 additional pink salmon.))~~

**(9) Catch Record Card Area 12:**

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15 in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be Chinook salmon and no more than two may be coho salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit ~~((4))~~ 2 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a Chinook salmon and no more than two may be coho salmon.

(f) January 1 through February ~~((15))~~ 13 - Closed.

(g) February ~~((16))~~ 14 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

**(10) Catch Record Card Area 13:**

(a) May 1 through June 30 - Daily limit 2 salmon. Release wild Chinook. ~~((Single-point barbless hooks required. Carr Inlet north of a line from Penrose Point to Green Point - Closed.))~~

(b) July 1 through September 30 - Daily limit 2 salmon. Release wild coho and wild Chinook. ~~((Single-point barbless hooks required. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed July 1 through July 31, except open to fly fishing only for hatchery coho.))~~

(c) October 1 through October 31 - Daily limit 2 salmon. Release wild coho. ~~((Single-point barbless hooks required.))~~

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed ~~((July 1))~~ April 16 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31. Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower - night closure and nonbuoyant lure restriction July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(g) January 1 through January 31 - Daily limit 1 salmon.

(h) February 1 through last day in February - Closed.

(i) March 1 through April 30 - Daily limit 1 salmon.

~~((Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.))~~

(j) Fox Island Public Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a

Chinook salmon. Release wild coho ~~((and single-point barbless hooks required))~~, July 1 through October 31.

**WSR 08-15-003**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 08-166—Filed July 3, 2008, 9:12 a.m., effective August 3, 2008]

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

Purpose: Amend rules for commercial salmon fishing in Grays Harbor and Willapa Bay, including WAC 220-36-023 and 220-40-027.

Citation of Existing Rules Affected by this Order: Amending WSR 07-17-010, filed 8/3/07, effective 9/3/07; and amending WSR 07-17-010, filed 8/3/07, effective 9/3/07.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Adopted under notice filed as WSR 08-11-124 on May 21, 2008.

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 2, Repealed 0.

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

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

Date Adopted: July 2, 2008.

J. P. Koenings  
 Director

AMENDATORY SECTION (Amending WSR 07-17-010, filed 8/3/07, effective 9/3/07)

**WAC 220-36-023 ~~Salmon—Grays Harbor~~ ~~((salmon—))~~ fall fishery.** August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**Fishing periods**

(1) Gill net gear may be used to fish for salmon and sturgeon according to the chart below. All nonlegal sturgeon and nonlegal steelhead must be handled with care to minimize injury and must be released immediately to the river/bay:

Time: Area:  
~~((5:30 p.m. through 1:30 a.m.))~~ Area 2C  
~~October 8, 2007;~~  
~~9:00 p.m. through 5:00 a.m.~~  
~~October 15, 2007;))~~ 6:00 p.m.  
October 11 through 6:00 p.m.  
October 12, 2008;

AND  
6:00 p.m. October 15 through  
6:00 p.m. October 16, 2008.  
~~((6:00 a.m. through 6:00 p.m.~~  
~~October 11, 2007;~~  
~~6:00 a.m. through 6:00 p.m.~~  
~~October 12, 2007;~~  
~~6:00 a.m. through 6:00 p.m.~~  
~~October 13, 2007;))~~ 7:00 a.m.  
October 8 through 7:00 p.m.  
October 8, 2008;  
7:00 a.m. October 9 through  
7:00 p.m. October 9, 2008;  
7:00 a.m. October 10 through  
7:00 p.m. October 10, 2008.

That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen, to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.

AND  
 That portion of Area 2D ~~((north and east of a line projected due south from the 28th street boat launch))~~ lying easterly of a north-south line from the confluence of the Hoquiam and Chehalis rivers to Renney Island, then ~~((south-easterly))~~ easterly to Range Marker G, then to the eastern boundary of Area 2D at the Highway 101 Bridge.

~~(((1) Drift gill net gear only. It is unlawful to use set net gear.))~~

**Gear**

(2) ~~(((Six-inch))~~ Gill net gear restrictions: All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 6-inch maximum mesh restriction, and nets may be no more than 55 meshes deep.

~~(((3)))~~ (c) Soak time ~~((shall))~~ must not exceed ~~((one hour))~~ 45 minutes. Soak time ~~((;))~~ is defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water ~~((; must not exceed one hour)).~~

~~(((4)))~~ (d) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Area 2A/2D on October 8, 9, and 10, 2008. Each box must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box: The inside length measurement must be at or



within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All Chinook, nonlegal sturgeon, and ~~((nonlegal))~~ steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay or to an operating recovery box.

~~((5))~~ (f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

### **Other**

(3) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing ~~((or within 3 hours of the close of that particular fishery, whichever happens first))~~.

~~((6))~~ (4) Fishers must take department observers if requested by department staff~~((;))~~ when participating in these openings. Pursuant to WAC 220-69-240, fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or e-mail. Notice of intent must be given prior to 10:00 a.m. on October 6 for the October 8-10 openings in Areas 2A/2D.

~~((7))~~ (5) NOAA Fisheries has listed the southern population of green sturgeon ~~((has been listed by NOAA Fisheries))~~ as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. Therefore, the retention of green sturgeon is prohibited, to protect this federally listed stock.

**AMENDATORY SECTION** (Amending WSR 07-17-010, filed 8/3/07, effective 9/3/07)

**WAC 220-40-027 Salmon—Willapa Bay fall fishery.** August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

### **Fishing periods**

(1) Gill net gear may be used to fish for salmon and sturgeon as shown below. All nonlegal sturgeon and nonlegal

steelhead must be handled with care to minimize injury to the fish and must be released immediately to the river/bay:

Time:

6:00 p.m. September ~~((46))~~ 15 through 6:00 p.m. September ~~((21, 2007))~~ 17, 2008.

6:00 p.m. September ~~((49))~~ 21 through 6:00 p.m. September ~~((20, 2007))~~ 22, 2008;

AND

6:00 p.m. September ~~((27))~~ 28 through 6:00 p.m. September ~~((28, 2007))~~ 29, 2008.

6:00 p.m. September ~~((23))~~ 21 through 6:00 p.m. September ~~((28, 2007))~~ 26, 2008.

AND

6:00 p.m. September 28 through 6:00 p.m. October 5, 2008.

6:00 ~~((a.m.))~~ p.m. October 7 through 6:00 p.m. October ~~((1, 2007))~~ 10, 2008;

AND

6:00 ~~((a.m. though))~~ p.m. October 12 through 6:00 p.m. October ~~((2, 2007; 6:00 a.m. though 6:00 p.m. October 3, 2007; 6:00 a.m. though 6:00 p.m. October 4, 2007; 6:00 a.m. though 6:00 p.m. October 5, 2007; 6:00 a.m. though 6:00 p.m. October 6, 2007; and 6:00 a.m. though 6:00 p.m. October 7, 2007))~~ 14, 2008.

Area:

Areas 2G east of a line ~~((drawn))~~ projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach~~((;))~~, 2H west of Willapa Channel Marker 40~~((; 2M; and))~~, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

Area 2K

Areas 2G east of a line ~~((drawn))~~ projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach~~((; Area))~~, 2H~~((; Area))~~, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)~~((;))~~, and ((Area)) 2M.

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach~~((;))~~, 2H~~((; 2M; and))~~, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.

Time:  
~~((7:00 a.m. through 7:00 p.m. October 8, 2007; 7:00 a.m. through 7:00 p.m. October 9, 2007; 7:00 a.m. through 7:00 p.m. October 10, 2007; and 7:00 a.m. through 7:00 p.m. October 11, 2007.)) Noon, November 6, through 6:00 p.m. November 14, 2008.~~

Area:  
~~Areas 2G ((west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point; 2M; and)) east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of the Willapa Channel Marker 40, 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and 2M.~~

6:00 p.m. November ~~((12, 2007))~~ 14, 2008, through ~~((6:00 p.m.)) noon,~~ November ~~((16, 2007))~~ 30, 2008.

~~((Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach; Area 2H west of Willapa Channel Marker 40; Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2); and Area 2M.))~~

~~((Noon, November 5, 2007, through noon, November 30, 2007.))~~

Areas 2G, 2H, 2J, and 2M.

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in Salmon Management and Catch ~~((Record))~~ Reporting Area (SMCRA) 2G, described in this section. The Tokeland Boat basin ~~((means the))~~ is that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall, and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-seconds), to Tokeland Channel Marker "4," to the tip of the seawall.

**Gear**

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) September 1 through October ~~((7, 2007))~~ 5, 2008: Six-inch maximum mesh, and net may be no more than ~~((55))~~

fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure ~~((break-away))~~ break away panels.

~~((c))~~ (c) October ~~((8))~~ 7 through October 31, ~~((2007))~~ 2008: Six and one-half inch maximum mesh.

~~((d))~~ (d) November ~~((1))~~ 6 through November 30, ~~((2007))~~ 2008: Nine-inch minimum mesh; except ~~((that))~~ from 6:00 p.m. November ~~((12))~~ 10 through 6:00 p.m. November ~~((16, 2007))~~ 14, 2008 (coho directed), there are two alternatives:

(i) Use ~~((either 6-inch))~~ six-inch maximum mesh ~~((or 9-inch maximum)); and net may be no more than fifty-five meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break-away panels; or~~

(ii) Use nine-inch minimum mesh ~~((choose only one), no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break-away panels)). Only one net of either six-inch or nine-inch configuration, not exceeding fifteen hundred feet, may be on board the vessel when in the act of fishing.~~

**Other**

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." According to WAC 220-69-240(12), reports must be made by 10:00 a.m. the day following landing ~~((or within 3 hours of the close of that particular fishery, whichever happens first)).~~

(5) NOAA Fisheries has listed the southern population of green sturgeon ~~((has been listed by NOAA Fisheries))~~ as threatened under the Endangered Species Act, effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. Therefore, the retention of green sturgeon is prohibited, to protect this federally listed stock.

**WSR 08-15-009**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 3, 2008, 3:26 p.m., effective August 3, 2008]

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

Purpose: The department is amending WAC 388-450-0162 The department uses countable income to determine if you are eligible and the amount of your cash and food assistance benefits.

The rule describes the deductions used for cash and Basic Food benefits for the purposes of determining countable income used in determining eligibility for assistance and monthly benefits. The amendments to this rule emphasize that the deductions and incentives referred to in the rule are program specific and clarify which deductions pertain specifically to cash assistance, and which are to be used for Basic Food.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0162.

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

Other Authority: 7 C.F.R. 273.9, 7 C.F.R. 273.10.

Adopted under notice filed as WSR 08-11-088 on May 20, 2008.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 30, 2008.

Stephanie E. Schiller  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 99-24-008, filed 11/19/99, effective 1/1/00)

**WAC 388-450-0162** ~~((The department uses countable income to determine if you are eligible and the amount of your cash and food assistance benefits.))~~ **How does the department count my income to determine if my assistance unit is eligible and calculate the amount of my cash and Basic Food benefits?** ~~((The department uses countable income to determine if the client is eligible and the amount of the cash and food assistance benefits.))~~

(1) Countable income is all income ~~((that remains))~~ **your assistance unit has** after we subtract the following:

(a) Excluded or disregarded income under WAC 388-450-0015;

(b) ~~((Deductions or))~~ **For cash assistance**, earned income incentives and deductions allowed for specific programs under WAC 388-450-0170 ~~((through 388-450-0200))~~ and 388-450-0175;

(c) **For Basic Food**, deductions allowed under WAC 388-450-0185; and

(d) Allocations to someone outside of the assistance unit under WAC 388-450-0095 through 388-450-0160.

(2) Countable income includes all income that ~~((must be deemed or allocated))~~ **we must deem or allocate** from financially responsible persons who are not members of your assistance unit **under WAC 388-450-0095 through 388-450-0160**.

(3) For **cash assistance**:

(a) We compare your countable income to the payment standard in WAC 388-478-0020 and 388-478-0030.

(b) You are not eligible for benefits when your assistance unit's countable income is equal to or greater than the payment standard plus any authorized additional requirements.

(c) Your benefit level is the payment standard and authorized additional requirements minus your assistance unit's countable income.

(4) For ~~((food assistance))~~ **Basic Food**:

(a) We compare your countable income to the monthly ~~gross and net income standards ((specified in))~~ **under** WAC 388-478-0060~~((-~~

~~)).~~ ~~(((b) You are not eligible for benefits when your assistance unit's income is equal to or greater than the monthly net income standard)))~~;

**(i) If your assistance unit is categorically eligible for Basic Food under WAC 388-414-0001, your assistance unit can have income over the gross or net income standard and still be eligible for benefits.**

**(ii) All other assistance units must have income at or below the gross and net income standards as required under WAC 388-478-0060 to be eligible for benefits.**

~~((e))~~ **(b)** Your benefit level is the maximum allotment in WAC 388-478-0060 minus thirty percent of your countable income.

## WSR 08-15-010

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 3, 2008, 3:26 p.m., effective August 3, 2008]

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

Purpose: The department amended this rule to reduce barriers and increase accessibility to clients seeking children's and pregnancy medical assistance, per new state law RCW 74.09.470. When effective, this permanent rule replaces the emergency rule filed as WSR 08-10-018 filed on April 25, 2008.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.09.470, and 74.08.090.

Adopted under notice filed as WSR 08-10-068 on May 5, 2008.

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 1, Repealed 0.

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

Date Adopted: June 30, 2008.

Stephanie E. Schiller  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-08-045, filed 3/30/06, effective 5/1/06)

**WAC 388-450-0085 Does the department count all of my self-employment income to determine if I am eligible for benefits?** This section applies to cash assistance, Basic Food, and medical programs for children, pregnant women, and families.

**For cash, Basic Food, and family medical programs:**

(1) We decide how much of your self-employment income to count by:

(a) Adding together your gross self-employment income and any profit you make from selling your business property or equipment;

(b) Subtracting your business expenses as described in subsection (2) below; and

(c) Dividing the remaining amount of self-employment income by the number of months over which the income will be averaged.

(2) We subtract one hundred dollars as a business expense even if your costs are less than this. If you want us to subtract your actual costs of more than one hundred dollars, you must list and give us proof of your expenses for us to count them. We never allow the following expenses:

(a) Federal, state, and local income taxes;

(b) Money set aside for retirement purposes;

(c) Personal work-related expenses (such as travel to and from work);

(d) Net losses from previous periods;

(e) Depreciation; or

(f) Any amount that is more than the payment you get from a boarder for lodging and meals.

(3) If you have worked at your business for less than a year, we figure your gross self-employment income by averaging:

(a) The income over the period of time the business has been in operation; and

(b) The monthly amount we estimate you will get for the coming year.

(4) For cash and medical assistance, if your self-employment expenses are more than your self-employment income, we do not use this "loss" to reduce income from other self-employment businesses or other sources of income to your assistance unit.

(5) For Basic Food, we use a "loss" from self-employment farming or fishing income to reduce other sources of income **only** if you meet the following three conditions:

(a) Someone in your assistance unit is a self-employed farmer or fisher;

(b) Your gross yearly income from farming or fishing is or is expected to be at least one thousand dollars; and

(c) Your allowable costs for farming or fishing are more than your income from farming or fishing.

**For children's and pregnancy medical programs:**

(6) If you have worked long enough at the business to file a federal tax return last year and it represents your current income, we figure your gross self-employment income by:

(a) Adding together your gross self-employment income from your return and any profit you make from selling your business property or equipment;

(b) Subtracting your allowable business expenses except as described in subsection (2) above; and

(c) Averaging the income over the period the income covers.

(7) If you have worked at your business for less than a year or if you did not file a federal tax return in the last year and, the business records represent your current income, we figure your gross self-employment income by:

(a) Adding together your gross self-employment income and any profit you make from selling your business property or equipment over the period of time the business has been in operation within the last year;

(b) Subtracting your allowable business expenses except as described in subsection (2) above; and

(c) Averaging the income we estimate you will get for the coming year.

**WSR 08-15-011**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 3, 2008, 3:26 p.m., effective August 3, 2008]

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

Purpose: The department is amending WAC 388-406-0065 Can I still get benefits even after my application is denied?, the current rule describes the circumstances where we will reconsider a denied application for benefits without requiring a new application. The amendment strikes a section related to households who become categorically eligible for Basic Food within sixty days of the date we deny the household's application for Basic Food. The department currently provides categorical eligibility status to households with income up to 130%. Because no households with income over this limit will receive cash assistance, the section being removed from the rule is no longer relevant.

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0065.

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

Adopted under notice filed as WSR 08-10-065 on May 5, 2008.

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.

Date Adopted: June 30, 2008.

Stephanie E. Schiller  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 06-10-034, filed 4/27/06, effective 6/1/06)

**WAC 388-406-0065 Can I still get benefits even after my application is denied?** (1) If we (the department) deny your application for benefits, we can redetermine your eligibility for benefits without a new application if:

(a) For cash or medical assistance, you give us the information we need within thirty days from the date we denied your application;

(b) You stop participating as required to reopen cash assistance under WAC 388-310-1600(12) due to one of the good reasons described in WAC 388-310-1600(3) or because you get an excused absence, as described in WAC 388-310-0500(5);

(c) For Basic Food(=

~~(i) You give us the information we need within sixty days of the date you applied for benefits; or~~

~~(ii) You become categorically eligible for Basic Food under WAC 388-414-0001 within sixty days of the date you applied for benefits)), you give us the information we need within sixty days of the date you applied for benefits.~~

(2) For medical assistance, if the thirty days to reconsider your application under subsection (1) of this section has ended you can still get benefits without a new application if:

(a) You request a fair hearing timely; and

(b) You give us the information needed to determine eligibility and you are eligible.

(3) If you are eligible for cash or Basic Food, we decide the date your benefits start according to WAC 388-406-0055. If you are eligible for medical assistance, we decide the date your benefits start according to chapter 388-416 WAC. For all programs the eligibility date is based on the date of your original application that was denied.

these activities are impaired, it could put patients at risk and create a barrier to obtaining healthcare.

RCW 34.05.380 (3)(a) allows for an earlier adoption date if action is required by statute. The legislature approved an increase in fees through the 2008 budget bill (ESHB 2687, chapter 329, Laws of 2008).

Purpose: The rules increase the listed fees (see below) by no more than authorized by the legislature (ESHB 2687, chapter 329, Laws of 2008). The rules also remove fees that no longer exist, add a fee of up to \$25 to some professions for access to the University of Washington Library (ESSB 5930, chapter 259, Laws of 2007), and change the dentist renewal cycle to one year. The fee increases are necessary for programs to remain in operation and ensure patient safety.

Citation of Existing Rules Affected by this Order: Amending WAC 246-802-990 Acupuncture fees and renewal cycle, 246-808-990 Chiropractic fees and renewal cycle, 246-811-990 Chemical dependency counselor fees and renewal cycle, 246-812-990 Denturist fees and renewal cycle, 246-815-990 Dental hygiene fees and renewal cycle, 246-826-990 Health care assistant fees and renewal cycle, 246-828-990 Hearing instrument fitter/dispenser, audiologist, and speech language pathologist, 246-830-990 Massage practitioner fees and renewal cycle, 246-836-990 Naturopathic physician fees and renewal cycle, 246-840-990 Fees and renewal cycle (RN, LPN, and ARNP), 246-841-990 Nursing assistant fees and renewal cycle, 246-843-990 Nursing home administrator fees and renewal cycle, 246-847-990 Occupational therapy fees and renewal cycle, 246-851-990 Optometry fees and renewal cycle, 246-853-990 Osteopathic fees and renewal cycle, 246-907-030 Pharmaceutical licensing periods and fees—Fees and renewal cycle, 246-915-990 Physical therapy fees and renewal cycle, 246-918-990 Physician assistant fees and renewal, 246-919-990 Physician and surgeon fees and renewal, 246-922-990 Podiatry fees and renewal cycle, 246-924-990 Psychology fees and renewal cycle, and 246-930-990 Fees and renewal cycle (sex offender treatment provider and affiliate).

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250 and ESHB 2687 (chapter 329, Laws of 2008).

Other Authority: RCW 43.70.110 and 43.70.250.

Adopted under notice filed as WSR 08-10-089 and 08-10-088 on May 6, 2008.

Changes Other than Editing from Proposed to Adopted Version: The following professions included in the proposed rules will be filed separately after considering comments received during the public comment period: WAC 246-809-990 Fees and renewal cycle (marriage and family therapist, mental health counselor, social worker), 246-810-990 Registered counselor fees and renewal, 246-817-990 Dentist fees and renewal cycle, 246-928-990 Respiratory therapy fees and renewal cycle, 246-926-990 Fees and renewal cycle (radiologic technologist, x-ray technician), and 246-927-990 Recreational therapy fees and renewal.

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.

## WSR 08-15-014

### PERMANENT RULES

### DEPARTMENT OF HEALTH

[Filed July 7, 2008, 11:04 a.m., effective July 7, 2008]

Effective Date of Rule: July 7, 2008.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 34.05.380 (3)(c) allows for an earlier adoption if there is imminent peril to public health or safety. These rules are necessary in order to continue the current level of credentialing and disciplinary activities for health care professionals. If

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 22, 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 22, Repealed 0.

Date Adopted: June 30, 2008.

Mary C. Selecky  
Secretary

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-802-990 Acupuncture fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
License application	\$50.00
License renewal	90.00
Inactive license renewal	50.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Expired inactive license reissuance	50.00
Duplicate license	15.00
Certification of license	25.00
Acupuncture training program application	500.00
<u>UW library access fee</u>	<u>9.00</u>

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-808-990 Chiropractic fees and renewal cycle.** (1) Licenses and registrations must be renewed on the practitioner's birthday every year as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The

adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for chiropractic license:

Title of Fee	Fee
Application/full examination or reexamination	<del>\$(300.00)</del> <u>575.00</u>
Temporary permit application	150.00
Temporary practice permit	50.00
Preceptorship	100.00
License renewal	<del>((270.00))</del> <u>520.00</u>
Late renewal penalty	<del>((135.00))</del> <u>260.00</u>
Expired license reissuance	<del>((135.00))</del> <u>260.00</u>
Inactive license renewal	<del>((150.00))</del> <u>200.00</u>
Expired inactive license reissuance	<del>((75.00))</del> <u>100.00</u>
Duplicate license	15.00
Certification of license	25.00
<u>UW library access fee</u>	<u>25.00</u>

(3) The following nonrefundable fees will be charged for chiropractic X-ray technician registration:

Title of Fee	Fee
Application	<del>((25.00))</del> <u>35.00</u>
Original registration	<del>((25.00))</del> <u>35.00</u>
Renewal	<del>((40.00))</del> <u>50.00</u>
Late renewal penalty	<del>((40.00))</del> <u>50.00</u>
Expired registration reissuance	<del>((40.00))</del> <u>50.00</u>
Duplicate registration	15.00
Certification of registration	25.00

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-811-990 How often do I need to renew and what are the costs for certification?** (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners.

ners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for certified chemical dependency professional:

Title of Fee	Fee
Application	\$ <del>(100.00)</del> <u>200.00</u>
Initial certification	<del>(125.00)</del> <u>225.00</u>
Renewal	<del>(125.00)</del> <u>230.00</u>
Renewal retired active	<del>(62.50)</del> <u>115.00</u>
Late renewal retired active	<del>(50.00)</del> <u>57.50</u>
Late renewal penalty	<del>(62.50)</del> <u>115.00</u>
Expired certification reissuance	<del>(62.50)</del> <u>115.00</u>
Duplicate certification	10.00
Certification of certificate	10.00
<del>(Wall certificate</del>	<del>10.00)</del>

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-812-990 Denturist fees and renewal cycle.**

(1) Licenses must be renewed every ~~(other)~~ year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$ <del>(1,000.00)</del> <u>1,450.00</u>
Examination	1,500.00
Reexamination, written	500.00
Reexamination, practical	500.00
License renewal	<del>(2,750.00)</del> <u>1,600.00</u>
Late renewal penalty	300.00
Expired license reissuance	300.00
Inactive license renewal	<del>(1,500.00)</del> <u>750.00</u>

Title of Fee	Fee
Expired inactive license reissuance	300.00
Duplicate license	15.00
Certification of license	25.00
Multiple location licenses	50.00

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-815-990 Dental hygiene fees and renewal cycle.**

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application examination and reexamination . . .	\$100.00
Renewal . . . . .	<del>(40.00)</del> <u>50.00</u>
Late renewal penalty . . . . .	<del>(40.00)</del> <u>50.00</u>
Expired license reissuance . . . . .	<del>(40.00)</del> <u>50.00</u>
Credentialing application . . . . .	100.00
Limited license application . . . . .	100.00
Limited license renewal . . . . .	<del>(40.00)</del> <u>50.00</u>
Limited license late renewal penalty . . . . .	<del>(40.00)</del> <u>50.00</u>
Expired limited license reissuance . . . . .	<del>(40.00)</del> <u>50.00</u>
Duplicate license . . . . .	15.00
Certification of license . . . . .	25.00
Education program evaluation . . . . .	200.00

AMENDATORY SECTION (Amending WSR 07-20-100, filed 10/2/07, effective 11/2/07)

**WAC 246-826-990 Health care assistant fees and renewal cycle.**

(1) Certificates must be renewed every two years as provided in WAC 246-826-050 and chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required

payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) If a health care assistant who holds a current active credential leaves employment with a facility or practitioner and returns to employment with a facility or practitioner that previously employed the health care assistant, and more than two years has passed since that health care assistant's employment with the previous facility or practitioner ended, the health care assistant must complete a new credential application and pay the application fee. However, that health care assistant is not required to pay the late renewal penalty and the expired credential reissuance fee.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
<del>((First))</del> <u>Initial</u> certification	<del>\$(60.00)</del> <u>105.00</u>
Renewal	<del>((60.00))</del> <u>105.00</u>
Expired credential reissuance	<del>((50.00))</del> <u>52.50</u>
Recertification	<del>((60.00))</del> <u>100.00</u>
Late renewal penalty	<del>((50.00))</del> <u>52.50</u>
Duplicate	15.00

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-828-990 Hearing instrument fitter/dispenser, audiologist and speech language pathologists fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Licensees must pay the following nonrefundable fees:

Title of Fee	Fee
License application	\$125.00
Initial license	100.00
Interim permit	100.00
Renewal	200.00
Inactive license	75.00
Late renewal penalty	100.00
Expired license reissuance	100.00

Title of Fee	Fee
Expired inactive license reissuance	50.00
License verification	15.00
<del>((Wall certificate</del>	<del>15.00))</del>
Duplicate license	15.00

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-830-990 Massage fees and renewal cycle.**

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Written examination and reexamination	\$65.00
Practical examination and reexamination	50.00
Initial license	<del>((50.00))</del> <u>90.00</u>
Renewal	<del>((25.00))</del> <u>65.00</u>
Late renewal penalty	<del>((25.00))</del> <u>50.00</u>
Expired license reissuance	<del>((25.00))</del> <u>50.00</u>
Certification of license	10.00
Duplicate license	10.00
<u>Intraoral massage endorsement</u>	<u>25.00</u>
<u>UW library access fee</u>	<u>25.00</u>

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-836-990 Naturopathic physician licensing fees and renewal cycle.**

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:



Title of Fee	Amount
Application initial/retake	\$((25.00)) <u>100.00</u>
State examination (initial/retake)	((25.00)) <u>100.00</u>
Initial license	((25.00)) <u>100.00</u>
License renewal	((200.00)) <u>325.00</u>
Late renewal penalty	((100.00)) <u>62.50</u>
Expired license reissuance	((100.00)) <u>62.50</u>
Duplicate license	15.00
Certification of license	15.00
<del>(Application for reciprocity)</del>	<del>25.00</del>
<u>UW library access fee</u>	<u>25.00</u>

**AMENDATORY SECTION** (Amending WSR 05-20-107, filed 10/5/05, effective 11/5/05)

**WAC 246-840-990 Fees and renewal cycle.** (1) Applicants for a practical nurse ~~((or registered nurse))~~ license must pay the application fee and the nursing center surcharge fee when applying for a license. Licenses for practical nurse ~~((and registered nurse))~~ must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. Practical nurses ~~((and registered nurses))~~ must pay the renewal fee and the nursing center surcharge fee when renewing licenses. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.))~~

(2) Applicants for a registered nurse license must pay the application fee, the RN UW library fee, and the nursing center surcharge fee when applying for a license. Licenses for registered nurse must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. Registered nurses must pay the renewal fee, the RN UW library fee, and the nursing center surcharge fee when renewing licenses.

(3) Licenses for advanced registered nurse must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. ~~((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall~~

~~remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.~~

~~(3))~~ (4) Registrations for nursing technicians must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The renewal must be accompanied by an attestation as described in ~~((chapter 258, Laws of 2003))~~ RCW 18.79.370. This attestation will include the nursing technician's anticipated graduation date. If the anticipated graduation date is within one year, the registration will expire thirty days after the anticipated graduation date. The expiration date may be extended to sixty days after graduation if the nursing technician can show good cause as defined in WAC 246-840-010(15).

(5) The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

~~((4))~~ (6) The following nonrefundable fees shall be charged by the health professions quality assurance division of the department of health. Persons who hold an RN and an LPN license shall be charged separate fees for each license. Persons who are licensed as an advanced registered nurse practitioner in more than one specialty will be charged a fee for each specialty:

RN/LPN fees:

Title of Fee	Fee
<u>RN application (initial or endorsement)</u>	<u>\$65.00</u>
<u>LPN application (initial or endorsement)</u>	<u>85.00</u>
<u>RN license renewal</u>	<u>50.00</u>
<u>LPN license renewal</u>	<u>65.00</u>
Late renewal penalty	50.00
Expired license reissuance	((50.00)) <u>70.00</u>
Inactive renewal	((20.00)) <u>40.00</u>
Expired inactive license reissuance	((20.00)) <u>40.00</u>
Inactive late renewal penalty	((10.00)) <u>30.00</u>
Duplicate license	20.00
Verification of licensure/education (written)	25.00
Nursing center surcharge	5.00
<u>RN UW library fee</u>	<u>20.00</u>

Advanced registered nurse fees:

Title of Fee	Fee
ARNP application with or without prescriptive authority (per <del>((specialty))</del> <u>specialty</u> )	\$((65.00)) <u>85.00</u>

Title of Fee	Fee
ARNP renewal with or without prescriptive authority (per <del>((speciality))</del> <u>specialty</u> )	<del>((50.00))</del> <u>65.00</u>
ARNP late renewal penalty (per <del>((speciality))</del> <u>specialty</u> )	50.00
ARNP duplicate license (per <del>((speciality))</del> <u>specialty</u> )	20.00
ARNP written verification of license (per <del>((speciality))</del> <u>specialty</u> )	25.00

Nurse technologist fees:

Title of Fee	Fee
Application fee registration	\$130.00
Renewal of registration	90.00
Duplicate registration	15.00
Registration late renewal penalty	50.00

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-841-990 Nursing assistant—Fees and renewal cycle.** (1) Certificates and registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for registrations:

Title of Fee	Fee
Application - registration	<del>((15.00))</del> <u>30.00</u>
Renewal of registration	<del>((25.00))</del> <u>40.00</u>
Duplicate registration	10.00
Registration late penalty	<del>((25.00))</del> <u>40.00</u>
Expired registration reissuance	<del>((25.00))</del> <u>40.00</u>

(3) The following nonrefundable fees will be charged for certifications:

Title of Fee	Fee
Application for certification	<del>((15.00))</del> <u>30.00</u>
Certification renewal	<del>((25.00))</del> <u>40.00</u>

Title of Fee	Fee
Duplicate certification	10.00
Certification late penalty	<del>((25.00))</del> <u>40.00</u>
Expired <del>((registration))</del> <u>certification</u> reissuance	<del>((25.00))</del> <u>40.00</u>

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-843-990 Nursing home administrator fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application - Original license	<del>((200.00))</del> <u>275.00</u>
Administrator-in-training	<del>((100.00))</del> <u>150.00</u>
Application - Endorsement	<del>((295.00))</del> <u>375.00</u>
Temporary permit	190.00
Renewal	<del>((295.00))</del> <u>360.00</u>
Inactive license renewal	<del>((110.00))</del> <u>180.00</u>
Late renewal penalty	<del>((145.00))</del> <u>180.00</u>
Expired license reissuance	147.50
Late renewal penalty - inactive	<del>((55.00))</del> <u>90.00</u>
Expired inactive license reissuance	55.00
Duplicate license	15.00
Certification of license	15.00

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-847-990 Occupational therapy fees and renewal cycle.** (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for

the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for occupational therapist:

Title of Fee	Fee
Application and initial license fee	<del>\$(425.00)</del> <u>160.00</u>
License renewal	<del>((95.00))</del> <u>130.00</u>
Limited permit fee	40.00
Late renewal fee	<del>((50.00))</del> <u>65.00</u>
Expired license reissuance	<del>((50.00))</del> <u>65.00</u>
Inactive license	<del>((5.00))</del> <u>10.00</u>
Expired inactive license reissuance	<del>((5.00))</del> <u>10.00</u>
Duplicate	15.00
Certification of license	25.00

(3) The following nonrefundable fees will be charged for occupational therapy assistant:

Title of Fee	Fee
Application and initial license fee	<del>((425.00))</del> <u>160.00</u>
License renewal	<del>((70.00))</del> <u>110.00</u>
Late renewal fee	<del>((50.00))</del> <u>55.00</u>
Expired license reissuance	<del>((50.00))</del> <u>55.00</u>
Inactive license	<del>((5.00))</del> <u>10.00</u>
Expired inactive license reissuance	<del>((5.00))</del> <u>10.00</u>
Limited permit fee	40.00
Duplicate	15.00
Certification of license	25.00

**AMENDATORY SECTION** (Amending WSR 06-24-048, filed 12/1/06, effective 1/1/07)

**WAC 246-851-990 Optometry fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those

in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	<del>\$(425.00)</del> <u>175.00</u>
Out-of-state seminar	100.00
License renewal	<del>((400.00))</del> <u>150.00</u>
Late renewal penalty	<del>((50.00))</del> <u>75.00</u>
Expired license reissuance	<del>((50.00))</del> <u>75.00</u>
Inactive license renewal	<del>((40.00))</del> <u>75.00</u>
Duplicate license	15.00
Certification of license	25.00
<u>UW library fee</u>	<u>25.00</u>

**AMENDATORY SECTION** (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-853-990 Osteopathic fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) ~~((The following nonrefundable fees will be charged for osteopath:~~

Title of Fee	Fee
<del>Active renewal</del>	<del>\$475.00</del>
<del>Active late renewal penalty</del>	<del>237.50</del>

<b>Title of Fee</b>	<b>Fee</b>
Certification of license	<del>50.00</del>
(4)) The following nonrefundable fees will be charged for osteopathic physician:	
<b>Title of Fee</b>	<b>Fee</b>
Endorsement application	<del>((650.00))</del> <u>\$800.00</u>
Active license renewal	<del>((475.00))</del> <u>750.00</u>
Active late renewal penalty	<del>((237.50))</del> <u>300.00</u>
Active expired license reissuance	<del>((237.50))</del> <u>300.00</u>
Inactive license renewal	<del>((350.00))</del> <u>500.00</u>
Expired inactive license reissuance	<del>((475.00))</del> <u>225.00</u>
Inactive late renewal penalty	<del>((475.00))</del> <u>250.00</u>
Endorsement/state exam application	<del>((750.00))</del> <u>900.00</u>
Reexam	100.00
Certification of license	50.00
Limited license application	<del>((300.00))</del> <u>350.00</u>
Limited license renewal	<del>((250.00))</del> <u>325.00</u>
Temporary permit application	70.00
Duplicate certificate	20.00
Substance abuse monitoring surcharge	25.00
<u>UW library access fee</u>	<u>25.00</u>

(5) The following nonrefundable fees will be charged for osteopathic physician assistant:

<b>Title of Fee</b>	<b>Fee</b>
Application	<del>((250.00))</del> <u>300.00</u>
Renewal	<del>((200.00))</del> <u>325.00</u>
Late renewal penalty	<del>((100.00))</del> <u>162.50</u>
Expired license reissuance	100.00
Certification of license	30.00
Practice plan	70.00
Interim permit	<del>((167.00))</del> <u>200.00</u>
License after exam	<del>((83.00))</del> <u>100.00</u>
Duplicate certificate	20.00

<b>Title of Fee</b>	<b>Fee</b>
Substance abuse monitoring surcharge	25.00
<u>UW library access fee</u>	<u>25.00</u>

**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 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-907-030 Pharmaceutical licensing periods and fees—Fees and renewal cycle.** (1) Pharmacist, pharmacy technician, and pharmacy intern licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Pharmacy location, controlled substance registration (pharmacy), pharmacy technician utilization, and shopkeepers differential hours licenses will expire on June 1 of each year.

(3) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(4) The following nonrefundable fees will be charged for pharmacy location:

<b>Title of fee</b>	<b>Fee</b>
Original pharmacy fee	\$365.00
Original pharmacy technician utilization fee	65.00
Renewal pharmacy fee	<del>((265.00))</del> <u>400.00</u>
Renewal pharmacy technician utilization fee	75.00
Penalty pharmacy fee	<del>((132.50))</del> <u>200.00</u>

(5) The following nonrefundable fees will be charged for vendor:

Original fee	75.00
Renewal fee	75.00
Penalty fee	50.00

(6) The following nonrefundable fees will be charged for pharmacist:

Original license fee	130.00
Renewal fee, active and inactive license	<del>((135.00))</del> <u>170.00</u>
Renewal fee, retired license	20.00

Penalty fee	((67.50)) <u>85.00</u>
Expired license reissuance (active and inactive)	((67.50)) <u>85.00</u>
Reciprocity fee	330.00
Certification of license status to other states	20.00
Retired license	20.00
Temporary permit	65.00

(7) The following nonrefundable fees will be charged for shopkeeper:

Original fee	35.00
Renewal fee	35.00
Penalty fee	35.00
Shopkeeper - with differential hours:	
Original fee	35.00
Renewal fee	35.00
Penalty fee	35.00

(8) The following nonrefundable fees will be charged for drug manufacturer:

Original fee	590.00
Renewal fee	590.00
Penalty fee	295.00

(9) The following nonrefundable fees will be charged for drug wholesaler - full line:

Original fee	590.00
Renewal fee	590.00
Penalty fee	295.00

(10) The following nonrefundable fees will be charged for drug wholesaler - OTC only:

Original fee	330.00
Renewal fee	330.00
Penalty fee	165.00

(11) The following nonrefundable fees will be charged for drug wholesaler - export:

Original fee	590.00
Renewal fee	590.00
Penalty	295.00

(12) The following nonrefundable fees will be charged for drug wholesaler - export nonprofit humanitarian organization.

Original fee	25.00
Renewal fee	25.00
Penalty	25.00

(13) The following nonrefundable fees will be charged for pharmacy technician:

Original fee	50.00
Renewal fee	40.00
Penalty fee	40.00

Expired license reissuance	40.00
(14) The following nonrefundable fees will be charged for pharmacy intern:	
Original registration fee	20.00
Renewal registration fee	20.00

(15) The following nonrefundable fees will be charged for Controlled Substances Act (CSA):

Registrations	
Dispensing registration fee (i.e. pharmacies and health care entities)	80.00
Dispensing renewal fee (i.e. pharmacies and health care entities)	65.00
Distributors registration fee (i.e. wholesalers)	115.00
Distributors renewal fee (i.e. wholesalers)	115.00
Manufacturers registration fee	115.00
Manufacturers renewal fee	115.00
Sodium pentobarbital for animal euthanization registration fee	40.00
Sodium pentobarbital for animal euthanization renewal fee	40.00
Other CSA registrations	40.00

(16) The following nonrefundable fees will be charged for legend drug sample - distributor:

Registration fees	
Original fee	365.00
Renewal fee	265.00
Penalty fee	132.50

(17) The following nonrefundable fees will be charged for poison manufacturer/seller - license fees:

Original fee	40.00
Renewal fee	40.00

(18) The following nonrefundable fees will be charged for facility inspection fee:

200.00
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(19) The following nonrefundable fees will be charged for precursor control permit:

Original fee	65.00
Renewal fee	65.00

(20) The following nonrefundable fees will be charged for license reissue:

Reissue fee	15.00
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(21) The following nonrefundable fees will be charged for health care entity:

Original fee	365.00
Renewal	265.00
Penalty	132.50

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-915-990 Physical therapy fees and renewal cycle.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$100.00
License renewal	((65.00)) <u>75.00</u>
Late renewal penalty	50.00
Inactive license renewal	35.00
Expired inactive license reissuance	50.00
Expired license reissuance	50.00
Duplicate license	15.00
Certification	25.00

AMENDATORY SECTION (Amending WSR 06-11-167, filed 5/24/06, effective 7/1/06)

**WAC 246-918-990 Physician assistants fees and renewal cycle.** (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The applicant or licensee must pay the following nonrefundable fees:

Title of Fee	Fee
Physician assistants, certified physician assistants, physician assistant-surgical assistants, acupuncture physician assistants:	
Application*	\$50.00
Two-year renewal*	70.00
Expired license reissuance	((35.00)) <u>50.00</u>
Duplicate license	15.00

Title of Fee	Fee
Impaired physician program surcharge *(assessed at \$35.00 on each application and for each year of the renewal period as required in RCW 18.71.310(2))	35.00
<u>UW library fee</u>	<u>25.00</u>

AMENDATORY SECTION (Amending WSR 06-11-167, filed 5/24/06, effective 7/1/06)

**WAC 246-919-990 Physician and surgeon fees and renewal cycle.** (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses and retired active physician licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program date. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) Retired active physician licenses shall be renewed every year. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(4) The applicants and licensees must pay the following nonrefundable fees:

Title of Fee	Fee
Physicians and surgeons: Chapter 18.71 RCW	
Application*	\$((300.00)) <u>425.00</u>
Retired active physician license renewal*	100.00
Retired active late renewal penalty	50.00
Two-year renewal*	((400.00)) <u>525.00</u>

Title of Fee	Fee
Late renewal penalty	((100.00))
	<u>262.50</u>
Expired license reissuance	((200.00))
	<u>262.50</u>
Certification of license	50.00
Duplicate license	15.00
Temporary permit	50.00
Application fee for transitioning from a postgraduate training limited license*	100.00
Postgraduate limited license fees: RCW 18.71.095	
Limited license application*	((200.00))
	<u>325.00</u>
Limited license renewal*	((200.00))
	<u>325.00</u>
Limited duplicate license	15.00
Impaired physician program *(assessed at \$35.00 on each application and for each year of the renewal period as required in RCW 18.71.310(2))	35.00
<u>UW library fee</u>	<u>25.00</u>

Title of Fee	Fee
License renewal	((825.00))
	<u>975.00</u>
Inactive license renewal	((135.00))
	<u>175.00</u>
Inactive late renewal penalty	((67.50))
	<u>100.00</u>
Active late renewal penalty	300.00
Active expired license reissuance	300.00
Expired inactive license reissuance	67.50
Duplicate license	30.00
Certification of license	50.00
Retired active status	((150.00))
	<u>275.00</u>
Temporary practice permit	50.00
Limited license application	400.00
Limited license renewal	((480.00))
	<u>475.00</u>
Substance abuse monitoring surcharge	25.00
<u>UW library access fee</u>	<u>25.00</u>

**AMENDATORY SECTION** (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-922-990 Podiatry fees and renewal cycle.**

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except for postgraduate training limited licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
<del>(Application (examination and reexamination))</del>	<del>(\$825.00))</del>
<del>(Reciprocity) Application</del>	<del>((825.00))</del>
	<u>975.00</u>

**AMENDATORY SECTION** (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

**WAC 246-924-990 Psychology fees and renewal cycle.**

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$260.00
Renewal	285.00
Renewal retired active	100.00
Late renewal penalty	142.50
Expired license reissuance	142.50
Duplicate license	25.00
<del>(Oral examination)</del>	<del>350.00))</del>
Certification of license	25.00
Amendment of certificate of qualification	30.00
<u>UW library access fee</u>	<u>25.00</u>

AMENDATORY SECTION (Amending WSR 05-12-014, filed 5/20/05, effective 6/20/05)

WAC 246-930-990 Sex offender treatment provider fees and renewal cycle. (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. ((The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.)) The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The following nonrefundable fees will be charged for:

Title of Fee	Fee
Sex offender treatment provider:	
Application and examination	<del>\$(500.00)</del> <u>600.00</u>
Reexamination	250.00
Initial certification	<del>((100.00))</del> <u>200.00</u>
Renewal	<del>((800.00))</del> <u>1,000.00</u>
Inactive status	300.00
Late renewal penalty	300.00
Expired certificate reissuance	300.00
Expired inactive certificate reissuance	150.00
Duplicate certificate	15.00
Verification of certification	15.00

(3) The following nonrefundable fees will be charged for affiliate treatment provider:

Title of Fee	Fee
Application and examination	<del>((200.00))</del> <u>400.00</u>
Reexamination	<del>((100.00))</del> <u>250.00</u>
Renewal	<del>((300.00))</del> <u>500.00</u>
Inactive status	<del>((200.00))</del> <u>250.00</u>
Late renewal penalty	<del>((150.00))</del> <u>250.00</u>

Expired affiliate certificate reissuance	<del>((150.00))</del> <u>250.00</u>
Expired inactive affiliate certificate reissuance	100.00
Duplicate certificate	15.00
<del>((Extension fee</del>	<del>850.00))</del>

**WSR 08-15-016**  
**PERMANENT RULES**  
**SPOKANE REGIONAL**  
**CLEAN AIR AGENCY**

[Filed July 7, 2008, 11:15 a.m., effective August 7, 2008]

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

Purpose: Revision of SRCAA Regulation I, Article X, Sections 10.06 and 10.07 to allow for full cost recovery of SRCAA's air operating permit (AOP) program and to separate notice of construction (NOC) fees from AOP annual fees, as directed by SRCAA's board of directors on July 3, 2008.

Citation of Existing Rules Affected by this Order: Amending SRCAA Regulation I, Article X, Sections 10.06 - Registration and Operating Permit Fees For Air Contaminant Sources and SRCAA Regulation I, Article X, Section 10.07 - Application and Permit Fees for Notice of Construction and Application for Approval and for Notice of Intent to Install and Operate a Temporary Stationary Source.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380(2).

Adopted under notice filed as WSR 08-11-078 on May 19, 2008.

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

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

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

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

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

Date Adopted: July 3, 2008.

April L. Westby  
Environmental Engineer

**AMENDATORY SECTIONS**

REGULATION I, ARTICLE VI, SECTION 10.06 & 10.07

**SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES**



A. Each source required by Article IV, Section 4.01 to be registered, each air operating permit source, and each source required by Article V, Section 5.02 to obtain an approved Notice of Construction and Application for Approval is subject to an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.

B. The annual fee for each source required by Article IV, Section 4.01 to be registered and that is not subject to Section 10.06.C. of this Regulation shall be determined by adding all of the applicable fees below;

1.	Registration Fee Categories	Fee	Fee Applicability
	Facility Fee <sup>A</sup>	Per the Fee Schedule	Per Source
	Emissions Fee <sup>B</sup>	Per the Fee Schedule	Per Ton
	Emission Point Fee <sup>C</sup>	Per the Fee Schedule	Per Stack/Point
	Burn Out Oven/Incinerator Fee <sup>D</sup>	Per the Fee Schedule	Per Source
	Synthetic Minor Fee <sup>E</sup>	Per the Fee Schedule	Per Source
	WEDS Fee <sup>F</sup>	Per the Fee Schedule	Per Hour

- a. Each source is subject to the fee listed.
- b. The additional fee listed applies to each ton (rounded to the nearest one-tenth of a ton) of each criteria and toxic air pollutant emitted.
- c. The additional fee applies to each stack and other emission points. For gasoline stations, each gasoline tank vent is an emission point.
- d. The additional fee listed applies to each source which operated at least one incinerator or burn out oven during the registration period.
- e. The additional fee listed applies to each Synthetic Minor source as defined in SRCAA Regulation I, Article I, Section 1.04.
- f. The additional fee listed applies to each source required by the Authority to submit an annual emissions inventory for entry into the Washington Emission Data System (WEDS). SRCAA staff time spent processing and reviewing WEDS will be tracked in 15 minute increments and charged at the hourly rates provided above.

2. The Board shall periodically review the fee schedule for registered sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board

shall amend the fee schedule to more accurately recover program costs.

C. The annual fee for each air operating permit source shall be determined as follows:

1. The Board shall periodically review the fees for air operating permit sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fees to more accurately recover program costs.

2. For sources that are subject to the air operating permit (AOP) program during any portion of the calendar year:

- a. Annual base fee of \$3,000;
- b. Emission fee of \$31.11 per ton of actual emissions from the previous calendar year;
- c. SRCAA time fee, as determined by the following formula:

$$TF_1 = \frac{(H_1 + H_G) \times RPC}{H_T}$$

Where,

TF<sub>1</sub> is the SRCAA time fee for AOP source, I;

H<sub>1</sub> is the total SRCAA staff hours spent on AOP source, not including time spent on Notice of Construction application reviews, I;

H<sub>G</sub> is the total general hours SRCAA staff spent on the AOP program divided by the total number of sources subject to the AOP program during any portion of the calendar year;

RPC is the remaining SRCAA AOP program cost, calculated by subtracting the sum of the Section 10.06.C.2.a and b. fees from the total SRCAA AOP program costs; and

H<sub>T</sub> is the total number of hours SRCAA staff spent on the AOP program, including total time spent on the AOP sources and general hours spent on the AOP program.

Note: H<sub>1</sub>, H<sub>G</sub>, H<sub>T</sub>, and RPC are for the most recent SRCAA fiscal year.

Note: H<sub>1</sub>, H<sub>G</sub>, and H<sub>T</sub> are obtained from SRCAA time accounting records.

d. (~~Program deficit recovery fee~~) AOP Program Cost Correction, as determined by the following formula:

$$PDRF_1 = \frac{\text{Remaining Program Deficit}_y}{(2016 - y)} \times \frac{E_{I(y-1)}}{E_{T(y-1)}}$$

$$PCC_1 = \frac{\text{AOP Program Cumulative Deficit or Surplus} \times F_1}{F_T}$$

Where,

PCC<sub>1</sub> is the AOP Program Cost Correction assessed ((PDRF<sub>1</sub> is the program deficit recovery fee assessed during year "y" (from 2006-2015) to each AOP source, I((, that operated during any portion of the calendar year "y"));

AOP Program Cumulative Deficit or Surplus is the cumulative financial deficit or surplus for SRCAA's (~~Remaining Program Deficit, is the total cumulative funding deficit for SCAPCA's AOP program at the end of the most recent SRCAA fiscal year ("y");~~)

(~~"y" is the year, beginning in year 2006 and ending in year 2015;~~)

F<sub>i</sub> is the total individual fee assessed pursuant to Section 10.06.C.2.a., b., and c., of this Regulation; and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.C.2.a., b., and c. of this Regulation.

(~~E<sub>i</sub> is the total (in tons) of actual emissions from AOP source, I, during the calendar year prior to year "y" (y-1); and~~

~~E<sub>T</sub> is the sum (in tons) of the actual emissions from all AOP sources during the calendar year prior to year "y" (y-1).~~

~~Note: The program deficit recovery fee will expire in 2016 when the AOP program deficit will be zero.~~)

e. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_i \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

F<sub>i</sub> is the total individual fee assessed pursuant to Section 10.06.C.2.a., b., and c. (~~and d.~~) of this Regulation;

A<sub>E</sub> is the total Ecology assessment pursuant to RCW 70.94.162(3); and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.C.2.a., b., and c. (~~and d.~~) of this Regulation.

3. For affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq):

a. A fee of (~~(\$50)~~) \$65 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.; and

b. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_i \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

F<sub>i</sub> is the total individual fee assessed pursuant to Section 10.06.C.3.a. of this Regulation;

A<sub>E</sub> is the total Ecology assessment pursuant to RCW 70.94.162(3); and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.C.3.a. of this Regulation.

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

**SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL (NOC) AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY STATIONARY SOURCE (NOI)**

(~~The fees contained in Section 10.07 do not apply to air operating permit sources.~~)

A. NOC and NOI Fees

1. Base Fee

a. For each project required by Article V to file a NOC or a NOI, the applicant shall pay a base fee pursuant to the fee schedule. Base fee classes are listed below.

1) Class I - Notice of Intent Permit

Notice of Intent permits for portable stationary sources and temporary stationary sources include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Asphalt plant	15
(b) Concrete batch plant/ready mix plant	22
(c) Rock crusher	36

2) Class II - Simple Notice of Construction Permit

Simple permits generally conform to a template and involve minimal off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Boiler and other fuel-burning equipment	27
(b) Coffee roaster	20
(c) Concrete batch plant/ready mix plant	22
(d) Dry cleaner	23
(e) Emergency generator	52
(f) Gasoline dispensing facility	28
(g) Lithographic printing/screen printing	9.e.5
(h) Material handling that exhausts ≥ 1,000 acfm	24
(i) Rock crusher	36
(j) Spray booth/surface coating operation	57
(k) Stationary internal combustion engine	53
(l) Sterilizer	9.e.8
(m) Stump/wood waste grinder	54

3) Class III - Standard Notice of Construction Permit

Standard permits generally include those that don't conform to a template and involve minimal off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Soil and groundwater remediation operation	9.e.7
(b) Burn out oven	43
(c) Chrome plating	35
(d) Incinerator/crematory	31

4) Class IV - Complex Notice of Construction Permit

Complex permits generally include those that don't conform to a template and involve more complex off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Asphalt plant	15
(b) Composting	21
(c) Refuse systems	48
(d) Rendering	49
(e) Sewerage systems	50

b. For sources/source categories not listed in Section 10.07.A.1.a, above, NOI and NOC application review will be assigned to Class I, II, III or IV by the Control Officer on a case-by-case basis.

c. For sources with one or more emission points under one NOC application, as allowed in Section 5.02.G, a separate base fee applies to each emissions unit, or each group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

2. Modification/Revision Fee

a. Equipment Modification Fee

Applicants of sources requesting a change in equipment (e.g., replacement or substantial alteration of emission control technology) pursuant to Section 5.10.C of this Regulation shall pay a fee pursuant to the fee schedule.

b. Permit Condition Revision Fee

Applicants of sources requesting a change in conditions pursuant to Section 5.10.C of this Regulation shall pay a fee pursuant to the fee schedule.

3. Additional Fees (for each application)

a. SEPA Review Fee

Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an Addendum to, or adoption of, an existing environmental document pursuant to the State Environmental Policy Act (SEPA) Chapter 197-11 WAC is required, in association with a NOC or a NOI, the applicant shall pay a SEPA or EIS review fee pursuant to the fee schedule.

b. Toxics Review Fee

For any new source of air pollution which requires review pursuant to Chapter 173-460 WAC, a toxic air pollutant review fee shall be paid. For sources with one or more emission points under one NOC application, as allowed in Section 5.02.G, a separate toxic air pollutant review fee applies to each emissions unit, or each group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units. The toxic air pollutant review fee shall be as follows:

1) Small Quantity Emission Rate (SQER)

For a new source using WAC 173-460-080 (2)(e), SQER, to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC

173-460-070 & WAC 173-460, the applicant shall pay a SQER review fee pursuant to the fee schedule.

2) Dispersion Modeling

For a new source using dispersion screening models (e.g., EPA SCREEN or TSCREEN) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, the applicant shall pay a dispersion modeling review fee pursuant to the fee schedule.

3) Advanced Modeling

For a new source using more refined dispersion models (e.g., EPA ISC3) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070; or for a new or modified source using a second tier analysis under WAC 173-460-090 or a risk management decision under WAC 173-460-100 to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, the applicant shall pay the advanced modeling review fee in the fee schedule.

c. New Source Performance Standards (NSPS) Review Fee

Applicants of any new air pollution source subject to WAC 173-400-115 (NSPS) and 40 CFR Parts 60 shall pay a NSPS review fee according to the fee schedule.

d. National Emission Standard for Hazardous Air Pollutants (NESHAP) Review Fee

Applicants of any new air pollution source subject to WAC 173-400-075 (NESHAP) and 40 CFR Parts 61 and 63 shall pay a NESHAP fee according to the fee schedule.

e. Best Available Control Technology (BACT) Review Fee

1) Generic BACT

Where no BACT review is required (e.g., the applicant demonstrates there is an established and/or recognized BACT standard for the source category type), a BACT review fee is not applicable.

2) Non-Generic BACT Review

A non-generic BACT review is one where a generic BACT standard is not applicable and a top-down BACT review is not required. Applicants of any new air pollution source subject to a non-generic BACT review shall pay a non-generic BACT review fee according to the fee schedule.

3) Top-Down BACT Review (as described in EPA's Draft New Source Review Workshop Manual from October 1990 and as summarized below)

A top-down BACT review is one that requires available control technologies be ranked in descending order of control effectiveness. The most stringent or "top" control technology is first examined. That control technology is established as BACT unless the applicant demonstrates, and the ((Authority)) Agency concurs, that technical considerations, energy, environmental, or economic impacts justify a conclusion that the most stringent technology is not achievable in for the project being proposed. If the most stringent control technology is eliminated in this fashion, the next most stringent control technology is considered, and so on. Applicants of any new air pollution source subject to a top-down BACT review shall pay a top-down BACT review fee according to the fee schedule.

B. Payment of Fees

1. At the Time of Application

The base fee shall be paid at the time of application. Review of the application will not commence until the applicable base fee is received.

2. After Application

a. Payment of Fees for Complete Applications

The Agency will invoice the owner, operator, or applicant for all other applicable fees without regard to whether the request(s) associated with this section are approved or denied.

b. Payment of Fees for Incomplete Applications

If an owner, operator, or applicant notifies SRCAA in writing that an incomplete application will not be completed or cancels the application (i.e., the application is neither approved or denied), applicable fees for review performed pursuant to A.2 and A.3 of this section shall be invoiced. If an application remains incomplete for more than 3 months, the owner, operator, or applicant shall be invoiced applicable fees for review performed pursuant to A.2 and A.3 of this section. If review of the application recommences, applicable review fees apply.

C. Incomplete Applications

Applications not accompanied by the base fee will be considered incomplete. In addition, if information requested by the Agency is not provided, the application will be considered incomplete and review of the application will be suspended. Review of the application will commence, or recommence when applicable, when all required fees and information requested by the Agency is received. An application will be cancelled if it remains incomplete for more than 18 months from initial receipt. For review of the cancelled application to resume, the applicant must pay all outstanding invoice fees, if applicable, and resubmit the applicable base fee.

D. Compliance Investigation Fee

Where a compliance investigation is conducted pursuant to Section 5.12 of this Regulation, the compliance investigation fee shall be assessed pursuant to the fee schedule. The fee shall be assessed for each emissions unit, or group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

E. Periodic Fee Review

The Board shall periodically review the fee schedule and determine if the total actual fee revenue collected and projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total project fee revenue is either significantly excessive or deficient for this purpose, then the

Board shall amend the fee schedule to more accurately recover program costs. In general, fees will be greater for permits that are typically more complex or take more time to review and process.

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

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

**SECTION 10.08 MISCELLANEOUS FEES**

A. Miscellaneous Fees

1. Emission Reduction Credit

Review of emission reduction credits pursuant to WAC 173-400-131 shall require the applicant to pay an emission reduction credit fee pursuant to the fee schedule.

2. Variance Request

Processing a variance request pursuant to RCW 70.94.181 or Article III of this Regulation shall require the applicant to pay a fee pursuant to the fee schedule.

3. Alternate Opacity

Review of an alternate opacity limit pursuant to RCW 70.94.331 (2)(c) shall require the applicant to pay an alternate opacity fee pursuant to the fee schedule.

4. Other

Applicants of other services including those listed below shall pay a fee pursuant to the fee schedule.

a. Requests pursuant to the following sections of this Regulation: Sections 6.13.E.3.j; 6.13.F.4; 6.13.F.6; 6.13.F.9; 6.13.F.10; and 6.13.F.11.

b. Registration exemption requests.

c. Other.

B. Periodic Fee Review

The Board shall periodically review the fee schedule and determine if the total actual fee revenue collected and projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total project fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs. Fees in the fee schedule will be based on actual and projected employee costs and overhead. Fees will be set at an hourly rate.

**SECTION 10.09 ASBESTOS NOTIFICATION PERIOD AND FEES**

A. Written notification, as required in Article IX, Section 9.04, shall be accompanied by the appropriate nonrefundable fee, as follows:

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence Asbestos Project (excluding demolition)	Notification Not Required	None	None

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence Demolition	All	Prior Notice	Per the Fee Schedule
All Other Demolitions with no asbestos project	All	10 Days	Per the Fee Schedule
Asbestos Project includes demolition fee*	10-259 linear ft 48-159 square ft	3 Days	Per the Fee Schedule
Asbestos Project includes demolition fee	260-999 linear ft 160-4,999 square ft	10 Days	Per the Fee Schedule
Asbestos Project includes demolition fee	≥ 1,000 linear ft ≥ 5,000 square ft	10 Days	Per the Fee Schedule
Amendment***	9.04.B	Prior Notice	Per the Fee Schedule
Emergency	9.04.C	Prior Notice**	Additional fee equal to project fee
Exception for Hazardous Conditions	9.05.B	Concurrent with Project	Regular Project fee
Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition	9.07.B	Concurrent with Project	Per the Fee Schedule
Alternate Means of Compliance friable asbestos removal alternative, non-friable asbestos removal alternative, and leaving nonfriable asbestos in place during demolition (except roofing)	9.08.A, B, and C	10 Days	((Additional fee equal to project fee)) Per the Fee Schedule

\* Demolitions with asbestos projects involving less than 10 linear feet or less than 48 square feet may submit an asbestos project notification under this project category and will be eligible for the 3-day notification period.

\*\* Except in the case where advance notice is not required pursuant to Section 9.04.C.2.

\*\*\* For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted.

1. The Board shall periodically review the fee schedule for notifications submitted pursuant to Section 9.04 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.

B. The Control Officer may waive part or all of the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) asbestos-containing materials. All other asbestos project and demolition requirements remain in effect.

C. Where a compliance investigation is conducted pursuant to Section 9.04 of this Regulation, the compliance inves-

tigation fee shall be equal to \$50 per hour of compliance investigation.

D. The asbestos project fee in Section 10.09.a is waived for any demolition performed in accordance with RCW 52.12.150(6), where the good faith inspection is an asbestos survey, as defined in Section 9.02.G, performed by an AHERA Building Inspector, as defined in Section 9.02.A.

E. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

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

**SECTION 10.10 SOLID FUEL BURNING DEVICE EXEMPTIONS**

A. An initial nonrefundable fee of \$25 shall be paid for review of any exemption request to use solid fuel combustion device during periods of impaired air quality. An annual nonrefundable renewal fee of \$10 will be required each year thereafter. These fees may be waived per Section 10.04 or for emergency situations.

B. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

**SECTION 10.11 OXYGENATED GASOLINE (Repealed 9/1/05, Res. 05-19)**

**SECTION 10.12 AGRICULTURAL BURNING FEES**

A. For agricultural burning permits issued by the Authority pursuant to Section 6.11 of this Regulation, a non-

refundable fee shall be paid by the applicant according to the following:

1. Portion for local administration: a fee of \$1.25 per acre; and

2. The state administration and research portions, pursuant to 70.94.650 RCW and WAC 173-430-040 (3)(b).

B. Refunds of fees collected by the Authority may be provided at the discretion of the Authority for portions of acreage, of equivalent, unburned, provided that the total adjusted fee is no less than \$25.

C. Acreage equivalency shall be in accordance with the determination of the agricultural burning practices and research task force pursuant to WAC 173-430-040 (3)(d).

D. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

SECTION 10.13 OUTDOOR BURNING PERMIT FEES

For outdoor burning permit applications, submitted to the Authority pursuant to Section 6.01 of this Regulation, a nonrefundable fee shall accompany the application. The fee is as follows:

A. A \$10 fee shall be submitted with each 30-day permit application.

B. A \$25 fee shall be submitted with each annual permit application.

C. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

SECTION 10.14 PAVING WAIVER FEES

A. A minimum nonrefundable filing and review fee of \$50 shall accompany all paving waiver requests submitted to the Authority. After the first hour of filing and review, an additional fee of \$50 per hour shall be paid by the applicant for each hour of time expended by the Authority in carrying out the review.

B. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

WSR 08-15-018

PERMANENT RULES

BOARD OF ACCOUNTANCY

[Filed July 8, 2008, 9:03 a.m., effective August 8, 2008]

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

Purpose: To increase the section fees charged to candidates applying to take the uniform certified public accountant (CPA) examination and remove all references to "practice privilege" to conform the rule to the Public Accountancy Act, chapter 18.04 RCW.

This is a CORRECTION FILING. The text filed with the CR-103 filed as WSR 08-14-152 was a draft, not the final adopted text.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-530 Fees.

Statutory Authority for Adoption: RCW 18.04.065, 18.04.105(3).

Adopted under notice filed as WSR 08-11-022 on May 12, 2008.

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 1, Repealed 0.

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

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

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

Date Adopted: June 27, 2008.

Richard C. Sweeney  
Executive Director

AMENDATORY SECTION (Amending WSR 07-14-035, filed 6/26/07, effective 8/1/07)

WAC 4-25-530 Fees. The board shall charge the following fees:

- (1) Initial application for individual license, ((~~practice privilege~~)) individual license through reciprocity, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner ..... \$330
- (2) Renewal of individual license, CPA-Inactive certificate, ((~~practice privilege~~)) CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner ..... \$230
- (3) Application for CPA-Inactive certificateholder to convert to a license ..... \$0
- (4) Application for reinstatement of license, ((~~practice privilege~~)) CPA-Inactive certificate, or registration as a resident nonlicensee owner ..... \$480
- (5) Quality assurance review (QAR) program fee (includes monitoring reviews for up to two years)

	Firm submits reports for review .....	\$400
	Firm submits a peer review report for review .....	\$60
	Firm is exempted from the QAR program because the firm did not issue attest reports .....	\$0
(6)	Late fee .....	\$100
(7)	Amendment to firm license except for a change of firm address (there is no fee for filing a change of address) .....	\$35
(8)	Copies of records, per page exceeding fifty pages .....	\$0.15
(9)	Computer diskette listing of licensees, CPA-Inactive certificateholders, <del>((grants of practice privilege,))</del> or registered resident nonlicensee firm owners <del>((or firms))</del> .....	\$75
(10)	Replacement CPA wall document .....	\$50
(11)	Dishonored check fee (including, but not limited to, insufficient funds or closed accounts) .....	\$35
(12)	CPA examination. Exam fees are comprised of section fees plus administrative fees. <b>The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time.</b> The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.	
(a)	Section fees:	
(i)	Auditing and attestation .....	<del>\$((209.33))</del> <u>226.28</u>
(ii)	Financial accounting and reporting .....	<del>\$((197.40))</del> <u>214.35</u>
(iii)	Regulation .....	<del>\$((173.55))</del> <u>190.50</u>
(iv)	Business environment and concepts .....	<del>\$((161.63))</del> <u>178.58</u>
(b)	Administrative fees: <del>((1/1/04-12/31/06</del> <b>After</b> <del>1/1/07))</del>	
(i)	First-time candidate - Four sections .....	<del>((124.50))</del> \$132.95
(ii)	First-time candidate - Three sections .....	<del>((111.00))</del> \$119.10
(iii)	First-time candidate - Two sections .....	<del>((97.00))</del> \$104.70

(iv)	First-time candidate - One section .....	<del>((83.00))</del> \$90.30
(v)	Reexam candidate - Four sections .....	<del>((122.50))</del> \$130.75
(vi)	Reexam candidate - Three sections .....	<del>((104.00))</del> \$111.40
(vii)	Reexam candidate - Two sections .....	<del>((85.00))</del> \$91.50
(viii)	Reexam candidate - One section .....	<del>((66.00))</del> \$71.60
	National Association of State Boards of Accountancy candidate data base investigation fee for exam applications submitted without the applicant's Social Security number .....	<del>((70))</del> \$70

Note: The board may waive late filing fees for individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

**WSR 08-15-031  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 08-167—Filed July 8, 2008, 5:11 p.m., effective August 8, 2008]

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

Purpose: Amend rules for commercial salmon fishing in Puget Sound, including WAC 220-47-301, 220-47-303, 220-47-307, 220-47-311, 220-47-325, 220-47-401, and 220-47-411.

Citation of Existing Rules Affected by this Order: Amending Order 04-202, filed 8/4/04, effective 9/4/04; and amending WSR 07-20-006, filed 9/20/07, effective 10/21/07.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Adopted under notice filed as WSR 08-11-123 on May 21, 2008.

Changes Other than Editing from Proposed to Adopted Version: This concise explanatory statement (CES) applies to the CR-103 filed for the 2008 North of Falcon - Puget Sound commercial salmon rules. There are no changes from the proposed to adopted version of these rules. The rules are the same for the CR-103 as they were for the CR-102, which was filed as WSR 08-11-123 on May 21, 2008.

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 7, Repealed 0.

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

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

Date Adopted: July 8, 2008.

J. P. Koenings  
Director

AMENDATORY SECTION (Amending Order 04-202, filed 8/4/04, effective 9/4/04)

**WAC 220-47-301 Puget Sound—Lawful gear—Purse seine.** (1) Lawful purse seine salmon nets in Puget Sound ~~((shall))~~ must not exceed 1,800 feet in length along the cork line while wet, and purse seine and lead combined ~~((shall))~~ must not exceed 2,200 feet. Neither ~~((shall))~~ type can contain meshes of a size less than 3-1/2 inches ~~((, nor shall the))~~. Meshes of the seine and lead cannot be lashed together to form one continuous piece of webbed gear. ~~((It shall be lawful))~~ A person may have, as part of the purse seine ~~((to have))~~, a bunt not more than 10 fathoms long ~~((which may contain))~~. However, the mesh ~~((of a))~~ size must not be less than 3-1/2 inches.

(2) It ~~((shall be))~~ is unlawful to take or fish for salmon in Puget Sound with purse seine gear ~~((in Puget Sound which))~~ that contains mesh webbing constructed of a twine-size smaller than 210/30d nylon, 12-thread cotton, or the equivalent diameter in any other material.

(3) It ~~((shall be))~~ is unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation ~~((, nor may))~~. It is also unlawful to carry an extra lead or portion thereof ~~((be carried))~~ aboard ~~((its))~~ the skiff of the purse seine vessel.

(4) Purse seine mesh size ~~((shall be))~~ is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while the mesh is wet.

(5) A purse seine ~~((will))~~ is not ~~((be))~~ considered to be fishing once both ends of the seine are attached to the primary vessel.

(6) It ~~((shall be))~~ is unlawful to take or fish for salmon with purse seine gear in Puget Sound unless at least four sections, each measuring no less than 12 inches in length ~~((,))~~ along the ~~((corkline))~~ cork line in the bunt, and within 75 fathoms of the bunt, have no corks or floats attached. These four sections must be spaced such that one section is along the ~~((corkline))~~ cork line in the bunt, within 5 fathoms of the seine net, and the other three sections ~~((must be))~~ are spaced at least 20 fathoms apart along the ~~((corkline))~~ cork line within 75 fathoms of the bunt.

(7) When brailing is required, it is unlawful to take or fish for salmon with purse seine gear unless the purse seine vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers per box if one box is used, or one chamber per box if two boxes are used.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter. The inlet hole must be centered horizontally across the door or wall of the chamber, and the bottom of the hole must be located 1-3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1-1/2 inches in diameter, with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute, nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is in the water.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon that will not be retained must be released immediately with care and with the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

(8) It is unlawful to fish for salmon with purse seine gear in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 04-202, filed 8/4/04, effective 9/4/04)

**WAC 220-47-303 Puget Sound—Lawful gear—Reef nets.** (1) Lawful **reef net** salmon nets in Puget Sound ~~((shall))~~ must not exceed 300 meshes on any side nor contain meshes of a size less than 3-1/2 inches nor utilize more than two leads. Each of ~~((said))~~ the leads ~~((shall))~~ must not exceed 200 feet in length, measured from the bows of the reef net boats to the nearest end of the head buoys. The use of any false, detached, or auxiliary lead ~~((shall be))~~ is unlawful.

(2) It is unlawful to retain Chinook salmon with reef net gear unless the vessel operator is in immediate possession of a department-issued Puget Sound reef net logbook. Completed logs must be submitted and received within six working days to the department.

(3) It is unlawful to fish for salmon with reef net gear in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in



immediate possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 04-202, filed 8/4/04, effective 9/4/04)

**WAC 220-47-307 Closed areas—Puget Sound salmon.** It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section (~~(shall)~~) do not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4-mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point, thence west to a point intercepting a line projected from the northernmost point of Jones Island, thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwestern-most point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwestern-most point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink and coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy, thence to Forbes Landing wharf(☪) east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison (~~(northwest)~~) westerly of a line ((from the Agate Pass entrance light to the light on the end of the Indianola dock)) projected from Point Jefferson to the northernmost portion of Point Monroe.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock, and those waters northerly of a line projected from Point Wells to "SF" Buoy, then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor, and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock, then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4-mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional Chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodsport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4-mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302; those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay, including all waters of Minter Creek Bay; those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove; and those waters within 1/4-mile of Green Point.

AMENDATORY SECTION (Amending WSR 07-20-006, filed 9/20/07, effective 10/21/07)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with purse seine gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas and during the periods provided for in each respective Management and Catch Reporting Area:

Table with columns: AREA, TIME, DATE. Rows include Area 7, 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, 7K, 7L, 7M, 7N, 7O, 7P, 7Q, 7R, 7S, 7T, 7U, 7V, 7W, 7X, 7Y, 7Z.

Note: In Areas 7 and 7A, it is unlawful to fail to brail when fishing with purse seine gear. Any time brailing is required, purse seine fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

Table with columns: TIME, DATE. Rows include 7AM 11/((5)) 3, 7AM 11/((42)) 10, 7AM 11/((49)) 17, 7AM 11/((26)) 24, 8AM 12/((3)) 1, 4PM 11/((9)) 7, 4PM 11/((46)) 14, 4PM 11/((23)) 21, 4PM 11/((30)) 28, 4PM 12/((7)) 5.

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squilicum Harbor is open to purse seines beginning at 12:01 a.m. on the last Monday in October and until 4:00 p.m. on the first Friday in December.

Table with columns: AREA, TIME, DATE. Rows include 8, 8A, 8D, 10, 11, 12, 12B.

Note: In Areas 12 and 12B, it is unlawful to take or fish for salmon during any open period occurring from 10/19 through 11/1 with purse seine gear unless purse seine fishers are using a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

Table with columns: AREA, TIME, DATE. Rows include 12C.

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C, and after October ((27)) 26 in Area 7B.

Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September ((9)) 7 in Area 7B, and wild coho in Areas 12, 12B, and 12C.

Chum salmon - prior to ((September 30)) October 1 in Areas 7 and 7A.

All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending WSR 07-20-006, filed 9/20/07, effective 10/21/07)

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel

operator landing salmon to do so directly into the hold. All salmon must be landed onto the deck or sorting tray or table of the harvesting vessel(;) with the hold hatch cover(s) closed(;) until ((the release of)) all salmon that ((may not)) cannot be retained ((is complete)) are released; and additionally:

(2) In Areas 7 and 7A, and prior to September ((16)) 14 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water, unless otherwise provided for in this section.

(3) The brailer ((shall)) must be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag ((shall)) must be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web ((shall)) must be of soft knotless construction, and the mesh size ((may not)) cannot exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand-held dip nets ((shall)) must be constructed of a shallow bag of soft, knotless web attached to a handle.

(5) Fish may be brought on board without using a brailer or dip net as specified in this section if the number of fish in the net is small enough that the crew can hand-pull the bunt onto the vessel without the use of hydraulic or mechanical assistance.

(6) In order for fishers ((using)) to participate in openings where brailing is required, fishers must use a recovery box ((must have)) and operate the box in compliance with the provisions of WAC ((220-47-302 (5))) 220-47-301 (7)(a) through (f)((, and)). It is unlawful to fail to do so.

AMENDATORY SECTION (Amending WSR 07-20-006, filed 9/20/07, effective 10/21/07)

**WAC 220-47-401 Reef net open periods.** (1) It is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for in each respective area:

AREA	TIME	(-) DATE(S)
7, 7A	((7AM)) 5AM - ((7PM)) 9PM Daily	9/((16)) 14 - 11/((17)) 15

(2) It is unlawful at all times to retain wild Chinook salmon taken with reef net gear ((at all times)), and it is unlawful prior to October 1 to retain chum or wild coho salmon taken with reef net gear ((prior to September 30)).

(3) It is unlawful to retain marked Chinook after September 30.

(a) It is unlawful to retain marked Chinook with reef net gear if the fisher does not have in his or her immediate pos-

AREA	TIME	(-) DATE(S)
6D: Skiff gill net only.	7AM	- 7PM

Note: In Area 6D, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain Chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any Chinook or chum salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	((Noon)) 7AM	-	Midnight; use of recovery box required
	((Noon)) 7AM	-	Midnight

Note: In Areas 7 and 7A after September ((30)) 28 but prior to October ((20)) 19, coho and Chinook salmon must be released, and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water, until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

session a department-issued Puget Sound Reef Net Logbook with all retained Chinook accounted for in logbook. Marked Chinook are those with a clipped adipose fin and a healed scar at the site of the clipped fin.

(b) Completed logs must be submitted and received within six working days to: Jeromy Jording, Puget Sound Commercial Salmon Manager, Department of Fish & Wildlife, 600 Capitol Way N, Olympia WA, 98501-1091.

(4) All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending WSR 07-20-006, filed 9/20/07, effective 10/21/07)

**WAC 220-47-411 Gill net—Open periods.** It is unlawful to take, fish for, or possess salmon taken with gill net gear for commercial purposes from Puget Sound, except in the following designated Puget Sound Salmon Management and Catch Reporting Areas(;) during the ((seasons)) periods provided for in each respective fishing area:

DATE(S)	MINIMUM MESH
9/22, 9/23, 9/24, 9/25, 9/26, ((9/27, 9/28,)) 9/29, 9/30, 10/1, 10/2, 10/3, ((10/4, 10/5,)) 10/6, 10/7, 10/8, 10/9, 10/10, ((10/11, 10/12,)) 10/13, 10/14, 10/15, 10/16, 10/17, ((10/18, 10/19,)) 10/20, 10/21, 10/22, 10/23, 10/24((, 10/25, 10/26))	5"
10/((12)) 10, 10/15, 10/16, 10/17((, 10/18, 10/19))	6 1/4"
10/20, 10/21, 10/22, 10/23, 10/24, ((10/25, 10/26,)) 10/27, 10/28, 10/29, 10/30, 10/31, ((11/1, 11/2,)) 11/3, 11/4, 11/5, 11/6, 11/7, ((11/8, 11/9,)) 11/10, 11/11, 11/12, 11/13, 11/14((, 11/15, 11/16))	6 1/4"

AREA	TIME		DATE(S)	MINIMUM MESH	
<u>7B, 7C:</u>	<u>8PM</u>	-	<u>7AM</u>	<u>NIGHTLY 8/10</u>	<u>7"</u>
<del>((7B/7C:))</del>	7PM	-	<del>((7AM))</del> <u>8AM</u>	NIGHTLY <u>8/18, 8/19, 8/((20)) 21, 8/25, 8/26, 8/28, ((8/30, 9/3)) 9/1, 9/2, 9/4((-9/6))</u>	7"
<u>7B:</u>	<del>((7PM))</del>	-	<del>((8AM))</del> <u>Midnight</u>	<del>((NIGHTLY))</del> <u>9/7, 9/9, 9/11, 9/((43)) 14,</u>	5"
<del>((7B:</del>	<u>12:01AM</u>			<u>9/16, 9/18</u>	
	<u>6PM</u>	-	<u>8AM</u>	<u>NIGHTLY 9/16, 9/18, 9/21</u>	5"))
	<u>7AM</u>	-	<del>((8PM))</del> <u>Midnight</u>		5"
	<u>9/((23)) 21</u>		<u>10/((27)) 25</u>		
	<del>((7AM))</del>	-	<del>((8PM))</del> <u>Midnight</u>		6 1/4"
	<u>12:01AM</u>		<u>11/((3)) 1</u>		
	<u>10/((28)) 26</u>				
	<u>7AM</u>	-	<u>4PM 11/((9)) 7</u>		6 1/4"
	<u>11/((5)) 3</u>				
	<u>7AM</u>	-	<u>4PM 11/((16)) 14</u>		6 1/4"
	<u>11/((12)) 10</u>				
	<u>7AM</u>	-	<u>4PM 11/((23)) 21</u>		6 1/4"
	<u>11/((19)) 17</u>				
	<u>7AM</u>	-	<u>4PM 11/((30)) 28</u>		6 1/4"
	<u>11/((26)) 24</u>				
	<u>8AM</u>	-	<u>4PM 12/((7)) 5</u>		6 1/4"
	<u>12/((3)) 1</u>				

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and until 6:00 PM on the first Friday in December.

8:	<u>7AM</u>	-	<u>7PM</u>	<u>11/3, 11/5, 11/7, 11/((9)) 10, 11/12, 11/14, 11/((16)) 17, 11/19, 11/21((-11/23))</u>	6 1/4"
	<u>7AM</u>	-	<u>6PM</u>	<u>11/24, 11/26, 11/28((-11/30))</u>	6 1/4"
8A:	<u>6PM</u>	-	<u>8AM</u>	<u>NIGHTLY 10/((9)) 7</u>	5"
	<u>7AM</u>	-	<u>8 PM</u>	<u>10/14, 10/16((-10/18, 10/19))</u>	5"
	<u>7AM</u>	=	<u>4PM</u>	<u>10/17</u>	5"
	<u>8AM</u>	-	<u>8PM</u>	<u>10/21, 10/23, 10/((25)) 28, 10/((26, 10/29, 10/31, 11/2)) 30</u>	6 1/4"
	<u>8AM</u>	=	<u>4PM</u>	<u>10/24, 10/31</u>	6 1/4"
	<u>7AM</u>	-	<u>7PM</u>	<u>11/4, 11/6, 11/((8)) 10, 11/((9)) 12, 11/((13)) 18, 11/((15, 11/16, 11/21, 11/22, 11/23)) 20</u>	6 1/4"
	<u>7AM</u>	-	<u>6PM</u>	<u>11/25, 11/27((-11/29, 11/30))</u>	6 1/4"
	<u>7AM</u>	=	<u>4PM</u>	<u>11/7, 11/14, 11/21, 11/28</u>	6 1/4"
8D:	<u>6PM</u>	-	<u>8AM</u>	<u>NIGHTLY 9/21, 9/23, 9/25, 9/((27)) 28, 9/30, 10/2, 10/((4)) 5, 10/7, 10/9((-10/11))</u>	5"
	<u>7AM</u>	-	<u>8 PM</u>	<u>10/((18, 10/19)) 16</u>	5"
	<u>7AM</u>	=	<u>4PM</u>	<u>10/17</u>	5"
	<u>8AM</u>	-	<u>8PM</u>	<u>10/((25, 10/26, 11/1, 11/2)) 23</u>	5"
	<u>8AM</u>	=	<u>4PM</u>	<u>10/24</u>	5"
	<u>8AM</u>	=	<u>8PM</u>	<u>10/30</u>	6 1/4"
	<u>8AM</u>	=	<u>4PM</u>	<u>10/31</u>	6 1/4"
	<del>((7AM</del>	-	<u>7PM</u>	<u>11/8, 11/9</u>	5"))
	<u>7AM</u>	-	<u>7PM</u>	<u>11/((15)) 6, 11/((16)) 13, 11/((21, 11/23)) 11/19</u>	6 1/4"
	<u>7AM</u>	-	<u>6PM</u>	<u>11/((29, 11/30)) 27</u>	6 1/4"
	<u>7AM</u>	=	<u>4PM</u>	<u>11/7, 11/14, 11/21, 11/28</u>	6 1/4"
9A:	<u>7PM</u>	-	<u>7AM</u>	<u>NIGHTLY 8/26, 8/27, 8/28((-8/30))</u>	5"
	<u>6AM</u>	-	<del>((7))</del> <u>8PM 11/((3)) 1</u>		5"
	<del>((9/26))</del> <u>8/31</u>				

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1, and it is unlawful to retain Chinook salmon at any time. Any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.

10, 11:	<u>4PM</u>	-	<u>7AM</u>	<u>NIGHTLY 10/((21)) 19, 10/28, 11/2</u>	6 1/4"
	<del>((5PM</del>	-	<u>9AM</u>	<u>NIGHTLY 10/23</u>	6-1/4"
	<u>3PM</u>	-	<u>7AM</u>	<u>NIGHTLY 10/28, 10/30</u>	6-1/4"))

AREA	TIME		DATE(S)	MINIMUM MESH
	5PM	-	9AM NIGHTLY 10/((3+)) 30	6 1/4"
	3PM	-	7AM NIGHTLY 11/((4)) 9, 11/16	6 1/4"
	((4PM	-	8AM NIGHTLY 11/6	6-1/4"))
	((3)) 2PM	-	7AM NIGHTLY 11/((+1, +1/3)) 23	6 1/4"
	4PM	-	((8AM)) <u>Midnight</u> NIGHTLY ((+1/4)) 10/22, 11/5, 11/13, 11/19, 11/26	6 1/4"
	((3PM	-	7AM NIGHTLY 11/18	6-1/4"
	4PM	-	8AM NIGHTLY 11/20	6-1/4"
	2PM	-	7AM NIGHTLY 11/25	6-1/4"
	3PM	-	8AM NIGHTLY 11/27	6-1/4"))
12A: Skiff gill net only.	7AM	-	7PM 9/2, 9/((4)) 9, 9/((+1)) 16, 9/((+8)) 23, 9/((25, 10/2)) 30	5"
Note: In Area 12A, it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain Chinook or chum salmon taken in Area 12A at any time, and any salmon required to be released must be removed from the net by cutting the meshes ensnaring the fish.				
12, 12B:	8AM	-	8PM 10/((24)) 22, 10/((25)) 23, 10/28, 10/30((-1/1, -1/2))	6 1/4"
	7AM	-	7PM 11/((7)) 5, 11/((8)) 6, 11/((14)) 11, 11/((15)) 13, 11/((20)) 19, 11/20	6 1/4"
12C:	7AM	-	7PM 11/11, 11/13, 11/((15)) 18, 11/20((-1/22))	6 1/4"
	7AM	-	6PM 11/((26)) 25, 11/27	6 1/4"

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

**WSR 08-15-032**  
**PERMANENT RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**

[Filed July 9, 2008, 9:30 a.m., effective August 9, 2008]

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

Purpose: WAC 391-35-085 provides a simple mechanism for the name on a certification to be changed so long as the bargaining unit is not affected and there is no question regarding the bargaining representatives' majority status.

WAC 391-25-436 satisfies the RCW 41.80.080(1) mandate that this commission adopt election rules, including a rule providing for campaigning on an employer's property during working hours. WAC 391-25-436 permits employees to campaign in nonworking areas during nonworking time or in working areas during working time provided the employer permits other like activities. Nonemployees have the right to campaign in public areas of an employer's workplace. An employer may expand these rights through policy.

Statutory Authority for Adoption: For WAC 391-35-085 is RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.100, 41.76.060, 41.80.070; and for WAC 391-25-436 is RCW 41.58.050, 41.80.080.

Adopted under notice filed as WSR 08-10-011 on April [24], 2008.

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 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

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

Date Adopted: July 9, 2008.

Dario de la Rosa  
 General Counsel

NEW SECTION

**WAC 391-25-436 Special provision—State civil service employees.** (1) While a notice of election is posted under WAC 391-25-430, employees in the bargaining unit or proposed bargaining unit have the right to conduct campaigning activities in the public areas or in the nonworking areas of the employer's premises, during nonworking time of the campaigner and employees being solicited, as long as they do not disrupt operations. However, if employees are permitted to discuss nonwork subjects or solicit other employees in work areas, the employer cannot discriminatorily regulate employee discussions or solicitations.

(2) Nonemployees have the right to engage in campaigning activities in the employer's public areas consistent with the reasonable use of those areas. Where there are no public

areas in an employer's workplace, reasonable comparable access must be granted.

(3) Employer rules and policies may expand these rights. Employer rules and policies must be nondiscriminatory.

#### NEW SECTION

**WAC 391-35-085 Amendment of certification.** A party may file a petition to amend an existing certification, and the executive director may amend the certification, provided that the purpose of the amendment is to reflect changed circumstances such as the name of a labor organization or the name of an employer, and the bargaining unit is not affected by the change and there is no question concerning representation.

### WSR 08-15-039

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed July 10, 2008, 7:55 a.m., effective August 10, 2008]

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The amendment to the assessment rate in WAC 16-532-040 was approved in a referendum of affected hop producers pursuant to RCW 15.65.170.

Purpose: The Washington hop commission petitioned the director to amend its marketing order to revise WAC 16-532-040, increasing the assessment rate per "affected unit" from \$1.80 up to \$2.50 to support specific programs that benefit the hop industry.

Citation of Existing Rules Affected by this Order: Amending WAC 16-532-040.

Statutory Authority for Adoption: Chapters 15.65 and 34.05 RCW.

Adopted under notice filed as WSR 08-09-116 on April 22, 2008.

Changes Other than Editing from Proposed to Adopted Version: Proposed revisions to WAC 16-532-035 Inspection required, have not been adopted. This section of the rule proposal failed the required referendum vote.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

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

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

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

Date Adopted: July 10, 2008.

Robert W. Gore  
Acting Director

AMENDATORY SECTION (Amending WSR 05-15-098, filed 7/15/05, effective 8/15/05)

#### **WAC 16-532-040 Assessments and collections. (1) Assessments.**

(a) The annual assessment on all varieties of hops shall be ~~((one))~~ up to two dollars and ~~((eighty))~~ fifty cents per affected unit, as approved by referendum vote of affected producers, the results of which shall be retained on file in the board's administrative office.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require the person subject to the assessment to remit assessments for any hops which are processed prior to the first sale; or

(iv) Require the person subject to the assessment to remit an inventory report for any hops which are not processed or sold prior to December 31 of the year in which they are produced.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection

thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

### WSR 08-15-043

#### PERMANENT RULES

#### DEPARTMENT OF PERSONNEL

[Filed July 11, 2008, 10:57 a.m., effective October 1, 2008]

Effective Date of Rule: October 1, 2008.

Purpose: The proposed changes are due to the passage of SHB 2602, SB 6447, and SSB 6500. These bills passed during the 2008 legislative session.

SHB 2602 - allows an employee to take accrued paid leave or unpaid leave if the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking.

SB 6447 – allows an employee whose spouse is in the military to take fifteen days of unpaid leave to be with the military spouse before deployment or when the military spouse is on leave from deployment. The employee may choose to use accrued leave in place of leave without pay.

SSB 6500 – adds being a victim of domestic violence, sexual assault, or stalking as a qualifying reason for an employee to receive shared leave.

Section 3 of SHB 2602 specifically states the reasons allowed for taking leave under this law, SSB 6500 does not. Therefore, we did not address the reasons in rule because we did not want two different standards.

The definition of "family member" found in WAC 357-01-172 is broader than the definition in SHB 2602. The definition in the bill includes "a person with whom the employee has a dating relationship." We decided to keep the current definition in WAC 357-01-172 and just add "a person with whom the employee has a dating relationship" for the purpose of SHB 2602.

SHB 2602 addresses the employer's ability to request verification from the employee and what would be acceptable forms of verification. SSB 6500 does not address this. The new rule being proposed (WAC 357-31-730) and the language being added to WAC 357-31-405 is so that there will not be two different standards in regards to verification.

Citation of Existing Rules Affected by this Order: Amending WAC 357-01-172, 357-31-070, 357-31-100, 357-31-130, 357-31-200, 357-31-230, 357-31-327, 357-31-360, 357-31-380, 357-31-390, 357-31-405 and 357-31-435; and new WAC 357-31-373, 357-31-730, and 357-31-567.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 08-12-100 on June 4, 2008.

Changes Other than Editing from Proposed to Adopted Version: Added language to WAC 357-31-100(2) which addresses an employee being granted a "reasonable" amount of leave when the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking. Language was also added that states the employer will determine what will be considered a reasonable amount of leave on a case-by-case basis. Added language to WAC 357-

01-172 to include domestic partners for the purpose of SHB 2602.

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.

Date Adopted: July 10, 2008.

Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

**WAC 357-01-172 Family members.** Individuals considered to be members of the family are parent, step-parent, sister, brother, parent-in-law, spouse, grandparent, grandchild, minor/dependent child, and child. For the purpose of WAC 357-31-730(2) family member also includes a domestic person as defined in RCW 26.60.020 or a person with whom the employee has a dating relationship as defined in RCW 26.50.010.

AMENDATORY SECTION (Amending WSR 07-03-054, filed 1/12/07, effective 2/15/07)

**WAC 357-31-070 When is an employer required to approve an employee's request to use a personal holiday?**

(1) An employer must approve the use of a personal holiday as long as:

(a) The employee is entitled to a personal holiday in accordance with RCW 1.16.050 and WAC 357-31-055;

(b) The employee has requested the personal holiday in accordance with the employer's leave procedures; and

(c) The employee's absence does not interfere with the operational needs of the employer.

(2) At any time, an employer must allow an employee to use part or all of the personal holiday for ~~((either))~~ any of the following reasons:

(a) To care for a minor/dependent child with a health condition that requires treatment or supervision((-));

(b) To care for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition((-);

(c) If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking as defined in section 2, chapter 286, Laws 2008. An employer may require the request for leave under this section be sup-

ported by verification in accordance with WAC 357-31-730:  
or

(d) In accordance with WAC 357-31-373, for an employee to be with a spouse who is a member of the Armed Forces of the United States, National Guard, or Reserves after the military spouse has been notified of an impending call or order to active duty, before deployment, or when the military spouse is on leave from deployment.

**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 05-08-136, filed 4/6/05, effective 7/1/05)

**WAC 357-31-100 Must an employer have a policy for requesting and approving leave?** Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules. The employer's policy must ~~((a) How an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies, or for an emergency health condition as provided in WAC 357-31-200(2-))~~:

(1) Allow an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies, or for an emergency health condition as provided in WAC 357-31-200(2);

(2) Allow an employee to use a reasonable amount of accrued leave or unpaid leave when the employee is a victim, or has a family member, as defined in Chapter 357-01 WAC, who is a victim of domestic violence, sexual assault, or stalking as defined in section 2, chapter 286, Laws 2008; and

(3) Address advance notice from the employee when the employee is seeking leave under subsection (2) of this section. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or the employee's designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

**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 05-08-136, filed 4/6/05, effective 7/1/05)

**WAC 357-31-130 When can an employee use accrued sick leave?** The employer may require medical verification or certification of the reason for sick leave use in accordance with the employer's leave policy.

(1) Employers **must** allow the use of accrued sick leave under the following conditions:

(a) Because of and during illness, disability, or injury that has incapacitated the employee from performing required duties.

(b) By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.

(c) To care for a minor/dependent child with a health condition requiring treatment or supervision.

(d) To care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency health condition.

(e) For family care emergencies per WAC 357-31-290, 357-31-295, 357-31-300, and 357-31-305.

(f) For personal health care appointments.

(g) For family members' health care appointments when the presence of the employee is required if arranged in advance with the employing official or designee.

(h) When an employee is required to be absent from work to care for members of the employee's household or relatives of the employee/employee's spouse who experience an illness or injury, not including situations covered by subsection (1)(d) of this section.

(i) The employer must approve up to five days of accumulated sick leave each occurrence. Employers may approve more than five days.

(ii) For purposes of this subsection, "relatives" is limited to spouse, child, grandchild, grandparent or parent.

(i) If the employee or the employee's family member, as defined in Chapter 357-01 WAC, is a victim of domestic violence, sexual assault, or stalking as defined in section 2, chapter 286, Laws 2008. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

(j) In accordance with WAC 357-31-373, for an employee to be with a spouse who is a member of the Armed Forces of the United States, National Guard, or Reserves after the military spouse has been notified of an impending call or order to active duty, before deployment, or when the military spouse is on leave from deployment.

(2) Employers **may** allow the use of accrued sick leave under the following conditions:

(a) For condolence or bereavement.

(b) When an employee is unable to report to work due to inclement weather in accordance with the employer's policy on inclement weather as described in WAC 357-31-255.

**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 05-08-137, filed 4/6/05, effective 7/1/05)

**WAC 357-31-200 When must an employer grant the use of vacation leave?** (1) An employee's request to use vacation leave must be approved under the following conditions:

~~((1))~~ (a) As a result of the employee's serious health condition.

~~((2))~~ (b) To care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition.

~~((3))~~ (c) To care for a minor/dependent child with a health condition that requires treatment or supervision.

~~((4))~~ (d) For parental leave as provided in WAC 357-31-460.

(e) If the employee or the employee's family member, as defined in Chapter 357-01 WAC, is a victim of domestic vio-



lence, sexual assault, or stalking as defined in section 2, chapter 286, Laws 2008. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

(f) In accordance with WAC 357-31-373, for an employee to be with a spouse who is a member of the Armed Forces of the United States, National Guard, or Reserves after the military spouse has been notified of an impending call or order to active duty, before deployment, or when the military spouse is on leave from deployment.

(2) In accordance with the employer's leave policy, approval for the reasons listed in (1)(a) through (1)(f) above may be subject to verification that the condition or circumstance exists.

**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 05-08-137, filed 4/6/05, effective 7/1/05)

**WAC 357-31-230 When can an employee use accrued compensatory time?** (1) Employees must request to use accrued compensatory time in accordance with the employer's leave policy. When considering employees' requests, employers must consider the work requirements of the department and the wishes of the employee.

(2) An employee must be granted the use of accrued compensatory time to care for a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a minor/dependent child with a health condition that requires treatment or supervision. In accordance with the employer's leave policy, approval of the employee's request to use accrued compensatory time maybe subject to verification that the condition exists.

(3) ~~((Compensatory time off may be scheduled by the employer during the final sixty days of a biennium-))~~ An employee must be granted the use of accrued compensatory time if the employee or the employee's family member, as defined in Chapter 357-01 WAC, is a victim of domestic violence, sexual assault, or stalking as defined in section 2, chapter 286, Laws 2008. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

(4) ~~((Employers may require that accumulated compensatory time be used before vacation leave is approved, except in those instances where this requirement would result in loss of accumulated vacation leave.))~~ In accordance with WAC 357-31-373, an employee must be granted the use of accrued compensatory time to be with a spouse who is a member of the Armed Forces of the United States, National Guard, or Reserves after the military spouse has been notified of an impending call or order to active duty, before deployment, or when the military spouse is on leave from deployment.

(5) Compensatory time off may be scheduled by the employer during the final sixty days of a biennium.

(6) Employers may require that accumulated compensatory time be used before vacation leave is approved, except in those instances where this requirement would result in loss of accumulated vacation leave.

**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 07-17-129, filed 8/20/07, effective 9/20/07)

**WAC 357-31-327 Must an employer grant leave without pay for other miscellaneous reasons?** An employer must grant leave without pay ~~((when an employee who is a volunteer fire fighter is called to duty to respond to a fire, natural disaster, or medical emergency-))~~ under the following conditions:

(1) When an employee who is a volunteer fire fighter is called to duty to respond to a fire, natural disaster, or medical emergency;

(2) If the employee or the employee's family member, as defined in Chapter 357-01 WAC, is a victim of domestic violence, sexual assault, or stalking as defined in section 2, chapter 286, Laws 2008. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730; or

(3) In accordance with WAC 357-31-373, for an employee to be with a spouse who is a member of the Armed Forces of the United States, National Guard, or Reserves after the military spouse has been notified of an impending call or order to active duty, before deployment, or when the military spouse is on leave from deployment.

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

#### NEW SECTION

**WAC 357-31-373 Is an employee whose spouse is a member of the Armed Forces of the United States entitled to take leave from work when the military spouse has been called to active duty or when the military spouse is on leave from deployment?** (1) During a period of military conflict, an employee who is a spouse of a member of the Armed Forces of the United States, National Guard, or Reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave per deployment. The employee is entitled to the fifteen days of unpaid leave after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment. The employee may choose to substitute accrued leave to which the employee is entitled for any part of the leave without pay.

(2) An employee who seeks leave under this section must provide the employer with notice:

(a) Within five business days of the employee's spouse receiving official notice of an impending call or order to active duty; or

(b) Within five business days of the employee's spouse receiving official notice of leave from deployment.

#### NEW SECTION

**WAC 357-31-730 When an employee or the employee's family member is a victim of domestic vio-**

**lence, sexual assault, or stalking and the employee is seeking to use accrued leave or unpaid leave what documentation may the employee be required to submit?** (1) When an employee or the employee's family member, as defined in Chapter 357-01 WAC, is a victim of domestic violence, sexual assault, or stalking, as defined in section 2, chapter 286, Laws 2008, and the employee is seeking to use their accrued leave or take leave without pay the employer may require that the request be supported by verification. An employee may satisfy the verification requirement by providing the employer with one or more of the following:

(a) A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking;

(b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking;

(c) Evidence from the court or prosecuting attorney that the employee or the employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;

(d) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking; or

(e) Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional.

(2) If the victim of domestic violence, assault, or stalking is the employee's family member, as defined in Chapter 357-01 WAC, verification of the familial relationship between the employee and the victim may include but is not limited to: A statement from the employee; a birth certificate; a court document; or other similar documentation.

**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 05-08-138, filed 4/6/05, effective 7/1/05)

**WAC 357-31-360 Must employees who have been ordered to active duty or active training duty be granted paid military leave?** (1) Employees must be granted military leave with pay not to exceed (~~fifteen~~) twenty-one working days during each year, beginning October 1st and ending the following September 30th, in order to report for active duty or to take part in active training duty in the Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps reserves of the United States or any organized reserve or armed forces of the United States.

(2) Military leave with pay is in addition to any vacation and sick leave to which an employee is entitled and does not reduce benefits, performance ratings, privileges, or pay.

(3) During paid military leave, the employee must receive the normal base salary.

(4) Employees required to appear during working hours for a physical examination to determine physical fitness for military service must receive full pay for the time required to complete the examination.

**NEW SECTION**

**WAC 357-31-567 When must an employer grant the use of recognition leave?** (1) An employee's request to use recognition leave must be approved under the following conditions:

(a) An employee must be granted the use of recognition leave if the employee or the employee's family member, as defined in Chapter 357-01 WAC, is a victim of domestic violence, sexual assault, or stalking as defined in section 2, chapter 286, Laws 2008. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730; and

(b) In accordance with WAC 357-31-373, an employee must be granted the use of recognition leave to be with a spouse who is a member of the Armed Forces of the United States, National Guard, or Reserves after the military spouse has been notified of an impending call or order to active duty, before deployment, or when the military spouse is on leave from deployment.

(2) In accordance with the employer's leave policy, approval for the reasons listed in (1)(a) and (1)(b) above may be subject to verification that the condition or circumstance exists.

**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.

**AMENDATORY SECTION** (Amending WSR 08-07-063, filed 3/17/08, effective 4/18/08)

**WAC 357-31-380 What is the purpose of the state leave sharing program?** ~~((The purpose of the state leave sharing program is to permit state employees, at no significantly increased cost to the state for providing leave, to come to the aid of another state employee who has been called to service in the uniformed services or who is volunteering with a governmental agency or a nonprofit organization when a state of emergency has been declared within the United States or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.))~~ The purpose of the state leave sharing program is to permit state employees, at no significantly increased cost to the state for providing leave, to come to the aid of another state employee who is likely to take leave without pay or terminate his or her employment because:

(1) The employee has been called to service in the uniformed services;

(2) The employee is volunteering with a governmental agency or a nonprofit organization when a state of emergency has been declared within the United States;

(3) The employee or a relative or household member is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition; or

(4) The employee is a victim of domestic violence, sexual assault, or stalking as defined in RCW 41.04.655.

**AMENDATORY SECTION** (Amending WSR 08-07-063, filed 3/17/08, effective 4/18/08)

**WAC 357-31-390 What criteria does an employee have to meet to be eligible to receive shared leave?** An employee may be eligible to receive shared leave if the agency head or higher education institution president has determined the employee meets the following criteria:

(1) The employee:

(a) Suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; ~~((or))~~

(b) The employee has been called to service in the uniformed services; ~~((or))~~

(c) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has the needed skills to assist in responding to the emergency or its aftermath and volunteers his/her services to either a governmental agency or to a non-profit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services ~~((-)); or~~

(d) The employee is a victim of domestic violence, sexual assault, or stalking as defined in RCW 41.04.655.

(2) The illness, injury, impairment, condition, call to service, or emergency volunteer service, or consequence of domestic violence, sexual assault, or stalking has caused, or is likely to cause, the employee to:

(a) Go on leave without pay status; or

(b) Terminate state employment.

(3) The employee's absence and the use of shared leave are justified.

(4) The employee has depleted or will shortly deplete his or her:

(a) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued vacation leave, and accrued sick leave if the employee qualifies under subsection (1)(a) of this section; or

(b) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued vacation leave, and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (1)(b) of this section; or

(c) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, and accrued vacation leave if the employee qualifies under (1)(c) or (1)(d) of this section.

(5) The employee has abided by employer rules regarding:

(a) Sick leave use if the employee qualifies under subsection (1)(a) of this section; or

(b) Military leave if the employee qualifies under subsection (1)(b) of this section.

(6) If the illness or injury is work-related and the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (1)(a) of this section.

**AMENDATORY SECTION** (Amending WSR 07-17-126, filed 8/20/07, effective 9/20/07)

**WAC 357-31-405 What documentation may an employee seeking shared leave be required to submit?** (1) For employees seeking shared leave under WAC 357-31-390 (1)(a), the employer may require the employee to submit a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition before the employer approves or disapproves the request.

(2) For employees seeking shared leave under WAC 357-31-390 (1)(b), the employer may require the employee to submit a copy of the military orders verifying the employee's required absence before the employer approves or disapproves the request.

(3) For employees seeking shared leave under WAC 357-31-390 (1)(c), proof of acceptance of an employee's offer to volunteer for either a governmental agency or a non-profit organization during a declared state of emergency.

(4) For employees seeking shared leave under WAC 357-31-390 (1)(d), the employer may require that the request be supported by documentation. An employee may satisfy the verification requirement by providing the employer with one or more of the following:

(a) A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking;

(b) A court order protecting or separating the employee from the perpetrator of the act of domestic violence, sexual assault, or stalking;

(c) Evidence from the court or prosecuting attorney that the employee appeared or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault, or stalking;

(d) An employee's written statement that the employee is a victim of domestic violence, sexual assault, or stalking; or

(e) Documentation that the employee is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional.

**AMENDATORY SECTION** (Amending WSR 08-07-063, filed 3/17/08, effective 4/18/08)

**WAC 357-31-435 Must employees use their own leave before using shared leave?** Employees who qualify for shared leave under WAC 357-31-390 (1)(a) must first use all compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, sick leave, and vacation leave that they have accrued before using shared leave. Employees who qualify under WAC 357-31-390 (1)(b) must first use all of their compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued

vacation leave, and paid military leave allowed under RCW 38.40.060 before using shared leave. Employees who qualify under WAC 357-31-390 (1)(c) and (1)(d) must first use all compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, and vacation leave that they have accrued before using shared leave.

**WSR 08-15-052**  
**PERMANENT RULES**  
**SECRETARY OF STATE**

(Elections Division)

[Filed July 11, 2008, 2:44 p.m., effective August 11, 2008]

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

Purpose: These rules implement Initiative 872 (top two primary) for partisan public office, and implement the elections for precinct committee officers and president and vice-president in the context of Initiative 872. The proposed rules also address absentee ballots, certification of election administrators, instructions for correcting a vote, recounts, and notices to voters.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-220-010, 434-220-020, 434-220-030, 434-220-040, 434-220-050, 434-220-060, 434-220-070, 434-220-080, 434-220-090, 434-230-020, 434-230-040, 434-230-050, 434-230-080, 434-230-150, 434-230-160, 434-230-170, 434-230-190, 434-230-200, 434-230-210, and 434-230-220; and amending WAC 434-208-060, 434-215-012, 434-215-020, 434-215-025, 434-230-010, 434-230-060, 434-250-110, 434-250-040, 434-250-050, 434-250-310, 434-253-020, 434-253-025, 434-260-235, 434-261-086, 434-262-031, 434-262-160, 434-324-113, 434-335-040, 434-335-445, and 434-381-120.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 08-12-063 on June 2, 2008.

Changes Other than Editing from Proposed to Adopted Version: A change was made to proposed WAC 434-264-055, removing the reference to optical scan ballots. This change was necessary because one type of optical scan ballot tabulator cannot single out ballots as contemplated in the proposed WAC.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 21, Amended 14, Repealed 20.

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 6, Repealed 0.

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

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

Date Adopted: July 11, 2008.

Steve Excell  
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 06-23-094, filed 11/15/06, effective 12/16/06)

**WAC 434-208-060 Electronic filings.** In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic transmissions of the following documents:

(1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(2) Any minor party or independent candidate filing material for president and vice-president, except nominating petitions;

(3) Lists of presidential electors selected by political parties or independent candidates;

(4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;

(5) Resolutions from cities, towns, and other districts calling for a special election;

(6) ~~((Filling of vacancies on the ticket by a major political party;~~

~~(7)))~~ Voter registration form.

NEW SECTION

**WAC 434-208-110 Applicable dates and deadlines.** If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005, conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 434-220-010	Partisan primaries.
WAC 434-220-020	Definitions.
WAC 434-220-030	Ballot layout and color—Consolidated ballots.
WAC 434-220-040	Ballot layout and color—Physically separate ballots.
WAC 434-220-050	Order of political parties.
WAC 434-220-060	Ballot programming—Consolidated ballots.
WAC 434-220-070	Polling place procedures—Physically separate ballots.
WAC 434-220-080	No record of political party affiliation.
WAC 434-220-090	Partisan primary recounts.

AMENDATORY SECTION (Amending WSR 06-14-049, filed 6/28/06, effective 7/29/06)

WAC 434-215-012 Declaration of candidacy—Offices subject to a primary. Declarations of candidacy ((for all partisan and nonpartisan offices)) filed either in person or by mail shall be in substantially the following form:

((STRICKEN GRAPHIC

FILING DATA . . . FOR OFFICE USE ONLY

Form with fields: Date, Fee Paid \$, File No., Office Code, Check, Debit/Credit, Cash, Filing Fee Petition, Voter Registration #, Clerk Initials.

DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at: (PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. (STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP CODE) (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE) (TELEPHONE NUMBER) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for the office of: (NAME OF OFFICE) (CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION) (POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office: [ ] A full term or a full term and a short term, or [ ] An unexpired term

5. This office is: [ ] Nonpartisan, or [ ] Partisan, and I am (check one): [ ] a candidate of the \_\_\_\_\_ party, or [ ] an independent candidate.

6. Filing Fee (check one): [ ] There is no filing fee because the office has no fixed annual salary, or [ ] I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less, or [ ] I am submitting a filing fee of \$\_\_\_\_\_, an amount equal to 1% of the annual salary, or [ ] I am without sufficient assets or income to pay the filing fee required by law and I have attached a filing fee petition in lieu of this fee, pursuant to RCW 29A.24.091.

7. Please print my name on the ballot exactly as follows: \_\_\_\_\_ (PLEASE PRINT)

Declaration box containing: I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington. Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed. 8. Sign Here X (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE) STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_ SIGNED OR ATTESTED BEFORE ME ON \_\_\_\_\_ (DATE) by \_\_\_\_\_ (CANDIDATE) (SIGNATURE OF NOTARY) (TITLE) MY APPOINTMENT EXPIRES \_\_\_\_\_

STRICKEN GRAPHIC))

<b>FOR OFFICE USE ONLY</b>			
Date _____	Fee Paid \$ _____	Filing No. _____	Office Code _____
<input type="checkbox"/> Check	<input type="checkbox"/> Debit/Credit		
<input type="checkbox"/> Cash	<input type="checkbox"/> Filing Fee Petition	Voter Registration # _____	Clerk Initials _____

### DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at:  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)
2. \_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP)  
and, at the time of filing this declaration, I am legally qualified to assume office if elected.
3. My campaign contact information is:  
\_\_\_\_\_  
(MAILING ADDRESS) (CITY) (STATE) (ZIP)  
\_\_\_\_\_  
(TELEPHONE NUMBER) (EMAIL ADDRESS)
4. I declare myself as a candidate for the office of:  
\_\_\_\_\_  
(NAME OF OFFICE including DISTRICT or POSITION NUMBER)  
\_\_\_\_\_  
(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)
5. Filing Fee (check one):  
 There is no filing fee because the office has no fixed annual salary;  
 I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less;  
 I am submitting a filing fee of \$\_\_\_\_\_, an amount equal to 1% of the annual salary; or  
 I am without sufficient assets or income to pay the filing fee and am submitting a filing fee petition in lieu of this fee.
6. Please print my name on the ballot exactly as follows: \_\_\_\_\_  
(PLEASE PRINT)
7. If the office is partisan, your party preference, if any, will be printed on the ballot exactly as follows:  
 (Prefers  Party) or  
 (States No Party Preference)  
 If you fail to check a box or provide a party name, "(States No Party Preference)" will be printed.

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

*Note: Your signature must be personally attested to by a notary public or by the officer with whom the declaration is filed.*

**8. Sign Here X** \_\_\_\_\_  
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_  
(SEAL OR STAMP)

Signed or Attested before me on \_\_\_\_\_  
(DATE)

by \_\_\_\_\_  
(CANDIDATE)

\_\_\_\_\_  
(SIGNATURE OF NOTARY)

\_\_\_\_\_  
(TITLE)

MY APPOINTMENT EXPIRES: \_\_\_\_\_

Candidate: Return all copies to your Elections Dept.  
Distribution: White—County; Yellow—PDC; Pink—Candidate

((The form shall measure eight and one half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the

secretary of state and acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29A.24.070, and one copy of the form or an

electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.) The filing officer must provide a paper or electronic copy of the filed declaration of candidacy to the candidate and to the public disclosure commission.

AMENDATORY SECTION (Amending WSR 07-09-035, filed 4/11/07, effective 5/12/07)

WAC 434-215-020 Declaration of candidacy—Precinct committee officer. Declarations of candidacy for the ((office)) position of precinct committee officer((;)) shall be filed in substantially the following form:

((STRICKEN GRAPHIC))

Filing Data ..... For Office Use Only

Form with fields: Date, Fee Paid \$, Filing No., Precinct #, Paid By (check one) [ ] Check [ ] Cash [ ] Other, Clerk/Cashier Initials, Voter Registration #

DECLARATION OF CANDIDACY
PRECINCT COMMITTEE OFFICER

I, \_\_\_\_\_, declare that I am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

\_\_\_\_\_ WA
(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP CODE)

\_\_\_\_\_ WA
(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

\_\_\_\_\_
(TELEPHONE NUMBER) (EMAIL ADDRESS)

that, at the time of filing this declaration, I am a registered voter in \_\_\_\_\_ precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of Precinct Committee Officer to be elected at the Primary Election, and hereby request that my name be printed upon the official Primary Election ballot as a candidate of the \_\_\_\_\_ party, and:

I am submitting the sum of one dollar, the fee required by RCW 29A.24.091.

Please print my name on the ballot exactly as follows: \_\_\_\_\_

Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

X \_\_\_\_\_
(SIGNATURE OF CANDIDATE) (DATE)

\_\_\_\_\_  
STRICKEN GRAPHIC))

<b><i>Filing Data For Office Use Only</i></b>			
Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid by: <input type="checkbox"/> Check <input type="checkbox"/> Cash		Staff Initials _____	Voter Registration ID _____

## DECLARATION OF CANDIDACY PRECINCT COMMITTEE OFFICER

1. I, \_\_\_\_\_, declare that I am a registered voter residing at:  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

\_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (CITY) WA (ZIP)

that I am a registered voter in \_\_\_\_\_ precinct, that I declare myself a candidate for the position of Precinct Committee Officer for the \_\_\_\_\_ Party, (DEMOCRATIC / REPUBLICAN) to be elected at the Primary Election, and I am paying the filing fee of one dollar required by RCW 29A.24.091.

**Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.**

**X** \_\_\_\_\_  
(SIGNATURE OF CANDIDATE) (DATE)

Contact Information: \_\_\_\_\_  
(TELEPHONE NUMBER) (EMAIL ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS, IF DIFFERENT FROM RESIDENTIAL ADDRESS)

2. Please print my name on the ballot exactly as follows:

\_\_\_\_\_

4/16/08

~~((The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number.))~~ County auditors may design and use a

declaration of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.



AMENDATORY SECTION (Amending WSR 07-09-036, filed 4/11/07, effective 5/12/07)

**WAC 434-215-025** (~~(Declaration of candidacy~~)) **Filing fee petitions.** (1) When a candidate submits a filing fee petition in lieu of his or her filing fee, as authorized by RCW 29A.24.091, voters eligible to vote on the office in the general election are eligible to sign the candidate's filing fee petition.

(2) The filing fee petition described in RCW 29A.24.101(3) does not apply. The filing fee petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

"We, the undersigned registered voters of [the jurisdiction of the office], hereby petition that [candidate's] name be printed on the ballot for the office of [office for which candidate is filing a declaration of candidacy]."

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 434-215-120 Political party preference by candidate for partisan office.** (1) On a declaration of candidacy, a candidate for partisan congressional, state, or county office may state his or her preference for a political party, or not state a preference. The candidate may use up to sixteen characters for the name of the political party. A candidate's party preference, or the fact that the candidate states no preference, must be printed with the candidate's name on the ballot and in any voters' pamphlets printed by the office of the secretary of state or a county auditor's office.

(2) If a candidate does not indicate a party that he or she prefers, then the candidate has stated no party preference and is listed as such on the ballot and in any voters' pamphlets.

(3) The filing officer may not print on the ballots, in a voters' pamphlet, or other election materials a political party name that is obscene. If the name of the political party provided by the candidate would be considered obscene, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited to remove the obscenity, or rejected and replaced with "states no party preference."

(4) A candidate's preference may not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. If the name of the political party provided by the candidate implies that the candidate is nominated or endorsed by a political party, or that a political party approves of or associates with that candidate, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited, or rejected and replaced with "states no party preference."

#### NEW SECTION

**WAC 434-215-130 Minor political party candidates and independent candidates.** (1) In the election system enacted as chapter 2, Laws of 2005, there is no distinction between major party candidates, minor party candidates, or

independent candidates filing for partisan congressional, state, or county office. All candidates filing for these partisan offices have the same filing and qualifying requirements. All candidates for partisan office have the option of stating on the ballot their preference for a political party, or stating no party preference. The party preference information plays no role in determining how candidates are elected to public office.

(2) The requirements in RCW 29A.20.111 through 29A.20.201 for minor political party candidates and independent candidates for partisan office to conduct nominating conventions and collect a sufficient number of signatures of registered voters do not apply to candidates filing for partisan congressional, state, or county office. The requirements in RCW 29A.20.111 through 29A.20.201 for minor political party candidates and independent candidates only apply to candidates for president and vice-president of the United States.

#### NEW SECTION

**WAC 434-215-140 Voids in candidacy and vacancies in office.** (1) The procedures established in RCW 29A.24.141 through 29A.24.191 for reopening candidate filing due to a void in candidacy or a vacancy in office apply to partisan congressional, state, or county office.

(2) As established in RCW 29A.24.141, a void in candidacy only occurs when no valid declaration of candidacy has been filed, or all persons who filed have either died or been disqualified. There is no void in candidacy as long as there is at least one candidate.

(3) If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005, conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

#### NEW SECTION

**WAC 434-215-150 No major party ticket.** The procedures in RCW 29A.28.011 allowing a major party to fill a vacancy on a major party ticket do not apply. The predecessor statute, RCW 29A.28.010, was repealed by chapter 2, Laws of 2005 (Initiative 872). Pursuant to chapter 2, Laws of 2005, there is no "major party ticket."

#### NEW SECTION

**WAC 434-215-160 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

AMENDATORY SECTION (Amending WSR 06-14-049, filed 6/28/06, effective 7/29/06)

**WAC 434-230-010 Sample ballots.** Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot.

Sample ballots (~~(for counties using electronic or mechanical voting systems)~~) shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available (~~(starting)~~) at least fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

~~((Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29A.36.121. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.))~~

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appear~~(s)~~ on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

#### NEW SECTION

**WAC 434-230-015 Ballot format.** (1) Each ballot shall specify the county, the date, and whether the election is a primary, special or general.

(2) Each ballot must include instructions directing the voter how to mark the ballot, including write-in votes.

(3) Each ballot must explain, either in the general instructions or in the heading of each race, the number of candidates for whom the voter may vote (e.g., "vote for one").

(4)(a) If the ballot includes a partisan office, the ballot must include the following notice in bold print immediately above the first partisan congressional, state or county office: "READ: Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(b) When the race for president and vice-president appears on a general election ballot, instead of the notice required by (a) of this subsection, the ballot must include the following notice in bold print after president and vice-president but immediately above the first partisan congressional, state or county office: "READ: Each candidate for president and vice-president is the official nominee of a political party. For other partisan offices, each candidate may state a political party that he or she prefers. A candidate's preference does not

imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(c) The same notice may also be listed in the ballot instructions.

(5) Counties may use varying sizes and colors of ballot cards if such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate absentee ballots, poll ballots, or provisional ballots.

(6) Ballots shall be formatted as provided in RCW 29A.36.170. Ballots shall not be formatted as stated in RCW 29A.04.008 (6) and (7), 29A.36.104, 29A.36.106, 29A.36.-121, 29A.36.161(4), and 29A.36.191.

#### NEW SECTION

**WAC 434-230-025 Order of offices.** Measures and offices must be listed in the following order, to the extent that they appear on a primary or election ballot:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature and any alternate proposals;
- (5) Proposed constitutional amendments (senate joint resolutions, then house joint resolutions);
- (6) Countywide ballot measures;
- (7) President and vice-president of the United States;
- (8) United States senator;
- (9) United States representative;
- (10) Governor;
- (11) Lieutenant governor;
- (12) Secretary of state;
- (13) State treasurer;
- (14) State auditor;
- (15) Attorney general;
- (16) Commissioner of public lands;
- (17) Superintendent of public instruction;
- (18) Insurance commissioner;
- (19) State senator;
- (20) State representative;
- (21) County officers;
- (22) Justices of the supreme court;
- (23) Judges of the court of appeals;
- (24) Judges of the superior court; and
- (25) Judges of the district court.

For all other jurisdictions, the offices in each jurisdiction shall be grouped together and listed by position number according to county auditor procedures.

#### NEW SECTION

**WAC 434-230-035 Office format.** (1) The name of each office must be printed on the ballot.

(2) The description "partisan office" must be printed either for each partisan office or as a heading above a group of partisan offices. The description "nonpartisan office" must be printed either for each office or as a heading above a group of nonpartisan offices.

(3) If the term of office is not a full term, a description of the term (e.g., short/full term, two-year unexpired term) must be printed with the office name.

(4) Following each list of candidates shall be a response position and a space for writing in the name of a candidate.

(5) Each office or position must be separated by a bold line.

(6) On a general election ballot in a year that president and vice-president are elected, each political party's candidates for president and vice-president shall be provided one vote response position for that party.

#### NEW SECTION

**WAC 434-230-045 Candidate format.** (1) For each office or position, the names of all candidates shall be listed together. If the office is on the primary election ballot, no candidates skip the primary and advance directly to the general election.

(2)(a) On the primary election ballot, candidates shall be listed in the order determined by lot.

(b) On the general election ballot, the candidate who received the highest number of votes in the primary shall be listed first, and the candidate who received the second highest number of votes in the primary shall be listed second.

(c) The political party that each candidate prefers is irrelevant to the order in which the candidates appear on the ballot.

(3) Candidate names shall be printed in a type style and point size that can be read easily. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include, but are not limited to, printing a smaller point size or different type style.

(4) For partisan office:

(a) If the candidate stated his or her preference for a political party on the declaration of candidacy, that preference shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith

(Prefers Example Party)

(b) If the candidate did not state his or her preference for a political party, that information shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith

(States No Party Preference)

(c) The party preference line for each candidate may be in smaller point size or indented.

(d) The same party preference information shall be printed on both primary and general election ballots.

(5) If the office is nonpartisan, only the candidate's name shall appear. Neither "nonpartisan" nor "NP" shall be printed with each candidate's name.

(6) The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.

#### NEW SECTION

**WAC 434-230-055 Partisan primary.** In a primary for partisan congressional, state or county office conducted pursuant to chapter 2, Laws of 2005 (Initiative 872):

(1) Voters are not required to affiliate with a political party in order to vote in the primary election. For each office, voters may vote for any candidate in the race.

(2) Candidates are not required to obtain the approval of a political party in order to file a declaration of candidacy and appear on the primary or general election ballot as a candidate for partisan office. Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. A candidate's political party preference is not used to determine which candidates advance to the general election.

(3) Based on the results of the primary, the two candidates for each office who receive the most votes and who receive at least one percent of the total votes cast for that office advance to the general election. The primary election does not serve to nominate any political party's candidates, but serves to winnow the number of candidates down to a final list of two for the general election. Voters in the primary are casting votes for candidates, not choosing a political party's nominees. RCW 29A.36.191 does not apply since the predecessor statute, RCW 29A.36.190, was repealed in chapter 2, Laws of 2005.

(4) Chapter 2, Laws of 2005 repealed the prior law governing party nominations. Political parties may nominate candidates by whatever mechanism they choose. The primary election plays no role in political party nominations, and political party nominations are not displayed on the ballot.

(5) If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005, conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

**WAC 434-230-060 Primary votes required for appearance on general election ballot.** Following any (~~nonpartisan~~) primary, (~~no~~) a candidate's name shall be entitled to appear on the general election ballot (~~unless~~) if he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

(~~Following any partisan primary, no major political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office. The requirement in RCW 29A.36.191 that a candidate for partisan office receive at least one percent of the votes cast for that office in order to appear on the general election ballot is unenforceable based on *Libertarian Party v. Sam Reed*, Thurston County Superior Court No. 04-2-01974-2 (2004).)~~)

NEW SECTION

**WAC 434-230-085 Candidate who qualifies for more than one office.** In the event a candidate, as a result of write-in votes in the primary, qualifies to appear on the general election ballot for more than one office, the candidate may notify the county auditor in writing within three days of certification of the primary of the single office for which he or she desires to appear on the general election ballot. If the candidate fails to notify the county auditor, the county auditor shall determine the single office for which the candidate shall appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

NEW SECTION

**WAC 434-230-095 When a candidate dies or is disqualified.** The procedures in RCW 29A.28.021 allowing a political party to appoint a replacement candidate if the party's candidate dies or is disqualified do not apply. The predecessor statute, RCW 29A.28.020, was repealed by chapter 2, Laws of 2005 (Initiative 872).

NEW SECTION

**WAC 434-230-100 Political party precinct committee officer.** (1) In even-numbered years, the election for the position of political party precinct committee officer must be held on the third Tuesday of August.

(2) Unlike candidates for public partisan office, candidates for precinct committee officer file and appear on the ballot as members of a major political party. The election of precinct committee officer is an intraparty election. Candidates compete against other candidates from the same political party. The candidate of each political party who receives the most votes is declared elected. Precinct committee officers are not elected according to the top two primary system established by chapter 2, Laws of 2005 (Initiative 872).

(3) Unlike candidates for public office, the order in which candidates for precinct committee officer appear on the ballot is based on each candidate's political party. The political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the other political parties following according to the number of votes cast for their nominees for president at the last presidential election. Within each party, candidates shall be listed in the order determined by lot.

(4) If no candidate files for political party precinct committee officer, the position appears on the ballot with space for a write-in. There is no special filing period, the political party does not appoint a candidate, and the election does not lapse. If no candidate is elected, the party may fill the position by appointment, pursuant to RCW 29A.28.071.

(5)(a) The position of political party precinct committee officer must appear following all measures and public offices.

(b) The heading must state, "election of political party precinct committee officer."

(c) The following explanation must be provided before the list of candidates: "Precinct committee officer is a position in each major political party. For this office only: If you consider yourself a democrat or republican, you may vote for a candidate of that party."

(d)(i) If all candidates are listed under one heading, the applicable major political party affiliation of either "democratic party candidate" or "republican party candidate" must be printed under each candidate's name. The first letter of each word must be capitalized, as shown in the following example:

John Smith  
Democratic Party Candidate

The race must explain, "for a write-in candidate, include party."

(ii) If candidates are listed under a major political party heading, the applicable heading of either "democratic party candidates" or "republican party candidates" must be printed above each group of candidates. The first letter of each word must be capitalized. Space for a write-in must be provided for each political party heading.

(6) A voter may vote for only one candidate for precinct committee officer. If a voter votes for more than one candidate, the votes must be treated as overvotes. For the limited purpose of voting in a precinct committee officer election, a voter affiliates with a major political party when he or she votes for a candidate of that party.

NEW SECTION

**WAC 434-230-110 President and vice-president of the United States.** (1) When the race for president and vice-president appears on a general election ballot, the candidates for these offices must be paired together.

(2) The full name of the political party, rather than an abbreviation, must be provided for each pair of candidates, with a designation that these candidates are the nominees of the party. The first letter of each word in the political party name must be capitalized. For example:

Example Party Nominees

(3) If candidates are not nominees of a political party and are running as independent candidates, that description must be provided for the pair of candidates. The first letter of each word in the description must be capitalized. For example:

Independent Candidates

(4) The order that candidates appear on the ballot is based on their political party. The political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the candidates of the other political parties following according to the votes cast for their nominees for president at the last presidential election. Candidates of parties that did not have nominees in the last presidential election, and independent candidates, follow in the order of their qualification with the secretary of state.

NEW SECTION

**WAC 434-230-120 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties

the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-230-020	Placement of state ballot measures.
WAC 434-230-040	Candidate's political party designation—Primary to general.
WAC 434-230-050	Candidate nominated by two or more political parties or for two or more offices.
WAC 434-230-080	Judicial ballots—Form.
WAC 434-230-150	Ballot uniformity.
WAC 434-230-160	Poll-site voting instructions.
WAC 434-230-170	Ballot form.
WAC 434-230-190	Paper ballot uniformity.
WAC 434-230-200	Paper ballot instructions.
WAC 434-230-210	Paper ballots—Ballot form.
WAC 434-230-220	Same party designations used for primary and general elections.

**AMENDATORY SECTION** (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

**WAC 434-250-040 Instructions to voters.** (1) ~~((In addition to the instructions required by chapters 29A.36 and 29A.40 RCW, instructions for properly voting and returning))~~ Instructions that accompany an absentee ballot must ((also)) include:

(a) ~~How to ((correct a ballot by crossing out the incorrect vote and voting the correct choice))~~ cancel a vote by drawing a line through the text of the candidate's name or ballot measure response;

(b) Notice that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an over-vote and no votes for that office or ballot measure will be counted;

(c) Notice that, if a voter has signed or otherwise identified himself or herself on a ballot, the ballot will not be counted;

(d) An explanation of how to complete and sign the affidavit on the return envelope;

(e) An explanation of how to make a mark, witnessed by two other people, if unable to sign the affidavit;

(f) An explanation of how to place the ballot in the security envelope and place the security envelope in the return envelope;

(g) An explanation of how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(h) Notice that postage is required, if applicable; ~~((and))~~

(i) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated deposit site no later than election day; ~~((and))~~

(j) ~~((How a voter can))~~ An explanation of how to learn about the locations, hours, and services((-)) of voting centers and ballot deposit sites, including the availability of accessible voting equipment((-));

County auditors may use existing stock of instructions appearing on absentee ballot ((instructions)) envelopes until December 1, 2008;

(k) For a primary election that includes a partisan office, a notice on a separate insert printed on colored paper explaining:

"Washington has a new primary. You do not have to pick a party. In each race, you may vote for any candidate listed. The two candidates who receive the most votes in the August primary will advance to the November general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(l)(i) For a general election that includes a partisan office, the following explanation:

"Washington has a new election system. In each race for partisan office, the two candidates who receive the most votes in the August primary advance to the November general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(ii) In a year that president and vice-president appear on the general election ballot, the following must be added to the statement required by (l)(i) of this subsection:

"The election for president and vice-president is different. Candidates for president and vice-president are the official nominees of their political party."

(m) Any other information the county auditor deems necessary.

(2) Instructions that accompany a special absentee ballot must also include:

(a) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office; and

(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

**WAC 434-250-050** (~~(Ballot materials.)~~) **Envelopes.** (~~(In addition to the instructions and in addition to materials required by chapters 29A.36 and 29A.40 RCW, each))~~) Absentee ballots must be accompanied by the following:

- (1) A security envelope, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;
- (2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will reveal whether the security envelope is inside. The return envelope must display the official election materials notice required by the United States Postal Service, the words "POSTAGE REQUIRED" or "POSTAGE PAID" in the upper right-hand corner, and the following oath with a place for the voter to sign, date, and write his or her daytime phone number:

\_\_\_\_\_ I do solemnly swear or affirm under penalty of perjury that:

- I am a citizen of the United States;
- I am a legal resident of the state of Washington;
- I will be at least 18 years old on or before election day;
- I am not presently denied my voting rights as a result of being convicted of a felony;
- I have not been judicially declared mentally incompetent;
- I have not already voted in this election; and
- I understand it is illegal to cast a ballot or sign a ballot envelope on behalf of another voter.

Attempting to vote when not qualified, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

Signature \_\_\_\_\_ Date \_\_\_\_\_

- The return envelope must include space for witnesses to sign.
- The return envelope must conform to postal department regulations.
- County auditors may use existing stock of absentee envelopes until December 1, 2008.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

**WAC 434-250-110 Processing of absentee ballots.** (1) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its repre-

sentatives may perform initial processing of absentee ballots upon their return. (~~(In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day. Following initial processing,)~~) All absentee ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.

- (3) Final processing may begin after 7:00 a.m. on the day of the election.
- (4) Tabulation may begin after 8:00 p.m. on the day of the election.
- (5) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.
  - (a) All rejected ballots shall be outstacked for additional manual inspection.
  - (b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.
  - (c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

NEW SECTION

**WAC 434-250-150 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

**WAC 434-250-310 Notice of elections by mail.** (1) A jurisdiction requesting that a special election be conducted entirely by mail, as authorized by RCW 29A.48.020, may include the request in the resolution calling for the special election, or may make the request by a separate resolution. Not less than forty-seven days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, whether the request is granted and, if not granted, the reasons why.

(2) In the event that a primary is to be conducted by mail, the auditor must notify the jurisdiction involved not later than seventy-nine days before the primary date.

(3) ~~((In addition to the information required in the notice of election published pursuant to RCW 29A.52.351 and 29A.52.311,))~~ A county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must ~~((also))~~ state:

(a) The election will be conducted by mail ~~((and regular polling places will not be open))~~;

(b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;

(c) The location where voters may obtain replacement ballots;

(d) Whether return postage is required;

(e) The dates, times and locations of designated deposit sites and voting centers; and

(f) If the county auditor does not conduct all elections by mail, the fact that regular polling places will not be open.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

**WAC 434-253-020 Polling place—Election supplies.**

Polling places shall be provided, at a minimum, with the following supplies at every election:

(1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;

(2) Inspector's poll book;

(3) Required oaths/certificates for inspectors and judges;

(4) Sufficient number of ballots as determined by election officer;

(5) Ballot containers;

(6) United States flag;

(7) Voting instruction signs;

(8) Challenge and provisional ballots and envelopes;

(9) Cancellation cards due to death;

(10) Voting equipment instructions;

(11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;

(12) Keys and/or extra seals;

(13) Pay voucher;

(14) Ballots stub envelope;

(15) Emergency plan of action;

(16) Either sample ballots or voters' pamphlets;

(17) HAVA voter information poster;

(18) A sign listing the date of the election and the hours of voting on election day; and

(19) Voter registration forms(~~(-and~~

~~(20) For partisan primaries in counties using physically separate ballots, an "unvoted ballots" container with a numbered seal)).~~

AMENDATORY SECTION (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

**WAC 434-253-025 Polling place—Items to be posted.**

The following items must be posted or displayed at each polling place while it is open:

(1) United States flag;

(2) HAVA voter information poster;

(3) A sign listing the date of the election and the hours of voting on election day;

(4) Voting instructions printed in at least 16 point bold type;

(5) Either sample ballots or voters' pamphlets;

(6) Voter registration forms;

(7) Election materials in alternative languages, if so required by the Voting Rights Act (42 U.S.C. 1973aa et seq.); ~~((and))~~

(8)(a) For a primary election that includes a partisan office, the same notice provided to absentee voters by WAC 434-250-040 (1)(k);

(b) For a general election that includes a partisan office, the same notice provided to absentee voters by WAC 434-250-040 (1)(l); and

(9) Any other items the county auditor deems necessary.

NEW SECTION

**WAC 434-253-330 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

AMENDATORY SECTION (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-235 Recertification of assistant election administrators as election administrators.** Any person who is certified as an assistant election administrator may become certified as an election administrator upon completion of the following:

(1) Two years service in an election ~~((management))~~ administration position((,-as defined by the county auditor or the state director of elections)); and

(2) Minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4).

AMENDATORY SECTION (Amending WSR 07-12-032, filed 5/30/07, effective 6/30/07)

**WAC 434-261-086 Statewide standards on what is a vote.** (1) Pursuant to 42 U.S.C. § 15481 (a)(6) and *Bush v. Gore*, 531 U.S. 98 (2000), the following standards determine whether irregular marks on a ballot constitute a valid vote that may be counted.

(a) Target area. Any marks made in the target area shall be counted as valid votes. Any marks made outside of the target area will only be valid if they fulfill the consistent pattern requirements in (b) of this subsection. Exceptions:

(i) Obvious stray marks.

(ii) Hesitation marks.

(iii) Parts of written notes.

(iv) Corrected votes, according to the instructions printed on the ballot or written instructions provided by the voter, which may include arrows, circles, and written words.

(b) Consistent pattern. Marks made outside of the target area shall only be counted as valid votes if a consistent pat-

tern of marks is used throughout the whole ballot. This means that all races and issues for which the voter has indicated a choice must have the same mark. If some marks are in the target area and some are not, but the same *type* of mark is used throughout the whole ballot, they shall all be counted as valid votes.

(c) Corrected votes.

(i) If ~~((more than one target area is marked, it is not an overvote if))~~ the voter has followed the instructions for correcting a vote ~~((and marked another choice)), the stricken vote shall not be counted. If a second choice is marked, it shall be counted as a valid vote:~~

(ii) If a second choice is not marked, the race shall be considered undervoted:

(iii) If the voter has marked two target areas and placed an 'X' over one of the marked areas, the choice without the 'X' shall be counted as a valid vote.

(d) Not a correction. If the voter has both marked a choice correctly and *also* placed an 'X' in the same target area, but has not marked a second target area as if attempting to correct the vote, it shall be counted as a valid vote.

(e) Written instructions. If the voter has attempted to correct a vote and provides written instruction on his or her intent, it shall be counted as the voter instructed. Written instruction includes words, circles, or arrows.

(f) Identifying marks. Ballots that have a legible signature, address sticker or address stamp anywhere on the ballot, other than a write-in line, must be rejected. Initials or illegible signatures do not disqualify a ballot.

(g) Overvotes. Races or issues that have more target areas marked than are allowed are overvotes. No votes for that race or issue shall be counted.

(h) No bubble. If a name is written on a write-in line, it shall be counted as a valid write-in vote regardless of whether the corresponding target area is marked.

(i) Already on the ballot. If the name of a candidate who is already printed on the ballot is written in, that vote shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate. This applies even if both target areas are marked or no target areas are marked.

(j) Name variations. If a write-in vote is cast for a *declared* write-in candidate using a commonly recognizable nickname or spelling variation, it shall be counted as a valid vote for that candidate.

(k) Mystery write-in. If the write-in target area is marked, but no name is written on the line, it shall not be counted as a valid vote, even though it may be tallied as a write-in vote by the tabulation system.

(l) Mystery write-in with a candidate. If a candidate's target area is marked, *and* the write-in target area is marked but no name is written on the line, it shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate.

(m) Name combinations. If a write-in vote is cast for a candidate with a combination of names already on the ballot, it shall NOT be counted as a vote for either printed candidate, but rather shall be counted as a valid vote for the name as written.

(n) Write-in overvote. If a candidate's target area is marked and something other than that candidate's name is

written in the write-in response area, it shall be counted as an overvote and not a valid vote for any candidate. This applies whether or not the target area for the write-in is marked.

(o) Not eligible. A write-in vote for a race that does not appear on the ballot is for a race on which the voter is not eligible to vote, and shall not be counted.

Exception: If a provisional ballot has been cast and the voter has written in an office or measure that is not on the ballot, that vote shall be counted if it is determined, based on the voter's registration, that he or she is eligible to vote for that office or measure.

(p) Write-in in the wrong place. A write-in vote for a race appearing elsewhere on the ballot shall be counted as a valid vote, as long as all other requirements are fulfilled and the office, position number and political party, if applicable, are clearly indicated.

(q) Messy marks. When otherwise valid votes marked for a candidate partially extend into the response area of another candidate, it shall be counted as a vote if most of the mark is in the proper area and intent can easily be discerned.

(r) Pattern of partisan voting. Voter intent in any single contest shall not be determined based on a pattern of partisan voting on the ballot.

(s) Anything else. Voter intent on any questionable marks not explicitly falling within the parameters of the rules in this manual must be determined by county canvassing boards, operating under all applicable laws of the state of Washington and the rules of the canvassing board manual.

(2) The secretary of state shall publish an illustrated version of these standards in each optical scan and digital scan voting system used in the state. The secretary of state shall distribute the illustrated version to each county canvassing board and post it on the web site.

(3) The secretary of state shall periodically review and update the manual as necessary, and seek input from county canvassing boards and other interested parties to ensure that the standards remain current and comprehensive.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

**WAC 434-262-031 Rejection of ballots or parts of ballots.** (1) The disposition of provisional ballots is governed by WAC 434-253-047. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where ~~((two ballots are found folded together, or where))~~ a voter has already voted ~~((more than))~~ one ballot;

(b) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;



(c) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(d) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(e) Where the voter has voted for more candidates for an office than are permissible(=

~~(f) In the case of a partisan primary, where the voter has voted for a write-in candidate for partisan office who has not filed a write-in declaration of candidacy, thereby affiliating with a major party.~~

~~(3) For physically separate ballots in a partisan primary:~~

~~(a) If more than one ballot is returned but only one ballot is voted, the voted ballot must be counted.~~

~~(b) When a voted nonpartisan ballot and a voted party ballot are both returned, and the nonpartisan section of the party ballot was not voted, the votes from both ballots must be duplicated onto a blank party ballot and counted.~~

~~(c) When a voted nonpartisan ballot and a voted party ballot are both returned, and nonpartisan races and ballot measures were voted on both ballots, the nonpartisan and ballot measure votes that are the same on each ballot and the partisan votes must be duplicated onto a blank party ballot and counted.~~

~~(d) When more than one voted party ballot is returned, the partisan votes may not be counted but the nonpartisan and ballot measure votes that are the same on both ballots must be duplicated onto a blank nonpartisan ballot and counted).~~

#### NEW SECTION

**WAC 434-262-075 Election of political party precinct committee officers.** (1) The election of political party precinct committee officers is not conducted according to a top two primary established by chapter 2, Laws of 2005 (Initiative 872). The candidate of each political party who receives the most votes in the August primary election is declared elected.

(2) RCW 29A.80.051 includes a requirement that, to be declared elected, a candidate for precinct committee officer must receive at least ten percent of the number of votes cast for a candidate of the same party who received the most votes in the precinct. This requirement for election is not in effect because candidates for public office do not represent a political party.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

#### **WAC 434-262-160 Write-in-voting—Voter intent.**

(1) In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. ((Write-in votes are to be counted where abbreviations are used for office, position, or political party-)) Write-in votes in the general election are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted; the candidate's party preference does not impact whether the write-in vote shall be

counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate ~~((the political party, if applicable;))~~ and, if the office ~~((and))~~ or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

(2)(a) If a write-in candidate for partisan office does not file a write-in declaration of candidacy but does qualify for the general election ballot, the candidate has not stated a preference for a political party and therefore shall have "(states no party preference)" printed on the general election ballot.

(b) If a write-in candidate for partisan office files a write-in declaration of candidacy and qualifies for the general election ballot, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot.

#### NEW SECTION

**WAC 434-262-210 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

#### NEW SECTION

**WAC 434-264-055 Machine recount of votes cast on digital scan ballots.** In a machine recount of votes cast on digital scan ballots, the tabulating equipment must be programmed to identify all ballots that include an undervoted office or ballot measure subject to the recount. All ballots identified must be inspected to confirm that no vote was cast. If the inspection detects a vote cast that was not correctly counted by the tabulating equipment, the county auditor shall refer the ballot to the county canvassing board consistent with WAC 434-261-070.

AMENDATORY SECTION (Amending WSR 06-11-041, filed 5/10/06, effective 6/10/06)

**WAC 434-324-113 Voter registration list maintenance.** In addition to conducting searches to identify felons, duplicate registration records, and deceased voters as outlined in this chapter, the following applies:

(1) Each even-numbered year, maintenance of the voter registration list, as required by RCW 29A.08.605, must be completed ninety days prior to the date of the primary in that year. If a county conducts all elections by mail and receives address change information from each ballot mailing, additional list maintenance is not required. The voter registration list maintenance program is complete upon mailing the required notices. Counties have discretion to also run the voter registration list maintenance in odd-numbered years.

(2) If, at any time, the secretary finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this

chapter, the secretary must refer such information to the appropriate county auditor and county prosecutor.

(3) If, at any time, the auditor finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the auditor must notify the county prosecutor.

**AMENDATORY SECTION** (Amending WSR 06-11-042, filed 5/10/06, effective 6/10/06)

**WAC 434-335-040 Voting system requirements.** (1)

No voting device or its component software may be certified by the secretary of state unless it:

- (a) Secures to the voter secrecy in the act of voting;
- (b) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- (c) Correctly registers all votes cast for any and all persons and for or against any and all measures;

(d) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for President and Vice-President of the United States;

(e) Produces a machine countable and human readable paper record for each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper record of an electronic vote may not be removed from the device by the voter. If the voting device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter; and

(f) Has been tested and approved by the appropriate independent testing authority approved by the United States election assistance commission(~~;~~~~and~~

~~(g) For a partisan primary, prevents the counting of votes for candidates of more than one political party)).~~

(2) No vote tabulating system may be certified by the secretary of state unless it:

(a) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(b) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(c) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each ballot measure on the ballot in that precinct;

(d) Produces precinct and cumulative totals in printed form; and

(e) Produces legislative and congressional district totals for statewide races and issues in electronic and printed form.

(3) A vote tabulating system must:

(a) Be capable of being secured with lock and seal when not in use;

(b) Be secured physically and electronically against unauthorized access;

(c) Not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web. A network may be used as an internal, integral part of the vote tabulating system but that network must not be connected to any other network, the internet, or the world wide web; and

(d) Not use wireless communications in any way.

(4) Transfer of information from a remote tabulating system may be made by telephonic transmission only after the creation of a disk, paper tape, or other physical means of recording ballot results.

(5) The source code of electronic voting system software that has been placed in escrow must be identical to the source code of software that has been tested and certified by the federal independent testing authority and installed in the county. The applicant must place in escrow both the human-readable source code and the working or compiled version. In lieu of placing them in escrow, the source code and the working or compiled version may be deposited with the national software reference library. The software may be verified by matching the system's digital software signatures with the digital signatures the elections assistance commission has on file, when available.

**AMENDATORY SECTION** (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

**WAC 434-335-445 The preparation of logic and accuracy test decks.** (1) Each county shall produce a test deck of ballots to be used in the official logic and accuracy test to verify that the vote tabulating system is programmed to correctly count the ballots.

(2) The pattern to mark the test deck shall begin by giving the first candidate in each race one vote, the second candidate in each race two votes, the third candidate in each race three votes, etc. Once the pattern is completed for each race and issue, each remaining precinct or ballot style must be tested by using a minimum of one ballot that has a first choice marked for each race and issue. Additional votes may be added to ensure all responses for a race or issue have unique results. Another pattern may be used if it meets the requirements outlined in this section and is approved by the secretary prior to marking the test deck.

(3) The test deck must also test that the vote tabulating system is programmed to accurately count write-in votes, overvotes and blank ballots. The test deck must also include a sampling of all ballots that will be used during the election, including ballot on demand, alternative language ballots, and ballots marked with an electronic ballot marker.

~~((4) In a partisan primary:~~

~~(a) When a consolidated ballot is used, the test deck must test that the partisan and nonpartisan votes are counted properly for situations where just one party is selected, no party is selected, and both parties are selected; and~~

~~(b) When separate ballots are used, a test deck for each party must be prepared in addition to a test deck for nonpartisan races;))~~

**AMENDATORY SECTION** (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

**WAC 434-381-120 Deadlines.** (1) Candidate statements and photographs shall be submitted to the secretary of state(~~;~~

~~(a) For candidates who filed during the regular filing period;))~~ within seven calendar days after filing their declaration of candidacy(~~;~~

(b) For candidates who filed during a special filing period, or were selected by a political party pursuant to either RCW 29A.52.010 or 29A.24.140, within seven calendar days after the close of the special filing period or selection by the party).

(2) For ballot measures, including initiatives, ((~~referenda~~) referenda), alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so.

#### NEW SECTION

**WAC 434-381-200 Political party preference information.** If a state voters' pamphlet includes a race for partisan office, the pamphlet must include an explanation that each candidate for partisan office may state a political party that he or she prefers, and that a candidate's preference does not imply that the candidate is nominated or endorsed by the party or that the party approves of or associates with that candidate. The pamphlet must also explain that a candidate can choose to not state a political party preference.

**WSR 08-15-054**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed July 14, 2008, 8:31 a.m., effective August 14, 2008]

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

Purpose: The rule currently contains references to deductions conferred by the medicare prescription drug card that are now obsolete. The amendments will remove these references. The medicare prescription drug card expired May 31, 2006; any related deductions will only be applicable through May 2008 at the latest. Removing obsolete references will ensure the rule is current and improve readability.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0200.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Adopted under notice filed as WSR 08-11-085 on May 20, 2008.

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 1, Repealed 0.

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

Date Adopted: July 9, 2008.

Stephanie E. Schiller  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-04-070, filed 1/30/06, effective 4/1/06)

**WAC 388-450-0200 Will the medical expenses of elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for Basic Food?** (1) If your basic food assistance unit (AU) includes an elderly person or individual with a disability as defined in WAC 388-400-0040, your AU may be eligible for an income deduction for that person's out-of-pocket medical expenses (~~and certain expenses allowable for Medicare prescription drug card holders certified prior to June 1, 2006~~). We allow the deduction for medical expenses over thirty-five dollars each month.

(2) You can use an out-of-pocket medical expense toward this deduction if the expense covers services, supplies, medication, or other medically needed items prescribed by a state-licensed practitioner or other state-certified, qualified, health professional. Examples of expenses you can use for this deduction include those for:

- (a) Medical, psychiatric, naturopathic physician, dental, or chiropractic care;
- (b) Prescribed alternative therapy such as massage or acupuncture;
- (c) Prescription drugs;
- (d) Over the counter drugs;
- (e) Eye glasses;
- (f) Medical supplies other than special diets;
- (g) Medical equipment or medically needed changes to your home;
- (h) Shipping and handling charges for an allowable medical item. This includes shipping and handling charges for items purchased through mail order or the internet;
- (i) Long distance calls to a medical provider;
- (j) Hospital and outpatient treatment including:
  - (i) Nursing care; or
  - (ii) Nursing home care including payments made for a person who was an assistance unit member at the time of placement.
- (k) Health insurance premiums paid by the person including:
  - (i) Medicare premiums; and
  - (ii) Insurance deductibles and copayments.
- (l) Out-of-pocket expenses used to meet a spenddown as defined in WAC 388-519-0010. We do not allow your entire spenddown obligation as a deduction. We allow the expense as a deduction as it is estimated to occur or as the expense becomes due;
- (m) Dentures, hearing aids, and prosthetics;
- (n) Cost to obtain and care for a seeing eye, hearing, or other specially trained service animal. This includes the cost of food and veterinarian bills. We do not allow the expense of food for a service animal as a deduction if you receive ongoing additional requirements under WAC 388-473-0040 to pay for this need;
- (o) Reasonable costs of transportation and lodging to obtain medical treatment or services; and
- (p) Attendant care necessary due to age, infirmity, or illness. If your AU provides most of the attendant's meals, we allow an additional deduction equal to a one-person allotment.

(3) There are two types of deductions for out-of-pocket expenses:

(a) One-time expenses are expenses that cannot be estimated to occur on a regular basis. You can choose to have us:

- (i) Allow the one-time expense as a deduction when it is billed or due;
- (ii) Average the expense through the remainder of your certification period; or
- (iii) If your AU has a twenty-four-month certification period, you can choose to use the expense as a one-time deduction, average the expense for the first twelve months of your certification period, or average it for the remainder of our certification period.

(b) Recurring expenses are expenses that happen on a regular basis. We estimate your monthly expenses for the certification period.

(4) ~~((If the elderly person or individual with a disability in your AU has an active Medicare prescription drug card prior to June 1, 2006:~~

~~(a) Allow any out-of-pocket expenses that meet the criteria in subsections (2) and (3) above;~~

~~(b) Add a standard twenty-three dollars to these expenses; and~~

~~(c) Allow an additional fifty dollar monthly deduction to account for the 2004 and 2005 prescription subsidies;~~

~~(i) For twenty-four consecutive months if the client applied before January 2005; or~~

~~(ii) For the average number of months resulting from dividing the total subsidy amount by fifty dollars if the client applies in January 2005 or later.~~

~~(d) Allow the deductions in (b) and (c) of this subsection even if the AU has no out-of-pocket expenses.~~

~~(5) AU members with an active Medicare prescription drug card prior to June 1, 2006 have the option of using their verified pre card out of pocket expenses when this amount is greater than using the standards in subsection (4).~~

~~(6)) We do not allow a medical expense as an income deduction if:~~

~~(a) The expense was paid before you applied for benefits or in a previous certification period;~~

~~(b) The expense was paid or will be paid by someone else;~~

~~(c) The expense was paid or will be paid by the department or another agency;~~

~~(d) The expense is covered by medical insurance;~~

~~(e) We previously allowed the expense, and you did not pay it. We do not allow the expense again even if it is part of a repayment agreement;~~

~~(f) You included the expense in a repayment agreement after failing to meet a previous agreement for the same expense; or~~

~~(g) You claim the expense after you have been denied for presumptive SSI; and you are not considered disabled by any other criteria.~~

## WSR 08-15-055

### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 14, 2008, 8:32 a.m., effective August 14, 2008]

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

Purpose: The department is codifying this new requirement to be in compliance with recent state legislation (chapter 3, Laws of 2007). This legislation requires the department to pay medicare Part D copayment cost sharing for full-benefit, dual-eligible medicaid clients.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, and chapter 3, Laws of 2007.

Adopted under notice filed as WSR 08-11-084 on May 20, 2008.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 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 1, Amended 0, Repealed 0.

Date Adopted: July 3, 2008.

Stephanie E. Schiller  
Rules Coordinator

#### NEW SECTION

**WAC 388-517-0500 State payment of medicare prescription drug copayments for full-benefit dual-eligible clients.** This rule describes the conditions under which the department pays Medicare prescription drug copayments for full-benefit dual-eligible clients.

(1) Definitions:

(a) "Medicare Part D copayment" - A flat dollar amount that a Medicare beneficiary must pay toward the cost of each prescription drug received under the Medicare prescription drug program.

(b) "Full-benefit, dual-eligible person" - Someone who receives Medicaid services under the categorically needy (CN) or medically needy (MN) program and is a Medicare beneficiary.

(2) The department pays a full-benefit dual-eligible client's Medicare Part D copayment if:

(a) The copayment is for a prescription drug covered under the client's Medicare Part D plan; and

(b) The copayment rate is not more than the federal low-income subsidy copayment rate for a Medicare Part D covered drug; and

(c) The budget includes funding for Medicare Part D copayments.

(3) Pharmacies bill the department directly for Medicare Part D copayments for full-benefit, dual-eligible clients. The client is not responsible for copayments paid by the department as described in subsection (2) of this section.

#### **WSR 08-15-059**

#### **PERMANENT RULES DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed July 14, 2008, 8:40 a.m., effective August 14, 2008]

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

Purpose: This rule is being amended to clarify the signature requirements on applications for medical assistance for children and pregnant women.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-406-0010.

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

Adopted under notice filed as WSR 08-09-154 on April 23, 2008.

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 1, Repealed 0.

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

Date Adopted: July 9, 2008.

Stephanie E. Schiller  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-10-034, filed 4/27/06, effective 6/1/06)

#### **WAC 388-406-0010 How do I apply for benefits? (1)**

You can apply for cash assistance, medical assistance, or Basic Food by giving us an application form in person, by mail, by fax, or by completing an online application.

(2) If your entire assistance unit (AU) gets or is applying for Supplemental Security Income (SSI), your AU can file an application for Basic Food at the local Social Security administration district office (SSADO).

(3) If you are incapacitated, a dependent child, or cannot apply for benefits on your own for some other reason, a legal guardian, caretaker, or authorized representative can apply for you.

(4) You can apply for cash assistance, medical assistance, or Basic Food with just one application form.

(5) If you apply for benefits at a local office, we accept your application on the same day you come in. If you apply at an office that does not serve the area where you live, we send your application to the appropriate office by the next business day so that office receives your application on the same day we send it.

(6) We accept your application for benefits if it has at least:

(a) For cash (~~(or)~~) and medical assistance combined, the name, address, and signatures of the responsible adult AU members or person applying for you. A minor child may sign if there is no adult in the AU. Signatures must be (~~either~~) handwritten, electronic or digital as defined by the department, or a mark if witnessed by another person(~~(or)~~).

(b) For medical assistance only, the name, address, and signature of the applicant and applicant's spouse or other responsible adult person in the household, if any. In the case of an application for children's medical with caretaker adults

in the household, the signature of a caretaker adult member of the household.

(c) For Basic Food, the name, address, and signature of a responsible member of your AU or person applying for you as an authorized representative under WAC 388-460-0005.

(7) As a part of the application process, we may require you to:

(a) Complete an interview if one is required under WAC 388-452-0005;

(b) Meet WorkFirst participation requirements for four weeks in a row if required under WAC 388-310-1600(12);

(c) Give us the information we need to decide if you are eligible as required under WAC 388-406-0030; and

(d) Give us proof of information as required under WAC 388-490-0005 so we can determine if you are eligible.

(8) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you meet the requirements of this section.

**WSR 08-15-065**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed July 14, 2008, 10:35 a.m., effective August 14, 2008]

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

Purpose: The purpose of this rule-making order is to amend rules to implement SHB 1264 (2007), which amends the retirement plans eligible to qualify for an indexed retirement allowance. Previously, members of the law enforcement officers' and fire fighters' retirement system (LEOFF) Plan 2 could not qualify for an indexed retirement allowance. With the passing of SHB 1264, members of LEOFF Plan 2 may qualify for an indexed retirement allowance.

Citation of Existing Rules Affected by this Order: Amending WAC 415-113-059.

Statutory Authority for Adoption: RCW 41.50.050(5).

Adopted under notice filed as WSR 08-12-107 on June 4, 2008.

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 1, Repealed 0.

Date Adopted: July 14, 2008.

Sandra J. Matheson  
Director

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

**WAC 415-113-059 Can I combine service from different systems to qualify for increased benefits? (1) You may combine service to determine retirement eligibility.** You may combine your service in all systems (~~for the sole purpose of determining~~) to determine your eligibility for a disability or service retirement allowance from your current system (~~and~~), a service retirement allowance from your prior system, or an indexed retirement allowance from LEOFF Plan 2, PERS Plan 3, SERS Plan 3, or TRS Plan 3.

**(2) You may not combine service for any other purpose.** You may not combine your service (~~in all systems~~) to qualify for (~~additional~~) any other benefit(s) offered by a particular system. (~~Those additional benefits include but are not limited to:~~) For example:

(a) PERS Plan 1 military service. You may not combine service from other systems to qualify for military service credit in PERS Plan 1 under RCW 41.40.170.

(b) LEOFF Plan 2 post-separation benefits. You may not combine your accrued service (~~under both~~) from other systems for purposes of qualifying for(=

~~(i) A LEOFF Plan 2 indexed retirement allowance under RCW 41.26.530(2); or~~

~~(ii))~~ a refund of one hundred fifty percent of the LEOFF Plan 2 member's accumulated contributions under RCW 41.26.540.

**(3) Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed: "System" - RCW 41.54.010(6).

**WSR 08-15-078**  
**PERMANENT RULES**  
**DEPARTMENT OF TRANSPORTATION**

[Filed July 15, 2008, 1:25 p.m., effective August 15, 2008]

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

Purpose: Amend language to comply with federal and state law on rail transit safety and security/emergency preparedness program, and to provide a mechanism for the Washington state department of transportation to be reimbursed for the administration of that program.

Citation of Existing Rules Affected by this Order: Amending chapter 468-550 WAC.

Statutory Authority for Adoption: RCW 81.104.115.

Adopted under notice filed as WSR 08-09-098 on April 21, 2008.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 4, Repealed 0; Federal Rules or Standards: New 0, Amended 6, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 8, 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 1, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 25, 2008.

Stephen T. Reinmuth  
Chief of Staff

AMENDATORY SECTION (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

**WAC 468-550-010 Purpose.** This chapter is adopted to comply with 49 CFR Part 659 and RCW 81.104.115 which requires the state of Washington to oversee the system safety program and the security and emergency preparedness plans of rail fixed guideway systems (RFGS) not regulated by the Federal Railroad Administration. These rules prescribe the system safety and security criteria to be met by RFGS and ~~((is))~~ are intended to improve the safety and security of RFGS in Washington state.

AMENDATORY SECTION (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

**WAC 468-550-020 Applicability.** These rules are applicable to all Washington state entities, public or private, which own, operate, or maintain RFGS that are not regulated by the Federal Railroad Administration.

These rules apply to all owners of rail fixed guideway systems as defined by RCW 81.104.015 which are required by RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, or 81.112.180 to comply with the requirements of the Washington state department of transportation for the development and implementation of a system safety program plan and a security and emergency preparedness plan.

AMENDATORY SECTION (Amending WSR 02-13-004, filed 6/6/02, effective 7/7/02)

**WAC 468-550-030 Definitions.** For the purposes of this chapter, the following definitions of terms shall apply unless the context clearly indicates otherwise:

(1) Accident, reportable means any event involving the operation of a RFGS along a revenue line segment, if as a result:

- (a) An individual dies; or
- (b) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- (c) A collision, derailment, or fire causes property damage in excess of ~~\$(50,000))~~ 25,000.

(2) APTA Guidelines means the American Public Transit Association's "*Manual for the Development of Rail Transit System Safety Program Plans.*"

(3) Chief executive officer means, but is not limited to, the mayor, county executive, or chair of the municipality, or corporate president of the public or private entity that owns, operates, or maintains a RFGS.

(4) Contractor means an entity that performs tasks required by this chapter on behalf of the department or a RFGS.

(5) Department means the Washington state department of transportation which has been designated as the state safety oversight agency.

(6) Directional route mile means the mileage in each direction over which public transportation vehicles travel while in revenue service. Directional route miles are a measure of the route path over a facility or roadway and not the service carried on the facility. Directional route miles are computed with regard to direction of service, but without regard to the number of traffic lanes or rail tracks existing in the right of way. Directional route miles do not include staging or storage areas at the beginning or end of a route.

(7) Emergency means a situation which is life threatening to passengers, employees, or others or which causes damage to any rail fixed guideway vehicle or facility or results in a significant theft of services which severely affects the ability of the system to fulfill its mission.

~~((7))~~ (8) FTA means the Federal Transit Administration, or its successors, an agency within the U.S. Department of Transportation.

~~((8))~~ (9) Hazardous condition means a set of circumstances that if not identified and corrected has or will result in personal injury or property damage. It includes unacceptable hazardous conditions.

~~((9))~~ (10) Incident reporting thresholds are criteria established by Federal Transit Administration in CFR 49 Part 659 and further by the Washington state rail safety oversight program standard for determining which accidents/incidents require investigation.

(11) Investigation means a procedure that the department or a RFGS utilizes to determine the cause of a reportable accident, hazardous condition, or security breach.

~~((10))~~ (12) Medical attention means emergency care at a state-licensed general hospital, critical access hospital, or health clinic, or by a religious practitioner.

~~((11))~~ (13) Plan means the system safety ~~((and security))~~ program plan ~~((which is))~~ and the security and emergency preparedness plan of rail fixed guideway systems not regulated by the Federal Railroad Administration adopted by the RFGS detailing its safety and security policies, objectives, responsibilities and procedures.

~~((12))~~ (14) Procedure means an established and documented method to perform a task.

~~((13))~~ (15) Rail fixed guideway system or "RFGS" means a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or other fixed rail guideway component of a high-capacity transportation system that is not regulated by the Federal Railroad Administration or its successor. "RFGS" does not include elevators, moving sidewalks or stairs, and vehicles suspended from aerial cables, unless they are an integral component of a station served by a rail fixed guideway system ~~((, or operations not available to the general public, acquired by an individual or group of individuals for a common purpose to travel together as a group to a specific destination or for a particular itinerary. A RFGS also shall be within a federally recognized urbanized area)).~~

~~((14))~~ (16) Revenue line segment means that portion of a fixed guideway system upon, under, or through which a RFGS provides service available to the general public. It includes stations used by the system's passengers to enter or leave the RFGS's conveyance.

~~((15))~~ (17) Risk means the probability that a security breach will occur.

~~((16))~~ (18) Safety means freedom from danger.

~~((17))~~ (19) Security and emergency preparedness plan or "SEPP" is a document developed and implemented for each rail fixed guideway system which describes its security policies, objectives, responsibilities, and procedures. This plan is a requirement of RCW 81.104.115 and meets the standards established by the Federal Transit Administration in CFR 49 Part 659 and the Washington state rail safety oversight program.

(20) Seasonally means the provision of service available to the general public fewer than a total of one hundred eighty days within a twelve-month period. The provision of service any time on a calendar day is a day counted towards the threshold of one hundred eighty days.

~~((18))~~ (21) Security means freedom from intentional danger.

~~((19))~~ (22) Security breach means an unforeseen event or occurrence that endangers life or property and may result in the loss of services or system equipment.

~~((20))~~ (23) Service available to the general public does not include operations for a specific private function when a RFGS accepts hire, such as group charters, weddings, or other private events that are not available to the general public on a walk-in basis.

~~((21))~~ (24) Standard means the system safety and security program standard which is the standard developed and adopted by the department which complies with the (~~APTA Manual for the Development of Rail Transit System Safety Program Plans, the Federal Transit Administration's Transit System Security Program Planning Guide (FTA MA 7001-94-1), The Federal Transit Administration's Implementation Guidelines for State Safety Oversight of Rail Fixed Guideway Systems, and the State Safety Oversight Security Handbook~~) requirements of CFR 49 Part 659.

~~((22))~~ (25) System means a composite of people, property, environment, and procedures which are integrated to perform a specific operational function in a specific environment.

~~((23))~~ (26) System safety program plan or "SSPP" is a document developed and implemented for each rail fixed guideway system which describes its safety policies, objectives, responsibilities, and procedures. The requirements for this plan are established by the Federal Transit Administration in CFR 49 Part 659 and further by the Washington state rail safety oversight program standard.

(27) Triennial safety and security audit means a formal, comprehensive, on-site examination by the department of a RFGS's safety and security procedures to determine whether it complies with the RFGS's policies and procedures as outlined in the RFGS's plan.

~~((24))~~ (28) Washington state rail safety oversight program is the program administered by the Washington state department of transportation to ensure compliance by rail

fixed guideway systems with the Washington state rail safety oversight program standard.

(29) Washington state rail safety oversight program standard is a document developed and adopted by the Washington state department of transportation that describes the policies, objectives, responsibilities, and procedures used to provide safety and security oversight of rail fixed guideway systems. This document is a requirement established by the Federal Transit Administration in CFR 49 Part 659.

(30) Unacceptable hazard is a real or potential condition that may endanger human life or property that after an assessment of its severity and probability cannot remain and must be mitigated.

(31) Unacceptable hazardous condition means a hazardous condition (~~of type IA, IB, IC, HA, HB, OR HIA as determined using the "Hazardous Resolution Matrix" in APTA Manual for the Development of Rail Transit System Program Plans~~) classified by the rail transit agency as being unacceptable based on a hazardous resolution matrix or other evaluation methodology approved by the department.

AMENDATORY SECTION (Amending WSR 02-13-004, filed 6/6/02, effective 7/7/02)

**WAC 468-550-040 Requirements for system safety program plan and security and emergency preparedness plans.** (1) Each RFGS, except any that operate seasonally, shall prepare a system safety program plan and security (~~program~~) and emergency preparedness plans. Such plans shall describe the RFGS's procedures for:

- (a) Reporting and investigating reportable accidents and unacceptable hazardous conditions;
- (b) Submitting corrective action plans and annual safety and security audit reports;
- (c) Facilitating on-site safety and security reviews by the department; and
- (d) Addressing passenger and employee security.

The plans and any revisions thereto shall, at a minimum, conform to the standard set forth in WAC 468-550-050, be approved by the RFGS's chief executive officer and submitted for departmental review (~~by September 1, 1999~~), or within three months prior to beginning operations or instituting revisions to the plans. The RFGS shall not transmit the security portions of its (~~system safety and~~) security (~~program~~) and emergency preparedness plan to the department. The RFGS shall notify the department of the location and availability of the security portions of its (~~system safety and security program~~) plan.

(2) Each RFGS shall implement and comply with the provisions of its plans and any revisions thereto. Further, should the RFGS change ownership or operating or maintenance providers, the RFGS shall require its successors, assigns, and contractors to continue to comply with the RFGS's established plans and shall notify the department of any change of ownership or operating or maintenance providers within thirty days of the effective date of transfer or contract.

(3) The security section of the security and emergency preparedness plan is exempt from public disclosure under chapter (~~42.17~~) 42.56 RCW. Each RFGS may develop pro-



cedures to implement this subsection. Completed reports of reportable accidents and unacceptable hazardous conditions, corrective action plans, annual safety and security audit reports, published reviews of the department, published RFGS internal safety and security audits, and notifications of reportable accidents and unacceptable hazardous conditions are not subject to this exemption.

(4) Each RFGS that operates seasonally shall submit a system description and organization structure to the department ((by September 1, 2002, or)) within ninety days of commencing operations((, whichever is sooner)). Each RFGS shall update this submittal within thirty days after any changes to the system description or organizational structure occur.

(a) The system description shall identify the revenue line segments, revenue equipment, and all locations for embarking or debarking passengers.

(b) The organizational structure shall identify the decision-making structure for the RFGS, including any firm or organization contracted to undertake its seasonal operations.

(c) This submittal shall include safety contact information for the RFGS and any firm or organization contracted to undertake its seasonal operations.

AMENDATORY SECTION (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

**WAC 468-550-050 Department procedures for reviewing, approving, and filing rail fixed guideway system safety program plan and security and emergency preparedness plans and inspections.** (1)(a) The department shall review each RFGS system safety program plans, and all subsequent revisions, for compliance with these rules and the standard, using the ((APTA)) system safety checklist which includes:

- Policy statement and authority for the plan
- Description of purpose for the plan
- Clearly stated goals for plan
- Identifiable and attainable objectives
- System description and organizational structure
- The plan control and update procedures
- Hazard identification and resolution process
- Accidents, hazardous conditions and reporting and investigation procedures
- Internal safety audit process
- Facilities inspections (includes system equipment and rolling stock)
- Maintenance audits and inspections (all systems and facilities)
- Rules and procedures review
- Training and certification reviews and audits
- Emergency response planning, coordination and training
- System modification review and concurrence process
- Safety data acquisition and analysis
- Interdepartmental and interagency coordination
- Configuration management
- Employee safety program
- Hazardous materials program

- Drug abuse and alcohol misuse programs
- Contractor safety coordination
- Procurement

(b) The department shall provide written concurrence with the RFGS's system safety program plan or provide written comments to the RFGS specifying required changes. The RFGS shall revise its plan to incorporate the department's review comments, if any, within sixty days after receipt thereof, and resubmit its revised plan for review. After resolving issues arising in the review process, the department shall notify the RFGS of its concurrence with the plans. The plans and the department's concurrence shall be maintained by the department in a permanent file.

(2)(a) The department shall review RFGS's security and emergency preparedness plan, and all subsequent revisions, for compliance with these rules and the standard, using the WSDOT security and emergency preparedness checklist which includes:

- Policy statement for the plan
- Purpose for the plan
- Clearly stated goals and identifiable and attainable objectives
- Scope of plan and system security program
- Security and law enforcement functions that manage and support plan
- Management authority which oversees the operation and management of the agency
- Interface of the plan with local, state and federal authorities
- Security acronyms and definitions
- Background and history of agency's rail transit services
- Organization charts and lines of authority
- Description of passenger and ridership characteristics
- Description of operations and services including operating environment
- Description of how the plan integrates with other plans including the SSPP
- Current security conditions
- Capabilities and practices
- Identification of person(s) responsible for establishing SEPP policy and developing and approving plan
- Identification of person(s) responsible for the management of the SEPP program
- Listings of the SEPP related responsibilities of individuals working within the security function
- Description of equipment used to support implementation of the plan
- Description of training, exercises, and procedures in place to ensure employee proficiency and readiness
- Description of activities to identify threats and vulnerabilities and to access their likely impacts
- Response strategies for prioritizing vulnerabilities
- Identification and schedule of tasks to be performed for implementing the plan
- Description of methods for evaluating the effectiveness of the plan
- Process for reviewing and revising the plan and for implementing any revisions

(b) The department shall provide written concurrence with the RFGS's security and emergency preparedness plan or provide written comments to the RFGS specifying required changes. The RFGS shall revise its plan to incorporate the department's review comments, if any, within sixty days after receipt thereof, and resubmit its revised plan for review. After resolving issues arising in the review process, the department shall notify the RFGS of its concurrence with the plan. The plan and the department's concurrence shall be maintained by the department in a permanent file.

**AMENDATORY SECTION** (Amending WSR 02-13-004, filed 6/6/02, effective 7/7/02)

**WAC 468-550-060 Annual and triennial safety and security audits and reports.** (1)(a) Each RFGS shall perform scheduled internal safety and security audits to evaluate compliance with the standard, identify hazardous and risk conditions, and measure the effectiveness of its plans. The RFGS shall include its internal safety and security audit schedule for the next year with the annual report required in WAC 468-550-070(5). These audits shall include, but are not limited to:

- (i) Observing work practices and employee performance during system operations;
- (ii) Sampling and inspecting selected system components to verify proper maintenance; and
- (iii) Reviewing RFGS records for all phases of system operations, maintenance, and security.

The RFGS shall select a qualified person(s) or contractor to perform its internal audits and shall notify the department not later than ten days prior to performing the internal audits. The notification shall include date(s) of audit, what is to be audited, and the qualifications of those selected to perform the audit, such qualifications are subject to departmental concurrence. The department may assess the effectiveness of each RFGS audit program; however, any departmental review or concurrence shall not substitute for the RFGS's own safety and security inspection audit programs, nor relieve the RFGS from its sole liability for the safety and security of its system.

(b) Each RFGS, as a basis for its audit process, shall prepare, maintain, and make available for departmental review records that document the results of all tests, inspections, and audits conducted by the RFGS or its contractor in compliance with the plans. These records shall include, but are not limited to:

- (i) Start up test records;
- (ii) Drug and alcohol test records;
- (iii) Training and certification records;
- (iv) Operation performance evaluation records;
- (v) Facility inspections;
- (vi) Maintenance audits and inspections (all systems and facilities);
- (vii) Rules and procedures review;
- (viii) Emergency response planning, coordination, and training;
- (ix) System modification review and approval process;
- (x) Safety and security data acquisition and analysis;
- (xi) Interdepartmental and interagency coordination;

- (xii) Employee safety and security program;
- (xiii) Hazardous materials program;
- (xiv) Contractor safety coordination; and
- (xv) Procurement records.

These records shall be maintained by the RFGS for a minimum of three years.

(2) Internal safety and security audits shall be documented in an annual report that includes the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity and the results of each audit in terms of the adequacy and effectiveness of the plan. This annual report for the internal safety and security audits performed during the preceding year shall be included with the annual report required in WAC 468-550-070(5).

(3) The department shall audit each RFGS plan at least once every three years. The RFGS shall be given written notification at least thirty days in advance of the department's audit. The notification shall include a proposed schedule, planned scope, and list of activities to be reviewed for the audit. Each audit shall be preceded by an on-site, preaudit conference attended by the department's audit team, the RFGS's owner, and the RFGS staff in charge of the activities subject to audit. Each audit shall be conducted in accordance with an audit checklist. Checklists shall not restrict the department from performing additional investigations as it deems appropriate. The department shall use as a basis for its checklist the RFGS's plan and records which shall include, but are not limited to:

- (a) The RFGS operating rule book, bulletins, and procedures;
- (b) The RFGS maintenance manuals and procedures for vehicles, track and signals;
- (c) The RFGS procedures for identifying, documenting, evaluating, and correcting hazards;
- (d) The RFGS system design criteria and project engineering procedures for system modifications;
- (e) The RFGS annual internal audit reports for the previous three years;
- (f) The RFGS corrective action plans for reportable accidents and unacceptable hazardous conditions reported to the department during the previous three years;
- (g) APTA audit reports;
- (h) National Transportation Safety Board accident investigation reports, and any other agency peer review reports, if any, prepared during the previous three years and previously prepared department audit reports.

~~((Each RFGS shall reimburse the reasonable expenses of the department in carrying out its responsibilities of this subsection within ninety days after receipt of an invoice. The department shall notify the RFGS of the estimated expenses at least six months in advance of when the department audits the system.))~~

(4) Upon the department's completion of the triennial on-site audit, the audit team leader shall prepare a draft final audit report and submit it to the RFGS. The RFGS shall respond, in writing to the recommendations made in the draft final audit report, with a plan and schedule of corrective actions within thirty days of receipt thereof. An on-site, post audit conference shall be held following each departmental

audit to review the results of the audit. Audit results that identify a deficiency that is not corrected before the post audit conference is held shall be documented in the final audit report. The final audit report shall contain the department audit team's findings and recommendations and the RFGS plan and schedule for corrective action. The final audit report shall also include the department audit team's evaluation of the effectiveness of the RFGS plan and a determination of whether the plan should be updated.

(5) The department shall summarize oversight activities for all RFGS performed during the preceding twelve months in a publicly available annual report and submit it to the FTA before March 15 of each year.

(6) Each RFGS that operates seasonally shall be exempt from the provisions of this section.

**AMENDATORY SECTION** (Amending WSR 02-13-004, filed 6/6/02, effective 7/7/02)

**WAC 468-550-070 Notifying of, investigating, and reporting accidents and unacceptable hazardous conditions.** (1) Each RFGS shall notify the department by telephone, electronic mail or facsimile within ~~((four))~~ two hours of the occurrence of any reportable accident, or within twenty-four hours of the identification or discovery of any unacceptable hazardous condition. The department shall notify each RFGS of the person to notify and the telephone, electronic mail and facsimile numbers for notification. The notification shall include all of the following details:

- (a) Name and title of the person making the notification;
- (b) Time and date the notification is transmitted;
- (c) Synopsis of what happened, such as, but not limited to: Collision with another RFGS revenue vehicle, derailment, collision with a motor vehicle, collision with a pedestrian, collision with a bicyclist, fire, bomb threat, or hostage-taking;
- (d) Specific location of the accident or unacceptable hazardous condition;
- (e) Time of the accident or discovery of the unacceptable hazardous condition;
- (f) Identification of RFGS vehicle(s) and/or facility involved;
- (g) Initial number of fatalities and/or individuals who suffered bodily injury and immediately received medical attention away from the scene of the accident; and
- (h) Description of and preliminary value of property damage.

(2) The department has authority to perform separate, independent investigations of reportable accidents or unacceptable hazardous conditions at its own discretion.

(3) Each RFGS shall investigate all reportable accidents and unacceptable hazardous conditions. The RFGS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty five calendar days after the reportable accident or unacceptable hazardous condition was discovered. This report shall identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence

of the accident, or to mitigate the unacceptable hazardous condition.

(4) The department shall review the RFGS investigation report, corrective action plan, and accompanying implementation schedule to ensure that it meets the goal of preventing and mitigating a recurrence of the reportable accident or unacceptable hazardous condition. In the event that the department does not concur with the findings of the RFGS investigation, the department shall confer with the RFGS of its preliminary review findings. The RFGS may amend its report to the department in writing, within ten calendar days after conferring with the department. If, after conferring with the RFGS, the department does not concur with the findings of the RFGS, the department shall notify the RFGS in writing of its review findings. The RFGS shall submit its response to the department's findings within forty-five calendar days of receipt thereof. Should the department and the RFGS disagree, the department will notify the FTA.

(5) Each RFGS shall submit an annual summary report to the department covering all reportable activities. The RFGS shall ensure delivery of the annual report to the department no later than February 1 after the year being reported.

**AMENDATORY SECTION** (Amending WSR 02-13-004, filed 6/6/02, effective 7/7/02)

**WAC 468-550-080 Notifying of and applying financial penalties.** (1) The due dates for documentation required herein are specified in (a) through (e) of this subsection. The department shall provide a RFGS a written notification of the required due date no later than one month before the applicable due date.

- (a) System safety program plan and security ~~((program))~~ and emergency preparedness plan ~~((by September 1, 1999, or))~~ within three months prior to beginning operations;
- (b) Internal safety and security audit schedule for the next year by February 1;
- (c) Annual report for the internal safety and security audits performed during the preceding year by February 1;
- (d) Annual summary report to the department covering all reportable occurrences by February 1;
- (e) Written investigation reports and findings within forty-five calendar days after a reportable accident occurred, or unacceptable hazardous condition was discovered.

(2) If any RFGS notified by the department fails to deliver the required documentation by the due date specified in subsection (1) of this section, the department shall schedule a meeting with the director responsible for the RFGS's operations and maintenance to discuss the RFGS's progress in completing the documentation and the potential consequences of further delay. In scheduling this meeting, the department shall notify the RFGS's chief executive officer of the purpose of the meeting and its time and location. The department shall attempt to schedule the meeting within one week of the specified due date.

(a) The department may cancel this meeting if the department receives the required documentation prior to the scheduled meeting.

(b) The department may defer scheduling the meeting in the event of a catastrophic event affecting the RFGS and its ability to conduct routine business.

(c) The department shall document the results of the meeting in writing to the director responsible for the RFGS's operations and maintenance and the RFGS's chief executive officer within one week of the meeting.

(d) Should the department determine that there is no reasonable cause for any further delay by the RFGS for submission of its required documentation, the department shall notify the RFGS's chief executive officer of the applicable financial penalty, as defined in subsection (5) of this section.

(e) If the department receives no further communication from the RFGS within ten calendar days of the notification made in accord with (d) of this subsection, the department shall proceed to notify FTA of the RFGS's failure to supply the required documentation and to apply the appropriate financial penalty in accord with subsection (5) of this section.

(3) If any RFGS delivers incomplete documentation by the required due date, the department shall notify the RFGS of any deficiency within one week. The RFGS shall supplement its required documentation within one week after receiving the department's notification. If the RFGS fails to supplement its documentation adequately, the department shall proceed to schedule a meeting and follow the procedures in subsection (2) of this section.

(4) If any RFGS fails to implement a corrective action plan, according to the implementation schedule developed pursuant to WAC 468-550-070(4), to prevent a recurrence of an accident or to mitigate an unacceptable hazardous condition, the department shall schedule a meeting with the director responsible for the RFGS's operations and maintenance to discuss the RFGS's progress in completing the corrective action plan and the potential consequences of further delay.

(a) The department may cancel this meeting if the department receives the required documentation prior to the scheduled meeting.

(b) The department may defer scheduling the meeting in the event of a catastrophic event affecting the RFGS and its ability to conduct routine business.

(c) The department shall document the results of the meeting in writing to the director responsible for the RFGS's operations and maintenance within one week of the meeting.

(d) Should the department determine that there is no reasonable cause for a RFGS's failure to implement the corrective action plan, the department shall notify the RFGS's chief executive officer that the department intends to notify FTA of the RFGS's noncompliance.

(e) If the department receives no further communication from the RFGS within ten calendar days of the notification made in accord with (d) of this subsection, the department shall notify FTA of the RFGS's failure to implement a corrective action plan action.

(f) This subsection shall apply also to a corrective action plan upon which the department and the RFGS disagree. In this situation, the department shall use the corrective action plan and implementation schedule proposed by the RFGS.

(5) Any RFGS that fails to comply with the timelines as set forth in this chapter shall be assessed the financial penalties following:

(a) One thousand five hundred dollars for each calendar month (~~(beginning October 1999, or)~~) two months prior to beginning operations, for failure to deliver to the department an acceptable system safety and security program plan;

(b) Five hundred dollars for each calendar month, beginning with February, for failure to deliver to the department an acceptable:

(i) Internal safety and security audit schedule for the next year;

(ii) Annual report for the internal safety and security audits performed during the preceding year; or

(iii) Annual summary report to the department covering all reportable occurrences; and

(c) One thousand dollars applied each thirty-day period, beginning the 90th day after a reportable accident occurred, or after an unacceptable hazardous condition was discovered for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule.

(6) If FTA notifies the department that it will impose a financial penalty on the state of Washington as a consequence of a RFGS's failure to take appropriate action in a safety or security situation, the department shall:

(a) Notify that RFGS's chief executive officer that the department will impose all FTA financial penalties to that RFGS if the RFGS fails to take adequate action to bring itself into compliance to FTA's satisfaction. Said notice shall include a copy of FTA's written communication and an estimate of FTA's financial penalty.

(b) Recommend steps to the RFGS' chief executive officer that the RFGS should take to bring it into compliance with FTA requirements.

(7) Any RFGS notified by the department of its failure to take appropriate action in a safety or security situation shall take immediate and adequate action to bring itself into compliance to FTA's satisfaction and provide adequate documentation to the department of its corrective measures. The department shall provide that documentation to FTA.

(8) If any RFGS notified by the department of its failure to take appropriate action in a safety or security situation also fails to respond to the department and FTA imposes a financial penalty on the state of Washington as a consequence, the department shall apply the full amount of the financial penalty on the RFGS.

(9) In applying any financial penalty, the department shall take the following steps:

(a) Invoice the RFGS for the amount of financial penalty; the invoice shall identify:

(i) The documentation not received by the specified due date;

(ii) The number of calendar months or, for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule, thirty-day periods past the specified due date;

(iii) The applicable financial penalty rate per calendar month or, for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule, thirty-day periods; and

(iv) Where payment should be made.

(b) If a RFGS fails to remit the full amount of the imposed financial penalty within sixty days of when due, the department may seek judicial enforcement to recover full payment. Venue for any action hereunder shall be Thurston County.

#### NEW SECTION

**WAC 468-550-090 Reimbursement for costs associated with the management of the rail safety oversight program.** (1) Owners of rail fixed guideway systems shall reimburse WSDOT for costs incurred for its management of the Washington state rail safety oversight program. These reimbursable costs can be grouped as follows:

(a) Costs for conducting triennial safety and security audits.

(b) Costs for WSDOT staff and/or consultants to conduct investigations of incidents or unacceptable hazards, as necessary.

(c) Labor, administrative, and travel costs incurred by WSDOT for its administration of the Washington state rail safety oversight program. These include but are not limited to:

(i) Staff hours dedicated to the oversight of system safety program plan and security and emergency preparedness plan development and implementation.

(ii) Office support and supplies necessary to carry out this oversight.

(iii) Travel and labor costs associated with WSDOT's administration of the program including for the attendance at federal and state safety, security, and emergency preparedness conferences, workshops, meetings, and trainings which enhance WSDOT oversight of system safety program plan and security and emergency preparedness plan development and implementation.

(2) Triennial safety and security audits. Within ninety days after receipt of an invoice, each RFGS shall reimburse the reasonable expenses of the department in carrying out its responsibilities pursuant to WAC 468-550-060. The department shall notify the RFGS of the estimated expenses at least six months in advance of when the department audits the system.

(3) Investigations of incidents or unacceptable hazards. WSDOT at its discretion may choose to conduct an independent investigation of unacceptable hazards or incidents given that they meet the incident reporting thresholds established in the Washington state safety program standard. Costs associated with these investigations are to be reimbursed in full by the owners of the rail fixed guideway systems being investigated. This includes the cost of hiring consultants to conduct investigations, if determined necessary by WSDOT.

(4) Administrative costs. All other reimbursable costs of the Washington state rail safety oversight program are allocated to each rail fixed guideway system owner based on a formula. This formula allocates the total of all reimbursable costs for the management of the program to each rail fixed guideway system. The owners of the rail fixed guideway systems are responsible for the reimbursement of costs allocated to each rail fixed guideway system for which they own. The

allocation of such reimbursable costs is determined as follows:

(a) Fifty percent of all reimbursable costs, except those for investigations of unacceptable hazards or incidents, are allocated in equal share among rail fixed guideway systems. This allocation of reimbursable costs is equal among rail fixed guideway systems, regardless of the number of passengers they carry or the length of their system. The amount of all such reimbursable costs is arrived at by dividing all such reimbursable costs by the number of RFGS, and then multiplying that result by fifty percent or (reimbursable costs/number of RFGS) x fifty percent.

(b) Fifty percent of all reimbursable costs, excluding those for investigations of unacceptable hazards or incidents, are allocated based on route mileage that is funded, obligated, and/or operational. These reimbursable costs are allocated to rail fixed guideway systems based on their share of the total directional route miles falling under the oversight of the Washington state rail safety oversight program. The owners of the rail fixed guideway systems are responsible for the reimbursement costs allocated to each rail fixed guideway system for which they own. The amount of all such reimbursable costs is arrived at by dividing the RFGS's route miles by total route miles, and then multiplying that result by the product of reimbursable costs multiplied by fifty percent or (RFGS route miles/total route miles) x (reimbursable costs x fifty percent).

(c) The total allocation of reimbursable costs to owners of rail fixed guideway systems is the total of the fifty percent of costs allocated based on an equal share allocation, and the fifty percent allocated based on directional route miles.

(d) WSDOT will provide monthly invoices to owners of rail fixed guideway systems for the reimbursement of costs described above.

#### **WSR 08-15-089**

#### **PERMANENT RULES**

#### **DEPARTMENT OF FISH AND WILDLIFE**

[Order 08-173—Filed July 17, 2008, 8:58 a.m., effective August 17, 2008]

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

Purpose: The purpose of this rule is to comply with federal fishing regulations adopted by the National Marine Fisheries Service on December 29, 2006, 71 F.R. 78638. The intent of this rule is to set a state lingcod season date that conforms to the federal regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-250.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Adopted under notice filed as WSR 08-12-092 on June 4, 2008.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: July 17, 2008.

Phil Anderson  
for Jeff Koenings  
Director

AMENDATORY SECTION (Amending Order 04-39, filed 3/4/04, effective 5/1/04)

**WAC 220-56-250 Lingcod—Areas and seasons.** It is unlawful to take, fish for, or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area;

(a) Catch Record Card Areas 1 through 3 - the Saturday closest to March 16 through the ~~((Sunday))~~ Saturday closest to October 15~~((;))~~;

(b) Catch Record Card Area 4 west of the Bonilla-Tatoosh line - April 16 through October 15, or the ~~((Sunday))~~ Saturday closest to October 15 if that ~~((Sunday))~~ Saturday is previous to October 15, whichever is earlier~~((;))~~; and

(c) Catch Record Card Area 4 east of the Bonilla-Tatoosh line - April 16 through October 15.

(2) Catch Record Card Areas 5 through 13 - May 1 through June 15 by angling, and May 21 through June 15 by spear fishing.

**WSR 08-15-090**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 08-172—Filed July 17, 2008, 9:00 a.m., effective August 17, 2008]

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

Purpose: The purpose of this rule is to comply with fishing regulations adopted by the Department of Fisheries and Oceans, Canada, and the United States National Marine Fisheries Service.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-156.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Adopted under notice filed as WSR 08-12-089 on June 4, 2008.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: July 17, 2008.

Phil Anderson  
for Jeff Koenings  
Director

AMENDATORY SECTION (Amending Order 06-23, filed 2/14/06, effective 5/1/06)

**WAC 220-56-156 Possession and delivery of Canadian-origin food fish and shellfish.** (1) Canadian license required. It is unlawful to possess in marine waters or deliver into Washington shellfish or food fish taken for personal use from Canadian waters unless the person ~~((that))~~ who possesses or delivers the shellfish or food fish possesses a valid Canadian sport fishing license and catch record card, if one is required, for the shellfish and food fish taken.

(2) Canadian-origin rockfish restrictions: It is unlawful to possess yelloweye or canary rockfish taken for personal use from Canadian waters.

(3) Canadian-origin halibut restrictions:

(a) The daily limit of halibut is one daily limit, regardless of the origin of the halibut. ~~((The daily limit is two halibut if taken from Canadian waters or one halibut if taken from Washington waters.))~~

(b) The possession limit is two halibut if at least one halibut was taken from Washington waters ~~((and three halibut if all three halibut were taken from Canadian waters))~~. It is unlawful to possess in excess of the Canadian possession limit of halibut for the time and area fished if all halibut were taken from Canadian waters.

(c) It is unlawful to possess more than one daily limit of halibut aboard the fishing vessel.

(4) Canadian-origin salmon restrictions:

(a) It is unlawful to possess in marine waters or deliver into Washington any fresh salmon taken for personal use from Canadian waters unless such salmon meet current salmon regulations for the waters of the applicable department of fish and wildlife catch record card area~~((, except))~~. However, if the vessel operator has a valid Canadian customs clearance number obtained while the vessel was moored at a Canadian government dock in Ucluelet, Victoria, Sydney, White Rock, or Bedwell Harbour, British Columbia, fishers aboard the vessel may deliver Canadian-origin salmon into Washington that are lawfully taken in Canada, regardless of whether the salmon meet the current salmon regulations for the area where delivered.

(b) It is unlawful to fish for any species in state or off-shore waters from a vessel having Canadian-origin salmon aboard that do not meet the current salmon regulations for the waters being fished.

(c) It is unlawful for a fisher to fish for any species in state or offshore waters if the fisher possesses in the field any salmon that do not meet the current salmon regulations for the waters being fished.

(5) "Delivery" of Canadian-origin fish into Washington defined. For the purposes of this section, "delivery" means transportation by a private or commercial recreational fishing vessel ~~((and))~~. Delivery in Washington is complete when, within the state, the vessel anchors, moors, ties to a float or pier, or is placed or attempted to be placed on a boat trailer. "Delivery" is also complete if the fish or shellfish are off-loaded from the vessel within state waters.

#### WSR 08-15-110

##### PERMANENT RULES DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 18, 2008, 2:58 p.m., effective August 18, 2008]

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

Purpose: The department is amending this rule to update and clarify existing sections, clarify/add criteria regarding the department's patient review and coordination (PRC) program; add language regarding the monthly capitated premiums the department pays to managed care organizations (MCOs); remove language regarding information on the original agreement when the provider may bill the client for non-covered services; add language regarding MCO coverage of emergency services; and add language to clarify the department pays MCOs a delivery case rate separate from the capitation payment when an enrollee delivers a child(ren) and the MCO pays for any part of labor and delivery.

Citation of Existing Rules Affected by this Order: Amending WAC 388-538-050, 388-538-060, 388-538-061, 388-538-067, 388-538-068, 388-538-070, 388-538-095, 388-538-100, 388-538-110, 388-538-111, 388-538-112, 388-538-120, 388-538-130, and 388-538-140.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.522.

Adopted under notice filed as WSR 08-09-029 on April 8, 2008.

Changes Other than Editing from Proposed to Adopted Version: **Current language in subsection (8) deleted:** ~~The department helps facilitate the choice of a PCP by providing information regarding available providers in the MCOs in the client's service area.~~ **Subsection (8) was replaced as follows:** (8) The department: (a) Helps facilitate the choice of a PCP by providing information regarding available providers contracted with the MCOs in the client's service area; and (b) Upon request, will assist clients in identifying an MCO with which their provider participates.

A final cost-benefit analysis is available by contacting Michael Paulson, P.O. Box 45530, Olympia, WA 98504-

5530, phone (360) 725-1641, fax (360) 753-7315, e-mail paulsmj@dshs.wa.gov.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 14, Repealed 0.

Date Adopted: July 18, 2008.

Blake D. Chard

for Robin Arnold-Williams

Secretary

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 08-16 issue of the Register.

#### WSR 08-15-112

##### PERMANENT RULES DEPARTMENT OF

##### RETIREMENT SYSTEMS

[Filed July 18, 2008, 3:34 p.m., effective August 18, 2008]

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

Purpose: The purpose of this rule-making order is to adopt a new rule to implement SB 6723 (2006), which provides for the payment of health care insurance premiums for spouses and dependent children of members of the law enforcement officers' and firefighters' retirement system (LEOFF) Plan 2 who die in the line of duty.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.26.510.

Adopted under notice filed as WSR 08-12-075 on June 3, 2008.

Changes Other than Editing from Proposed to Adopted Version: There have been minimal changes to further clarify the entities involved in the application and eligibility determination process, although no substantive changes have been made.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 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 1, Amended 0, Repealed 0.

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

Date Adopted: July 18, 2008.

Sandra J. Matheson  
Director

#### NEW SECTION

**WAC 415-104-455 Are my spouse and dependent children eligible to have their health care insurance premiums paid for?** If you are a Plan 2 member and you die in the line of duty, your surviving spouse and/or dependent children may be eligible for PEBB health care insurance and to have their monthly premiums paid for.

(1) **Who can have their health care insurance premiums paid for?** To have PEBB health care insurance premiums paid for, your beneficiary must:

(a) Be a surviving spouse or surviving dependent child, as defined in RCW 41.26.030, of a Plan 2 member who dies in the line of duty, as determined by L&I;

(b) Receive a death benefit; and

(c) Be approved for PEBB health care insurance.

(2) **Who makes this determination?** L&I, DRS, and HCA each play a role in determining your spouse or children's eligibility to have their PEBB health care insurance premiums paid for. L&I will determine whether you died in the line of duty and will notify DRS of their determination. DRS will identify your eligible spouse and dependent children and will notify the PEBB program within HCA. The PEBB program will then determine eligibility for enrollment in PEBB health care insurance.

(3) **What do my spouse or dependent children need to do to receive these payments?** Once DRS is notified of your death in the line of duty, we will send your spouse or dependent children information about enrolling in PEBB health care insurance. If your spouse or dependent children want PEBB health care insurance, they must complete an enrollment application and send it to the PEBB program. DRS or the PEBB program may contact them for more information.

(4) **How will the monthly premiums be paid for?** Upon enrollment in PEBB health care insurance, DRS will make direct payment of your spouse or dependent children's monthly premiums to HCA. They do not need to send any money to DRS or HCA.

(5) **How long can my spouse or dependent children remain enrolled in PEBB health care insurance?** Your spouse or dependent children can remain enrolled in PEBB health care insurance so long as they are eligible under HCA rules (see chapters 182-08 and 182-12 WAC). As long as they are eligible for PEBB health care insurance, their monthly premiums will be paid for by DRS.

(6) **Definitions:**

(a) DRS - department of retirement systems.

(b) HCA - health care authority.

(c) L&I - department of labor and industries.

(d) PEBB - public employees benefits board.

#### **WSR 08-15-119**

#### **PERMANENT RULES**

#### **BOARD OF**

#### **PILOTAGE COMMISSIONERS**

[Filed July 21, 2008, 2:14 p.m., effective August 21, 2008]

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

Purpose: Amend/create/clarify rules resulting from the implementation of statutory modifications to chapter 88.16 RCW; rules concerning the protest, review and appeal of pilot licensing examinations; rules concerning pilot licensing examination qualifications and procedures; rules concerning training program and license upgrade provisions; and make housekeeping modifications as necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 363-116-075 and 363-116-150; and amending WAC 363-116-010, 363-116-070, 363-116-0751, 363-116-076, 363-116-077, 363-116-078, 363-116-082, 363-116-083, 363-116-110, 363-116-120, 363-116-200, 363-116-205, 363-116-315, 363-116-35001, 363-116-370, 363-116-405 and 363-116-420; and new section WAC 363-116-084.

Statutory Authority for Adoption: Chapter 88.16 RCW.

Other Authority: SSB 6602 enacted during the 2008 regular session of the Washington state legislature.

Adopted under notice filed as WSR 08-10-106 on May 7, 2008.

Changes Other than Editing from Proposed to Adopted Version: The proposed amendment to WAC 363-116-315 was not adopted. The proposed definition of "junior master" was not adopted. The proposed definition of "master" was modified. Two subject areas pertaining to local knowledge exams were moved onto the list of subject areas for the written examination. License upgrade trips for a new Grays Harbor pilot are now allowed in the Puget Sound pilotage district in years 3-5 rather than 1-5 as proposed. Procedures for written exam protests and simulator evaluation reviews were further modified.

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 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 17, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 17, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 17, Repealed 2.



Date Adopted: June 12, 2008.

Peggy Larson  
Administrator

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-010 Time and place of meeting.** The regular monthly meeting of the board of pilotage commissioners shall be on the second Thursday of each month at ~~((9:00)) 9:30 a.m. ((at Pier 52, Seattle, Washington))~~ in the offices of the Washington state ferries, Seattle, Washington, unless another time and place has been designated by the chairperson at the last previous meeting. If the aforementioned day falls on a holiday, the meeting shall take place on the following Thursday at the same hour.

AMENDATORY SECTION (Amending WSR 07-17-128, filed 8/20/07, effective 9/20/07)

**WAC 363-116-070 Collection of fees.** All pilots shall pay an annual license fee of six thousand dollars or such amount as may be set by statute for every year in which they perform any pilotage services. If a licensed pilot does not perform pilotage services during a license year, his/her fee for that year shall be reduced to one thousand dollars upon application to the board. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such funds to the pilotage account.

AMENDATORY SECTION (Amending WSR 05-18-021, filed 8/29/05, effective 10/1/05)

**WAC 363-116-0751 Qualifications for pilot applicants taking examinations on or after July 1, 2008.** (1) Sea service.

(a) In addition to meeting the preexamination requirements of RCW 88.16.090, pilot applicants must, before taking the examination provided in WAC 363-116-076, meet one of the following indicated service requirements as master, while holding a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC):

Vessel Type	Minimum Size	Waters	Minimum Time
Cargo or tank	5000 GRT or 10,000 GT (ITC)	Ocean or near coastal	1 year
Cargo or tank	700 GRT or 1400 GT (ITC)	Ocean or near coastal	2 years
Cargo or tank	1600 GRT or 3000 GT (ITC)	Inland	2 years
Passenger or ferry	1600 GRT or 3000 GT (ITC)	Ocean, near coastal or inland	2 years

Vessel Type	Minimum Size	Waters	Minimum Time
Towing	150 GRT or 300 GT (ITC)	Ocean, near coastal or inland	2 years

(b) In calculating sea service under subsection (1) of this section, a year of service shall equal three hundred sixty days of service on the vessel in the required capacity. Pilot applicants combining the above types of sea service shall have a total of at least two years of the various service times, except that one day of service as master on cargo, tank, or passenger vessels of at least 5000 GRT or 10,000 GT (ITC) shall be credited as two days of service time for the purpose of calculating such combined service times.

(2) In lieu of the requirements of subsection (1) of this section, ~~((an))~~ a pilot applicant may substitute either:

(a) Three years of service as an active member of an organized professional pilot association or as a government employed pilot during which periods the pilot applicant was actively engaged in piloting while holding a minimum license as a master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters. For purposes of this section, piloting shall refer to piloting vessels in the capacity of the pilot in charge of navigation; or

(b) Two years of service as a commanding officer or master of U.S. flag government vessels of not less than 3000 displacement tons. The pilot applicant must hold at the time of application a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters.

(3) ~~((An applicant who does not meet the sea service requirements set forth in subsection (1) or (2) of this section but is otherwise qualified to take the examination, shall be eligible to take examinations given on or after July 1, 2008, if the applicant qualified for, took and passed the most recent examination given prior to July 1, 2008, pursuant to WAC 363-116-075 and any subsequent examinations given after July 1, 2008, pursuant to WAC 363-116-075-1.~~

~~((4))~~ As used in this section these terms shall have the following meanings:

(a) Cargo or tank vessels shall refer to vessels primarily engaged in the transportation of cargo between points.

(b) Passenger vessels shall refer to vessels primarily engaged in the transportation of passengers between points. This shall include yachts only to the extent and for such times that such vessels are actively engaged in moving passengers between points.

(c) Ferry vessels shall refer to vessels primarily engaged in the transportation of vehicles and passengers between points.

(d) Towing vessels shall refer to vessels primarily engaged in commercial towing of vessels or in ship assist work.

(e) GRT shall refer to gross register tonnage (domestic).

(f) GT (ITC) shall refer to gross tonnage measured in accordance with the requirements of the *1969 International Convention on Tonnage Measurement of Ships*.

(g) Master shall refer to the person of master's rank on the vessel's station bill or muster list or other such document who, in the event of an emergency or the sounding of a general alarm, is required to be on the bridge and in charge. If there is no such designation, the term master shall refer to the person of master's rank and pay who is ultimately in charge of the navigation of the vessel as reflected in the vessel's official log book, or there being no official log book, the bridge log of the vessel.

(4) It will be the responsibility of the pilot applicant to provide adequate documentation to enable the board to set forth and verify sea service in the manner specified in the board's application form.

(5) The provisions of this section shall apply to examinations provided in WAC 363-116-076 given on or after July 1, 2008.

AMENDATORY SECTION (Amending WSR 05-18-021, filed 8/29/05, effective 10/1/05)

**WAC 363-116-076 Examination for pilot applicants.**

(1) Pilot applicants must pass a written examination given and graded by the board or the board's designated contracting entity. ((A perfect score on the written examination shall be 100 points.)) The board will set the minimum passing score for the written examination. Notice of the examination shall be published at least four months in advance by one paid advertisement in a major marine industry publication and written notice to any party who has requested notice of such examinations. The board may publish additional notices in such publications or in other media at such times as it deems appropriate. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an examination on less than four months notice.

(2) The examination may be taken by all pilot applicants who the board has determined have met the qualifications of WAC ~~((363-116-075 or))~~ 363-116-0751 and who:

(a) Have had an application on file with the board for at least one month prior to the examination. This requirement may be waived by the chairperson of the board upon the showing of good cause.

(b) Have tendered with the application a nonrefundable examination administration fee in such amount as may be set by the board from time to time. The board may, at its discretion, refund all or part of the examination administration fee for ~~((an))~~ a pilot applicant who is unable to sit for the written examination ~~((or refund all or part of the portion of the examination administration fee that encompasses the simulator fee for an applicant who is unable to sit for the simulator evaluation)).~~

(3) The written examination shall be in compliance with RCW 88.16.090 and may consist of questions covering, but not limited to, the following subjects:

(a) Rules of the Road then applicable to the pilotage district for which the pilot applicant is applying and accompanying information set forth in United States government publications on the subject;

(b) Meaning and understanding of the aids to navigation;

(c) Seamanship, including piloting and ship handling, docking and undocking problems, use of ship assist tugs and anchors;

(d) Vessel traffic system regulations;

(e) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(f) Operation and use of marine radar and automatic radar plotting aids (ARPA);

(g) Ability to calculate currents and tides;

(h) Federal laws affecting mariners and pilots including environmental laws;

(i) Use of vessel navigational equipment;

(j) Duties of a pilot;

(k) Relationship between pilot and master;

(l) Bridge resource management;

(m) United States government public health quarantine regulations;

(n) Marine VHF radio usage and phraseology, including bridge-to-bridge communications regulations;

(o) Federal navigation safety and security regulations;

(p) International distress signals;

(q) Nonlocal chart knowledge, including chart symbols and abbreviations as set forth in the latest U.S. Department of Commerce, NOS (National Ocean Survey) Chart No. 1; ~~((and))~~

(r) ((Chapters 88.16 RCW and 363-116 WAC.)) Maneuvering behavior for different vessel types; and

(s) Impact of propulsion and maneuvering machinery on vessel navigation.

~~((4))~~ ~~((In addition to the subjects listed in subsection (3) of this section, the following subjects as they pertain to the pilotage district for which the examination is being given may be included in examinations given before July 1, 2008:~~

~~((a))~~ Knowledge of local tidal currents;

~~((b))~~ Overhead cable areas and clearances;

~~((c))~~ Submerged cable and pipeline areas;

~~((d))~~ Channel, waterway and passage widths, depths and shoal areas and other information from the Army Corps of Engineers survey charts;

~~((e))~~ Bridge transit knowledge—signals, channel width, regulations, and closed periods;

~~((f))~~ Lock characteristics, rules and regulations;

~~((g))~~ Ranges for determining compass error and measured miles;

~~((h))~~ Channel ranges;

~~((i))~~ Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

~~((j))~~ Prohibited areas, restricted areas, regulated navigation areas and explosive anchorages;

~~((k))~~ Commonly used anchorage locations;

~~((l))~~ Use of anchors and knowledge of ground tackle;

~~((m))~~ State and federal tanker escort rules;

~~((n))~~ State environmental law and regulations affecting mariners;

~~((o))~~ Marine and port security regulations;

~~((p))~~ Harbor safety plan and harbor regulations; and

~~((q))~~ Local chart knowledge, including chart symbols and abbreviations as set forth in the latest U.S. Department of Commerce, NOS (National Ocean Survey) Chart No. 1.))

The board may require that the cost of the written examination will be at the expense of the pilot applicant.

AMENDATORY SECTION (Amending WSR 05-18-021, filed 8/29/05, effective 10/1/05)

**WAC 363-116-077 Simulator evaluation for pilot applicants.** (1) ~~Pilot applicants ((who take an examination before July 1, 2008, shall be eligible to take the simulator evaluation set forth in this section. Applicants))~~ who pass ~~((~~an~~) a written~~) examination on or after July 1, 2008, and whose scores are among the top twenty (or such other number as may be set by the board) of those taking the written examination (plus any pilot applicants who tie a qualifying score) shall be eligible to take the simulator evaluation set forth in this section.

(2) The simulator evaluation shall take place at a marine simulator facility designated by the board and shall be recorded. In this evaluation pilot applicants shall be observed by available board members but shall be evaluated only by those board members who hold, or have held a minimum U.S. Coast Guard license as master of steam or motor vessels of not more than 1600 gross tons (~~(, provided that no currently licensed Washington state pilots shall be evaluators or be present during the evaluation)~~). The board shall also appoint a minimum of two additional evaluators who hold, or have held within ten years of the examination date, a state pilot license issued by another state or who have held a Washington state pilot license within the last ten years.

(3) All pilot applicants will be evaluated in writing based on some or all of the following factors:

- (a) Fundamental piloting and ship handling ability;
- (b) Ability to assimilate and prioritize all data necessary to safely maneuver the ship;
- (c) Ability to respond appropriately in routine situations;
- (d) Ability to respond appropriately in emergency or nonroutine situations;
- (e) Ability to communicate well and project the proper bridge presence;
- (f) Understanding of bridge resource management; and
- (g) Understanding and command of the Rules of the Road then applicable to the pilotage district for which the pilot applicant is applying.

(4) The board will determine the scoring method on the simulator evaluation and the relative weight of this score to the whole examination (~~((will be determined by a board designated examination committee and provided to the applicants prior to the examination provided in WAC 363-116-076))~~).

(5) The board will set a minimum passing score.

(6) The board may require that the cost of the simulator evaluation (~~((fee))~~) will be at the expense of the pilot applicant.

AMENDATORY SECTION (Amending WSR 06-20-107, filed 10/4/06, effective 11/4/06)

**WAC 363-116-078 Training program.** After passing the written examination and simulator evaluation, pilot applicants pursuing a pilot license must enter and successfully complete a training program specified by the board.

(1) Notification. Pilot applicants on the list waiting to enter the training program shall provide the board with a cur-

rent address to be used for notification for entry into the training program. Such address shall be a place at which mail is delivered. In addition, ~~((~~an~~) a pilot~~) applicant may provide the board with other means of contact such as a phone number, fax number, and/or an e-mail address. The mailing address will, however, be considered the primary means of notification by the board. It will be the responsibility of the pilot applicant to ensure that the board has a current mailing address at all times. If ~~((~~an~~) a pilot~~) applicant cannot personally receive mail at the address provided to the board for any period of time, another person may be designated in writing with a notarized copy to the board as having power of attorney specifically to act in the pilot applicant's behalf regarding such notice. If notice sent to the address provided by the pilot applicant is returned after three attempts to deliver, that pilot applicant will be skipped and the next pilot applicant on the list will be contacted for entry into the training program. A person so skipped will remain next on the list. ~~((~~An~~) A pilot~~) applicant or his/her designated attorney in fact shall respond within fifteen calendar days of receipt of notification to accept, refuse, or request a delayed entry into the training program.

(2) Entry. At such time that the board chooses to start ~~((~~an~~) a pilot~~) applicant in the training program, notification shall be given to the first person on the list. Pilot applicants shall be eligible in the order of their total combined scores on the written examination and simulator evaluation or as otherwise may be determined by the board. ~~((~~Any~~) A pilot~~) applicant who refuses entry into the program will be removed from the waiting list with no further obligation by the board to offer a position in the training program to such pilot applicant. ~~((~~An~~) A pilot~~) applicant who is not able to start the training program ~~((within two months of the board's notice))~~ on the date the board sets for that pilot applicant's entry into the training program may, with written consent of the board, delay entry into the training program for up to two months. The board will then give notice to the next pilot applicant on the list to enter the training program. The pilot applicant who delays entry, shall remain eligible for the next position in the training program, provided that the next position becomes available within the earlier of:

(a) Four years from the pilot applicant's taking the written examination; or

(b) The date scheduled for the next pilotage examination. Pilot applicants not able to start in the training program within two months of the ~~((board's notice of eligibility))~~ date the board sets for that pilot applicant's entry into the training program and who do not obtain the board's written consent to delay entry into the training program shall no longer be eligible for the training program without retaking the examination provided in WAC 363-116-076 and the simulator evaluation provided in WAC 363-116-077.

(3) Training license. Prior to receiving a training license pilot applicants must pass a physical examination by a board-designated physician (~~((designated by the board))~~) and in accordance with the requirements of WAC 363-116-120 for initial pilot applicants. A form provided by the board must be completed by the physician and submitted to the board along with a cover letter indicating the physician's findings and recommendations as to the pilot applicant's fitness to pilot. The

physical examination must be taken not more than ~~((forty-five))~~ ninety days before issuance of the training license. Holders of a training license will be required to pass a general physical examination annually within ~~((forty-five))~~ ninety days prior to the anniversary date of that license. Training license physical~~(s)~~ examinations will be at the expense of the pilot applicant. All training licenses shall be signed by the chairperson or his/her designee and shall have an expiration date ~~((and fee established by the board))~~. Training licenses shall be surrendered to the board upon completion or termination of the training program.

(4) Development. As soon as practical after receiving notification of eligibility for entry into the training program as set forth in this section, the pilot applicant shall meet with the trainee evaluation committee for the purpose of devising a training program for that pilot applicant. The training program shall be tailored to the ability and experience of the individual pilot applicant and shall consist of observation trips, training trips in which the pilot applicant pilots the vessel under the supervision of licensed pilots, ship assist tug trips, and such other forms of learning and instruction that may be designated. The trainee evaluation committee shall recommend a training program for adoption by the board. After adoption by the board, it will be presented to the pilot applicant. If the pilot applicant agrees in writing to the training program, the board shall issue a training license to the pilot applicant, which license shall authorize the pilot applicant to take such actions as are contained in the training program. If the pilot applicant does not agree to the terms of the training program in writing within fifteen business days of it being received by the pilot applicant, that pilot applicant shall no longer be eligible for entry into the training program and the board may give notice to the next available pilot applicant that he/she is eligible for the training program.

(5) Initial evaluation.

(a) The trainee evaluation committee shall create an initial evaluation at the beginning of each pilot applicant's training program subject to approval by the board. The goal of the initial evaluation is to, as soon as practical after adequate observation trips, have the pilot trainee involved in hands-on piloting and ship handling under the supervision of licensed pilots and subject to the evaluation of training pilots. To this end the trainee evaluation committee shall devise an initial evaluation of a specified length not to exceed six months if the pilot trainee is on stipend and nine months if not on stipend. The initial evaluation shall:

(i) Afford the pilot trainee early and concentrated exposure to a commonly navigated waterway, channel or tributary within the pilotage district and the main ship channel routes between such area and the seaward boundary of the pilotage district;

(ii) Except for pilot trainees taking an examination prior to July 1, 2008, provide the pilot trainee the opportunity to study for and pass any local knowledge examinations provided by the board as to the conditions found in such waterway, channel or tributary;

(iii) Specify a number of training trips in which the pilot trainee pilots vessels under the supervision of licensed pilots; and

(iv) Specify a number of training trips in which the pilot trainee pilots vessels under the supervision of training pilots and the pilot members of the trainee evaluation committee.

(b) As a condition of completing the initial evaluation, the pilot trainee shall:

(i) Pass any required local knowledge examinations given by the board covering the routes described in (a)(i) of this subsection. This examination can be repeated as necessary, provided that it may not be taken more than once in any thirty day period and further provided that it must be successfully passed before the expiration date of the initial evaluation; and

(ii) Possess a first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in at least one route in the pilotage district in which the pilot applicant seeks a license.

(c) After completion of the initial evaluation, the trainee evaluation committee shall make a recommendation to the board and the board shall determine, whether the pilot trainee has demonstrated the potential for superior piloting and ship handling and has demonstrated the ability to assimilate and retain the local knowledge necessary to pilot. Unless the board finds that such superior potential exists, it shall terminate the pilot trainee's participation in the training program.

(6) Specification of trips. To the extent possible, the training program shall provide a wide variety of assignments, observation and training trips. The training program may contain deadlines for achieving full or partial completion of certain necessary actions. Where relevant, it may specify such factors as route, sequence of trips, weather conditions, day or night, stern or bow first, draft, size of ship and any other relevant factors. The board may designate specific trips or specific numbers of trips that shall be made with training pilots or with the pilot members of the trainee evaluation committee or with pilots of specified experience. In the Puget Sound pilotage district, pilot applicants taking an examination before July 1, 2008, shall ~~((have))~~ complete a minimum of one hundred thirty trips. After July 1, 2008, all Puget Sound pilotage district pilot applicants shall ~~((have))~~ complete a minimum of one hundred fifty trips. The board shall set from time to time the minimum number of trips for pilot applicants in the Grays Harbor pilotage district. The board will ensure that during the training program the pilot trainee will get significant review by training pilots and the pilot members of the trainee evaluation committee.

(7) Local knowledge. The training program shall provide opportunities for the education of pilot trainees and shall provide for testing of pilot trainees on the local knowledge necessary to become a pilot. This education program shall be developed by the trainee evaluation committee and recommended to the board for adoption and shall be tailored to the needs of the individual pilot trainee. It shall be the responsibility of the pilot trainee to obtain the local knowledge necessary to be licensed as a pilot in the district for which he/she is applying. Prior to the completion of the training program, the board, or its designee, ~~((shall))~~ may give ~~((#))~~ such local knowledge examination(s) as it deems appropriate to the pilot trainees who shall be required to pass such examination(s) before completing the training program. ~~((Pilot trainees taking an examination before July 1, 2008, shall not be required~~

~~to take local examinations.))~~ The trainee evaluation committee may require a pilot trainee to sit for a local knowledge examination provided the trainee evaluation committee informs the pilot trainee in writing sixty days in advance of the scheduled date of the examination. Failure to sit for the examination on the date scheduled may constitute cause for removal from the training program. The trainee evaluation committee may also establish in writing such interim performance requirements as it deems necessary. These local examinations can be repeated as necessary, except that an examination for the same local area may not be taken more than once in any thirty day period and all required local know examinations must be successfully passed before the expiration date of the training program. The local knowledge required of a pilot trainee and the local knowledge examination(s) may include the following subjects as they pertain to the pilotage district for which the pilot trainee seeks a license:

- (a) Area geography;
- (b) Waterway configurations including channel depths, widths and other characteristics;
- (c) Hydrology and hydraulics of large ships in shallow water and narrow channels;
- (d) Tides and currents;
- (e) Winds and weather;
- (f) Local aids to navigation;
- (g) Bottom composition;
- (h) Local docks, berths and other marine facilities including length, least depths and other characteristics;
- (i) Mooring line procedures;
- (j) Local traffic operations e.g., fishing, recreational, dredging, military and regattas;
- (k) Vessel traffic system;
- (l) Marine VHF usage and phraseology, including bridge-to-bridge communications regulations;
- (m) Air draft and keel clearances;
- (n) Submerged cable and pipeline areas;
- (o) Overhead cable areas and clearances;
- (p) Bridge transit knowledge - signals, channel width, regulations, and closed periods;
- (q) Lock characteristics, rules and regulations;
- (r) Commonly used anchorage areas;
- (s) Danger zone and restricted area regulations;
- (t) Regulated navigation areas;
- (u) Naval operation area regulations;
- (v) ~~((Maneuvering behavior for different vessel types;~~
- ~~((w) Impact of propulsion and maneuvering machinery on vessel navigation;~~
- ~~((x))~~ Local ship assist and escort tug characteristics;
- ~~((y))~~ (w) Tanker escort rules - state and federal;
- ~~((z))~~ (x) Use of anchors and knowledge of ground tackle;
- ~~((aa))~~ (y) Applicable federal and state marine and environmental safety law requirements;
- ~~((bb))~~ (z) Marine security and safety zone concerns;
- ~~((cc) Marine port security regulations;~~
- ~~((dd))~~ (aa) Harbor safety plan and harbor regulations;
- ~~((and~~
- ~~((ee))~~ (bb) Chapters 88.16 RCW and 363-116 WAC, and other relevant state and federal regulations in effect on the

date the examination notice is published pursuant to WAC 363-116-076; and

(cc) Courses in degrees true and distances in nautical miles and tenths of miles between points of land, navigational buoys and fixed geographical reference points, and the distance off points of land for such courses as determined by parallel indexing along pilotage routes.

(8) Length.

(a) In the Puget Sound pilotage district, for pilot applicants taking an examination before July 1, 2008, the minimum length of the training program shall be seven months. For pilot applicants who take an examination on or after July 1, 2008, the minimum length of the training program shall be eight months. The maximum length of the training program shall be thirty-six months if the pilot applicant elects to receive a stipend. The length of the training program shall be established by the board based on the recommendation of the trainee evaluation committee.

(b) In the Grays Harbor pilotage district, the length of the training program shall be set by the board based on the recommendation of the trainee evaluation committee.

(9) Rest. It is the pilot trainee's responsibility to provide adequate rest time so that he/she is fully able to pilot on training trips. Pilot trainees shall not take pilot training trips in which they will be piloting the vessel without observing the rest rules for pilots in place by federal or state law or regulation. For purposes of calculating rest required before a training trip in which the pilot trainee will be piloting after an observation trip in which the pilot trainee did not pilot the vessel, such observation trip shall be treated as though it had been a normal ~~((pilotage))~~ pilot training assignment. Nothing herein shall be construed as requiring any particular amount of rest before any observation trip in which the pilot trainee will not be piloting.

(10) Stipend.

(a) At the initial meeting with the trainee evaluation committee the pilot applicant shall indicate whether he/she wishes to receive a stipend during the training program. In the Puget Sound pilotage district, as a condition of receiving such stipend, pilot applicants will agree to forego during the training program other full- or part-time employment which prevents them from devoting themselves on a full-time basis to the completion of the training program. With the consent of the board and the restructuring of the training program, pilot trainees may elect to change from a stipend to nonstipend status, and vice versa, during the training program. The stipend paid to pilot trainees shall be six thousand dollars per month (or such other amount as may be set by the board from time to time), shall be contingent upon the board's setting of a training surcharge ~~((fee))~~ in the tariffs levied pursuant to WAC 363-116-185 and 363-116-300 sufficient to cover the expense of the stipend and shall be paid from a pilot training account as directed by the board and pursuant thereto shall be paid to pilot trainees as set forth below:

(i) ~~((The stipend will be paid on a full calendar month basis except that prorations may be used for the first and last months in which the trainee is found unfit for duty and in which the trainee changes to a nonstipend status.~~

~~((ii))~~ Determinations as to stipend entitlement will be made on a full calendar month basis and documentation of

trips will be submitted to the board by the fifth day of the following month. The stipend will be paid on an all or nothing basis for each month except that prorations shall be allowed at the rate of two hundred dollars per day (or such other amount as may be set by the board from time to time), under the following circumstances:

(A) For the first and last months of the training program (unless the training program starts on the first or ends on the last day of a month); or

(B) ~~((The))~~ For a pilot trainee who is deemed unfit for duty by ~~((the))~~ a board-designated physician during a training month; or

(C) ~~((A))~~ For a pilot trainee who requests a change from a nonstipend status to a stipend status, or from a stipend status to a nonstipend status as set forth in ~~((a))~~ ~~((vii))~~ (vi) of this subsection.

~~((iii))~~ (ii) A certain minimum number of trips are required each month for eligibility to receive the stipend. This minimum number shall be specified in the training program and shall be the total number of trips required in the training program divided by the number of months in the training program. Only trips required by the training program can be used to satisfy this minimum. Trips will be documented at the end of each month.

~~((iv))~~ (iii) It is the pilot trainee's responsibility to make all hard-to-get trips before the end of the training program. If a training program is extended due to a failure to get all of these trips, the board may elect not to pay the stipend if the missing trips were available to the pilot trainee but not taken.

~~((v))~~ (iv) The trainee evaluation committee with approval by the board may allocate, assign or specify training trips among multiple pilot trainees. Generally, the pilot trainee who finished the qualifying examination and simulator evaluation with the highest score has the right of first refusal of training trips provided that the trainee evaluation committee may, with approval by the board, allocate or assign training trips differently as follows:

(A) When it is necessary to accommodate any pilot trainee's initial evaluation program;

(B) When it is necessary to spread hard-to-get trips among pilot trainees so that as many as possible complete required trips on time. If a pilot trainee is deprived of a hard-to-get trip by the trainee evaluation committee, that trip will not be considered "available" under ~~((a))~~ ~~((iii))~~ (ii) of this subsection. However, the pilot trainee will still be required to complete the minimum number of trips for the month in order to receive a stipend, and the minimum number of trips as required to complete his/her training program;

~~((vi))~~ (v) If a pilot trainee elects to engage in any full- or part-time employment, the terms and conditions of such employment must be submitted to the trainee evaluation committee for prior determination by the board of whether such employment complies with the intent of this section prohibiting employment that "prevents (pilot trainees) from devoting themselves on a full-time basis to the completion of the training program."

~~((vii))~~ (vi) If a pilot trainee requests to change to a nonstipend status as provided in this section such change shall be effective for a minimum nonstipend period of thirty days, provided that before any change takes effect the board and

the pilot trainee must agree in writing on the terms of a revised training program.

(b) Any approved pilot association or other organization collecting the pilotage tariff levied by WAC 363-116-185 or 363-116-300 shall transfer the pilot training surcharge receipts to the board at least once a month or otherwise dispose of such funds as directed by the board. The board may set different training stipends for different pilotage districts. Receipts from the training surcharge shall not belong to the pilot providing the service to the ship that generated the ~~((fee))~~ surcharge or to the pilot association or other organization collecting the surcharge receipts, but shall be disposed of as directed by the board. Pilot associations or other organizations collecting surcharge receipts shall provide an accounting of such funds to the board on a quarterly basis or at such other intervals as may be requested by the board. Any audited financial statements filed by pilot associations or other organizations collecting pilotage tariffs shall include an accounting of the collection and disposition of these surcharges ~~((fees))~~. The board shall direct the disposition of all funds in the account.

(11) Trainee evaluation committee. There is hereby created a trainee evaluation committee to which members shall be appointed by the board. The committee shall include at a minimum: Three active licensed Washington state pilots, who, to the extent possible, shall be from the district in which the pilot trainee seeks a license and at least one of whom shall be a member of the board; one representative of the marine industry from the relevant pilotage district (who may be a board member) who holds, or has held, the minimum U.S. Coast Guard license required by RCW 88.16.090; and one ~~((public representative))~~ other member of the board who is not a pilot. The committee may include such other persons as may be appointed by the board. The committee shall be chaired by a pilot member of the board and shall meet as necessary to complete the tasks accorded it. In the event that the trainee evaluation committee cannot reach consensus with regard to any issue it shall report both majority and minority opinions to the board.

(12) Training pilots. The board shall designate as training pilots those pilots with a minimum of seven years of piloting in the relevant district who are willing to undergo such training as the board may require and provide. The board may establish a lower experience level for the Grays Harbor pilotage district. Training pilots shall receive such training from the board to better enable them to give guidance and training to pilot trainees and to properly evaluate the performance of pilot trainees. The board shall keep a list of training pilots available for public inspection at all times. All pilot members of the trainee evaluation committee shall also be training pilots.

(13) Evaluation. When a pilot trainee pilots a vessel under the supervision of another pilot, the supervising pilot shall, to the extent possible, communicate with and give guidance to the pilot trainee in an effort to make the trip a valuable learning experience. After each such trip, the supervising pilot shall complete a form provided by the board evaluating the pilot trainee's performance. ~~((The board shall prepare different forms to be used by supervising pilots who are training pilots and those who are not.))~~ Evaluation forms pre-

pared by licensed pilots who are not training pilots shall be used by the trainee evaluation committee and the board for assessing a pilot trainee's progress, providing guidance to the pilot trainee and for making alterations to the training program. All evaluation forms shall be delivered or mailed by the supervising pilot to the board. They shall not be given to the pilot trainee. The supervising pilot may show the contents of the form to the pilot trainee, but the pilot trainee has no right to see the form until it is filed with the board. The trainee evaluation committee shall review these evaluation forms from time to time and the chairperson of the trainee evaluation committee shall report the progress of all pilot trainees at each meeting of the board. If it deems it necessary, the trainee evaluation committee may recommend, and the board may make, changes from time to time in the training program requirements applicable to a pilot trainee, including the length of the training program.

(14) Removal. A pilot trainee may be removed from the training program by the board if it finds any of the following:

- (a) Failure to maintain the minimum federal license required by RCW 88.16.090;
- (b) Conviction of an offense involving drugs or involving the personal consumption of alcohol;
- (c) Failure to devote full time to training in the Puget Sound pilotage district if receiving a stipend;
- (d) The pilot trainee is not physically fit to pilot;
- (e) Failure to make satisfactory progress toward timely completion of the program or timely meeting of interim performance requirements in the training program;
- (f) Inadequate performance on examinations or other actions required by the training program;
- (g) Failure to demonstrate the superior skills required in the initial evaluation;
- (h) Inadequate performance on training trips; or
- (i) Violation of a training program requirement, law, regulation or directive of the board.

(15) Completion of the training program shall include the requirement that the pilot trainee:

- (a) Successfully complete the requirements set forth in the training program;
- (b) Possess a valid first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in all of the waters of the pilotage district in which the pilot applicant seeks a license; and
- (c) Successfully complete any local knowledge examination(s) required by the board and specified in the training program.

**AMENDATORY SECTION** (Amending WSR 07-17-148, filed 8/21/07, effective 9/21/07)

**WAC 363-116-082 Limitations on new pilots.** (1) The following limitations and pilot license upgrade requirements shall apply to a newly licensed pilot during his/her first five years of active service. For purposes of this section, the term "tank vessel" shall, in addition to tank ships, include any articulated or integrated tug and tank barge combinations, and any tonnage restrictions thereon shall be calculated by including the gross tonnage of the tug and tank barge combined. For purposes of this section, the term "petroleum prod-

ucts" shall include crude oil, refined products, liquefied natural gas, and (~~liquefied~~) liquefied petroleum gas. GT (ITC) as used in this section refers to gross tonnages measured in accordance with the requirements of the 1969 International Convention on Tonnage Measurement of Ships.

(2) Puget Sound pilotage district - license limitation periods. Except for trips being made for pilot license upgrades, licenses issued in the Puget Sound pilotage district shall have the following limitations:

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo	Maximum Size of Other Vessels
1	Piloting on vessels of any size prohibited	30,000 GT (ITC) or 660 feet except for passenger vessels which may only have a maximum size of 5000 GT (ITC)
2	30,000 GT (ITC)	38,000 GT (ITC)
3	38,000 GT (ITC)	48,000 GT (ITC)
4	45,000 GT (ITC)	60,000 GT (ITC)
5	55,000 GT (ITC)	75,000 GT (ITC)

(3) Puget Sound pilotage district - pilot license upgrade requirements. Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily pilot vessels on the trips specified in this section. The trainee evaluation committee shall recommend to the board a series of eight trips to be made by each pilot in the last one hundred twenty days of each year of the license limitation periods specified in subsection (2) of this section, except that pilots whose license anniversary date is less than one hundred twenty days after the effective date of this section shall only be required to make three such trips prior to the first license anniversary subsequent to the effective date of this section. As to these trips, the trainee evaluation committee shall specify the size and type of the vessel; origin and destination, whether the transit is to include a docking, waterway transit or other particular maneuvering requirement, whether any tank vessel trips are to be made while in ballast or loaded and whether the trip shall be taken with training pilots, trainee evaluation committee member pilots or pilots with a specified experience level. To the extent practical, the trips shall be on vessels of at least a size that falls between the upper limit in the expiring license limitation and the upper limit in the upcoming license limitation period. All of these trips shall be complete trips between one port and another port, or between the pilot station and a port. The supervising pilots shall complete and submit to the board an evaluation form provided by the board for each trip a new pilot performs.

(4) Grays Harbor pilotage district - license limitation periods. Pilots licensed in the Grays Harbor pilotage district shall not pilot vessels in violation of the restrictions set forth in the table below during the indicated license year.

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products	Maximum Size of Other Vessels
1	Piloting on vessels of any size prohibited	25,000 GT (ITC) except that piloting on vessels of any size is prohibited through the Chehalis River Bridge unless vessel is in ballast and does not exceed 25,000 GT (ITC)
2	10,000 GT (ITC)	30,000 GT (ITC)
3	45,000 GT (ITC)	45,000 GT (ITC)
4	60,000 GT (ITC)	60,000 GT (ITC)
5	75,000 GT (ITC)	75,000 GT (ITC)

Notwithstanding subsection (7) of this section, upon determination that a bona fide safety concern may result from no pilot without license restrictions being available within a reasonable time to pilot a vessel requiring pilotage services, the chairperson or acting chairperson of the board, on a single trip basis, may authorize a newly licensed pilot holding a restricted license to provide pilotage services to the vessel, irrespective of the tonnage, service or location of the assigned berth of the vessel.

(5) Grays Harbor pilotage district - pilot license upgrade requirements.

(a) Prior to the expiration of the first license year, a new pilot must make five license upgrade trips. Three of these trips shall be through the Chehalis River bridge on loaded or partially loaded vessels. The other trips shall be on vessels in excess of 25,000 GT (ITC) and involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(b) Prior to the expiration of the second license year, a new pilot must make two license upgrade trips on tank vessels in excess of 10,000 GT (ITC) and one trip on a vessel in excess of 30,000 GT (ITC). Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway. Upon satisfactory completion of the two upgrade trips upon tank vessels and completion of the second license year, the pilot will be authorized to pilot tank vessels in accordance with the limitations specified in subsection (4) of this section. Upon satisfactory completion of the one upgrade trip upon a vessel in excess of 30,000 GT (ITC) and completion of the second license year, the pilot will be authorized to pilot vessels in accordance with the limitations specified in subsection (4) of this section.

(c) Prior to the expiration of the third license year, a new pilot must make three license upgrade trips on vessels in excess of 45,000 GT (ITC) ~~((or on the nearest larger size vessels available))~~. Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(d) Prior to the expiration of the fourth license year, a new pilot must make two license upgrade trips on vessels in excess of 60,000 GT (ITC) ~~((or on the nearest larger size vessels available))~~.

(e) Prior to the expiration of the fifth license year, a new pilot must make two license upgrade trips on vessels in excess of 75,000 GT (ITC) ~~((or on the nearest larger size vessels available))~~.

~~(f) ((Notwithstanding (e), (d), and/or (e) of this subsection not being accomplished due to unavailability of vessels, in the sixth license year a pilot will be issued a license without limitations.))~~ If vessels are not available in the Grays Harbor pilotage district to allow a pilot to comply with (c) through (e) of this subsection in a timely manner, the board may designate substitute trips in the Puget Sound pilotage district as allowed by law and in so doing may specify the size of the vessel and any other characteristics of the trips that the board deems appropriate. Such designation shall be considered a modification of the pilot's state license to authorize the specified trips in the Puget Sound pilotage district.

(6) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he/she shall notify the board and request a revised schedule of limitations.

(7) Except as provided in subsection (4) of this section, no pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(8) All limitations on a pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required license upgrade trips and the vessel simulator courses.

AMENDATORY SECTION (Amending WSR 05-18-021, filed 8/29/05, effective 10/1/05)

**WAC 363-116-083 Written examination ((review) protest and appeal procedures.** (1) Pilot applicants who take ~~((an))~~ a written examination as provided in this chapter shall provide the board with an address to be used for notification of ~~((the))~~ his/her written examination results. Such address shall be a place at which mail is delivered. In addition, ~~((an))~~ a pilot applicant may provide the board with other means of contact such as telephone numbers and/or e-mail addresses. It will be the responsibility of the pilot applicant to ensure that the board has a current mailing address at all times. The mailing address will be considered the primary means of notice by the board. If the pilot applicant cannot personally receive mail at the address provided to the board for any period of time, another person may be designated in writing and notarized to the board as having power of attorney specifically to act ~~((in))~~ on the pilot applicant's behalf regarding such notice. Notice delivered to the address provided by the pilot applicant will be considered received by the pilot applicant for the purpose of "receipt of notification



of the written examination results" as provided in subsection (2) of this section.

(2) ~~((Any))~~ A pilot applicant who takes ~~((an))~~ either a written examination as provided in ~~((this chapter))~~ WAC 363-116-076 or a written local knowledge examination as provided in WAC 363-116-078 that cannot be retaken may ~~((request))~~ submit a written protest regarding any such examination for review by the board and/or a committee designated by the board ~~((of his/her examination results. This request must be in writing and must be received by the board within five business days of receipt of notification of the examination results)) and/or by a firm under contract with the board for development and grading of the written examination.~~ The ~~((board))~~ standard of review for reviewing the written examination protests submitted by a pilot applicant is that the written examination score will not be set aside ~~((its prior determination))~~ unless the pilot applicant proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness ~~((by the board)).~~ If it finds that reasonable cause exists to question ~~((an))~~ a written examination grade, the board may allow ~~((any))~~ a pilot applicant ~~((appealing))~~ protesting his/her written examination results to enter the simulator evaluation. If the pilot applicant chooses to enter the simulator evaluation before the pilot applicant receives notification of the result of the review of his/her *Protest Form* the pilot applicant shall be at all times responsible for the charge to enter the simulator evaluation. No pilot applicant approved by the board for entry into the simulator evaluation shall be disqualified by the successful examination appeal of another pilot applicant. Pilot applicants are not entitled to a review of the results of a written local knowledge examination given pursuant to WAC 363-116-078 if the pilot applicant is eligible to retake the written examination.

(3) The procedure for ~~((filing a review))~~ submitting a protest regarding the written examination or a written local knowledge examination that cannot be retaken is as follows:

(a) The pilot applicant must ~~((contact the board office for an appointment to appear personally to review his/her examination.))~~ submit a protest in writing to the person administering such examination on the day that the pilot applicant takes such examination and before the pilot applicant leaves the examination room:

(b) On the day of such examination the pilot applicant will be provided a *Protest Form* ~~((to complete in the board office in defense of his/her examination answers.))~~ by the person(s) administering such examination at the time that documents for taking such written examination are given to the pilot applicant:

(c) ~~((The applicant must state the specific reason or reasons why he/she feels the results of his/her examination should be changed.))~~ In defense of his/her written examination answers and in support of the pilot applicant's reasons for protesting a question or questions, the pilot applicant must write on the *Protest Form* the reason(s) why he/she protests a question or questions, what the pilot applicant claims is the correct answer to the protested question(s), and if a protested question(s) involves mathematical calculations provide the calculations that the pilot applicant claims are correct:

(d) If there are protests regarding improprieties including but not limited to the administration and proctoring of the

examination, these assertions must be documented in writing with sufficient detail naming times, people, places, protested activities and witnesses to permit the board to conduct an investigation:

(e) The pilot applicant will be identified only by ~~((applicant))~~ number or letter for the purpose of ~~((this))~~ review ~~((Letters of reference or requests for special consideration will not be read or considered by the board.~~

(e) ~~The applicant may not bring in notes or texts for use while completing the informal review form.))~~ of the *Protest Form*:

(f) ~~((The applicant will not be allowed to take any notes or materials from the office upon leaving.~~

~~((g))~~ The pilot applicant shall submit his/her *Protest Form* at the same time that he/she submits the answer sheet for such written examination to the examination administrator.

(4) The procedure for review of the *Protest Form* submitted by the pilot applicant is as follows:

(a) The board, and/or a committee designated by it, and/or a firm under contract with the board for development and grading of the written examination will ~~((schedule a closed session meeting to))~~ review the written examination ~~((s))~~ and *Protest Form* ~~((s))~~ completed by the pilot applicant ~~((for the purpose of informal review.~~

~~((h) The applicant will be notified in writing of the results:~~

~~((4 Any)); and~~

(b) After completion of such review the pilot applicant will be provided with written notification of the decision regarding review of the *Protest Form* submitted by the pilot applicant. The written notification will show any adjusted credits and scores for any answers that have been changed following such review.

(5) A pilot applicant who is not satisfied with the result of ~~((the examination))~~ such review of his/her *Protest Form* may request ~~((a formal))~~ an adjudicative hearing pursuant to RCW ~~((88.16.100))~~ 88.16.090 and governed by the provisions of chapter 34.05 RCW to appeal his/her written examination results. Such hearing must be requested within thirty days of receipt of the result of the ~~((board's))~~ review of the ~~((examination results))~~ *Protest Form* by sending a written request for an adjudicative hearing to the board of pilotage commissioners' office.

## NEW SECTION

**WAC 363-116-084 Simulator evaluation review and appeal procedures.** (1) Pilot applicants who take a simulator evaluation as provided in this chapter shall provide the board with an address to be used for notification of his/her simulator evaluation results. Such address shall be a place at which mail is delivered. In addition, a pilot applicant may provide the board with other means of contact such as telephone numbers and/or e-mail addresses. It will be the responsibility of the pilot applicant to ensure that the board has a current mailing address at all times. The mailing address will be considered the primary means of notice by the board. If the pilot applicant cannot personally receive mail at the address provided to the board for any period of time, another person may

be designated in writing and notarized to the board as having power of attorney specifically to act on the pilot applicant's behalf regarding such notice. Notice delivered to the address provided by the pilot applicant will be considered received by the pilot applicant for the purpose of "receipt of notification of the simulator evaluation results" as provided in subsection (2) of this section.

(2) A pilot applicant who takes a simulator evaluation as provided in this chapter may request a review of his/her simulator evaluation results. This request must be in writing and must be received by the board within five business days of receipt of notification of the simulator evaluation results. The standard of review for reviewing the simulator evaluation results challenged by a pilot applicant is that the challenged evaluation score will not be set aside unless the pilot applicant proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness.

(3) The procedure for filing a request for review of the simulator evaluation is as follows:

(a) The pilot applicant must contact the board office for an appointment to appear personally to review his/her simulator evaluation;

(b) The pilot applicant will be provided a *Review Form* to complete in the board designated review location in defense of his/her simulator evaluation performance;

(c) In review of his/her simulator evaluation performance, the pilot applicant must demonstrate that his/her proposed evaluation of the simulator evaluation is correct;

(d) In review of his/her simulator evaluation performance, the pilot applicant must cite on the *Review Form* provided by the board, the specific situation(s) presented in the simulator evaluation (i.e., crossing, passing, meeting situations, environmental changes like fog descending, navigational decisions and/or rules-of-the-road interpretations) and detail why the actions he/she took in that situation should receive more credit than that which was given, to demonstrate that his/her score on the simulator evaluation provided by the board is incorrect;

(e) Only the recorded performance of the pilot applicant will be considered in any review of the simulator evaluation performance. If there are assertions regarding improprieties in the administration, proctoring, grading or scoring of the simulator evaluations, these assertions must be documented in writing with sufficient detail naming times, people, places, protested activities and witnesses to permit the board to conduct an investigation;

(f) The pilot applicant will be identified only by number or letter for the purpose of this review;

(g) The board will make available to the pilot applicant reviewing his/her simulator evaluation a copy of his/her simulator evaluation performance; and

(h) At the completion of the review session, the pilot applicant will submit all the *Review Forms* to the board and return all materials used to review his/her simulator evaluation. The pilot applicant will not be allowed to take any notes or materials from the board designated review location upon leaving.

(4) The procedure for the board's review of the request for review of the simulator evaluation filed by the pilot applicant is as follows:

(a) The board, and/or a committee designated by it, and/or a firm under contract with the board for development and grading of the simulator evaluation will review the simulator evaluation and *Review Form* completed by the pilot applicant; and

(b) After completion of such review the pilot applicant will be provided with written notification of the decision regarding review of the *Review Form* submitted by the pilot applicant. The written notification will show any adjusted credits and scores for any answers that have been changed following such review.

(5) A pilot applicant who is not satisfied with the result of such review of his/her *Review Form* may request an adjudicative hearing pursuant to RCW 88.16.090 and governed by the provisions of chapter 34.05 RCW to appeal his/her simulator evaluation results. Such hearing must be requested within thirty days of receipt of the result of the review of the *Review Form* by sending a written request for an adjudicative hearing to the board of pilotage commissioners' office.

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-110 Details and requirements of annual license fee payment, physical examination report and reinstatement application for licensed pilots.** (1) Annual license fees and reports on annual physical examinations pursuant to RCW 88.16.090 shall be submitted to the board on or before the anniversary date of the license. Each pilot shall ensure that the board, at all time, possesses a copy of his/her currently valid United States government license with radar endorsement issued by the United States Coast Guard.

(2) A pilot, who retires under his/her medical disability retirement plan, may apply for reinstatement of his/her pilot's license within five years from the date of ~~((their))~~ his/her last pilotage assignment, provided ~~((they are))~~ the pilot is capable of passing a physical examination without any restrictions as to full pilotage duties. The board may, at its discretion, waive all or part of the pilotage examination. The board shall require the pilot to complete a familiarization/training program prescribed by the board after a full review of all relevant factors. The board may also prescribe license limitations such as those contained in WAC ~~((296-116-082))~~ 363-116-082.

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-120 Job description—Physical examination—Health requirements.** (1) A Washington state licensed marine pilot, under the authority of the master, directs ships into and out of harbors, estuaries, straits, sounds, rivers, lakes, and bays using a specialized knowledge of local conditions including winds, weather, tides, and current; Orders officers and helmsman by giving course and speed changes and navigates ship to avoid conflicting marine traffic, congested fishing fleets, reefs, outlying shoals and other hazards to shipping; utilizes aids to navigation, such as light-houses and buoys. Utilizes ship's bridge equipment, including radar, fathometer, speed log, gyro, magnetic compass,

whistle or horn and other navigational equipment as needed. Required to use ship's radio equipment in contacting ((U.S.)) United States Coast Guard vessel traffic system and other ships while ship is in transit. Directs ship's officers, crewmen, and tug boat captains as necessary, when ships are transiting bridges, narrow waterways, anchoring, docking, and undocking. Must perform duties day or night in all weather conditions, including high winds, fog, mist, rainfall, falling snow and other adverse conditions, as encountered. In order to safely perform the foregoing duties, a Washington state licensed marine pilot shall:

(a) Be physically qualified to possess a U.S. Coast Guard master's license, as required by the state of Washington.

(b) Be capable of boarding a vessel from and leaving a vessel into a pilot boat via a Jacob's ladder and a gangway. A Jacob's ladder involves a vertical climb or descent of up to nine meters and requires both physical energy and mental judgment.

(c) Be capable of moving to a more desirable vantage point in a timely manner, so as to avoid a close quarters situation when the physical characteristics of the ship or cargo obstruct the pilot's field of vision.

(d) Be able to meet the necessary eyesight and hearing requirements to carry out marine pilotage duties.

(e) Have mental reflexes capable of allowing decisions to be made without delay. This is imperative in all aspects of ship handling.

(f) Be capable of withstanding mental stresses which may occur with a vessel in lowered visibility, in a close quarters situation or when docking or undocking.

(g) Be capable of working efficiently and effectively at any time of the day or night, including irregular and unscheduled hours, after sufficient rest.

(h) Possess mental maturity and show mental responsibility.

(2) In order to determine the physical fitness of persons to serve as licensed pilots under the provisions of the pilotage act, all licensed pilots and pilot applicants shall be required to pass a general physical examination annually within ((~~forty-five~~)) ninety days prior to the date their annual state pilot license fee is due. As used in this section pilot refers to licensed pilots, including pilots seeking to renew their state licenses, and pilot applicant refers to both pilot license applicants who have completed the board training program but do not yet have a pilot license and to training license applicants. The physical examination required of all pilots and initial pilot applicants shall demonstrate that he/she is fully able to carry out the duties of a pilot. The examination shall assure that one's abilities as a pilot will not be impaired by eyesight, hearing or other bodily function. As part of this examination pilots and pilot applicants shall have completed on a form provided by the board a detailed report of physical examination. Each pilot is required to report on the form any convictions of offenses involving drugs or the personal consumption of alcohol which occurred while on duty within the prior twelve months. Pilot applicants for a license must report on the form any and all convictions of offenses involving drugs or the personal consumption of alcohol which occurred within the twelve months prior to the date of their application. This form shall be prepared by the examining physician

and shall be submitted to the board along with a letter stating his/her findings/recommendations as to the ability of the pilot or pilot applicant to safely perform the pilotage duties based on the job description for a Washington state licensed marine pilot and the standards set forth below. The examining physician should review these standards and review the job description in subsection (1) of this section before making findings/recommendations as to the medical fitness of the pilot applicant. A medical/occupational history form will be completed and signed by the initial pilot applicant for review ((~~of~~)) by the physician prior to the initial examination. The board may in its discretion check with the appropriate authorities for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months. The detailed report of physical examination is a confidential record and will not be available for public inspection. Such examination shall be obtained at the expense of the licensed pilot or pilot applicant from a physician or physicians designated in advance by the board. The secretary of the board shall give each pilot or pilot applicant reasonable written notice of the date when any such physical examination becomes due and shall specify the name of the physicians then approved by the board to conduct such physical examination.

(3) Based upon the findings/recommendations of the examining physician and review by the board, the board will make the determination as to the pilot applicant's or pilot's fitness to perform the duties of a pilot. This determination will be made within ninety days after each annual physical examination.

(4) The purpose of the history and physical examination is to detect the presence of physical, mental, or organic defects of such character and extent as to affect an individual's ability to pilot a vessel safely. The examination will be made carefully and at least as complete as indicated by the form provided by the board. History of certain defects may be cause for rejection of the initial pilot applicant or indicate the need for making certain laboratory tests or a further and more stringent examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the pilot applicant or pilot who should be advised to take the necessary steps to ensure correction, particularly of those which, if neglected, might lead to a condition likely to affect the ability to perform the duties of a pilot.

(5) The board has determined which physical conditions may be permanently disqualifying for initial pilot applicants as well as which conditions may be permanently disqualifying for renewal of a pilot license. Certain conditions are not necessarily disqualifying, for renewal of ((~~the license~~)) a pilot license only, when, based on the knowledge and experience of the examining physician these conditions can be managed medically and without threat to the pilot's ability to perform the duties of a pilot. An individual may be disqualified when, in the opinion of the examining physician, there is reasonable probability that a condition can occur suddenly and without warning which would render the pilot applicant incapable of promptly responding, both mentally and physically to emer-

gency situations. When certain conditions exist the medical examiner may recommend either:

(a) A permanent disqualification; or

(b) A temporary disqualification until which time the condition is either corrected or medically managed.

(6) Initial pilot applicants will be required to take a test indicating they are free of illegal substance abuse. Testing will be for the presence of cocaine, opiates, marijuana (THC), amphetamines and PCP (phencyclidine). Testing will be in accordance with the Department of Transportation (Coast Guard) guidelines outlined in the Federal Register 46 CFR 4, 5, and 16. Urine specimens are to be analyzed by a laboratory that meets DHHS regulations set forth by the National Institute of Drug Abuse (NIDA).

Chain of custody forms and instructions for collection and transport to a NIDA approved laboratory can be obtained from:

Laboratory of Pathology  
Nordstrom Medical Tower  
P.O. Box 14950  
Seattle, WA 98114-0950  
(206)386-2872

(7) The conditions in these standards are listed according to the International Classification of Diseases (ICD). Some categories may not apply to the standards set forth and therefore may be absent in some listings. However, all categories should be taken into consideration by the examining physician.

(a) Infectious and parasitic diseases.

(b) Neoplasms.

(c) Endocrine, nutritional, metabolic, and immunity disorders.

(d) Diseases of the blood and blood forming organs.

(e) Mental disorders.

(f) Diseases of the nervous system and sense organs.

(g) Diseases of the respiratory system.

(h) Diseases of the digestive system.

(i) Diseases of the genitourinary system.

(j) Complications of pregnancy, childbirth, and the puerperium.

(k) Diseases of the skin and subcutaneous tissues.

(l) Diseases of the musculoskeletal system and connective tissues.

(m) Congenital anomalies.

(n) Certain conditions originating in the perinatal period.

(o) Symptoms, signs, and other ill defined conditions.

(p) Injury and poisonings.

(8) The guidelines for recommended visual standards are based on the necessity of a pilot to be able to safely perform the duties of a pilot, including functioning under all emergency conditions aboard the vessel. Consideration must be given to the pilot's previously demonstrated ability to perform his/her pilotage duties.

(a) The visual acuity of a pilot applicant shall be at least 20/200 in each eye uncorrected and correctable to at least 20/40 in each eye as determined by Snellen test or its equivalent unless the pilot applicant qualifies for a waiver from the Officer in Charge, Marine Inspection, or the Commandant, U.S. Coast Guard.

(b) The initial pilot applicant should have normal color vision per pseudo isochromatic plates, Ishihara or Keystone test. If the initial pilot applicant fails this test, the Farnsworth or Williams Lantern tests or their equivalent may be used to determine the initial pilot applicant's ability to distinguish primary colors.

(c) Loss of vision in one eye may not be disqualifying if one eye passes the test required for the better eye of the pilot applicant with binocular vision and the pilot applicant has had sufficient time to develop and demonstrate adequate judgment of distances.

(d) Pilot applicants who wear corrective lenses and meet the qualifications in (a) of this subsection are medically fit to carry out pilotage duties only while wearing their corrective lenses and if they have with them, while on duty, a spare pair of correcting lenses that provide at least the same visual acuity.

(9) Baseline audiograms shall be performed on all entry level pilot applicants. All licensed pilots will be tested annually, with the first audiogram considered baseline. Each ear will be tested separately using properly calibrated equipment which meets ANSI (American National Standards Institute) standards criteria for background noise in audiometric rooms. Testing should not be performed unless the pilot applicant has been free of work noise or intense noise for a period of at least fourteen hours prior to testing. Should the pilot applicant have a current condition which can cause a temporary hearing loss, such as a cold, the pilot applicant should be rescheduled for testing in two weeks, or until such condition is resolved. Testing will be performed by a licensed audiologist, otolaryngologist, physician with sufficient training in conducting and interpreting audiograms, or a technician who is currently certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC).

(a) A baseline audiogram is required on all initial pilot applicants. The first audiogram performed on a currently licensed pilot shall be considered the baseline audiogram.

(b) Pilot applicants having hearing threshold levels that do not exceed 40 dB at frequencies of 500, 1000, 2000, 3000 Hz in either ear are considered to have normal hearing for communication purposes.

(c) Annual audiograms will be performed thereafter for the purposes of comparison to baseline. A significant threshold shift is defined as a change averaging more than 10 dB from baseline in the frequencies of 500, 1000, 2000, and 3000 Hz and requires further evaluation by a physician, otolaryngologist, or audiologist and preventive action taken on the part of the pilot.

(d) Mechanical acoustical devices (hearing aids) are not disqualifying but should not be worn in areas of high background noise levels in order to prevent further deterioration of his/her hearing.

(e) A pilot applicant must minimally be able to hear an average conversational voice in a quiet room while standing with his/her back turned at a distance of eight feet.

(10) Below is a list of conditions which can be absolutely disqualifying for initial licensure as a maritime pilot. The list of causes for disqualification is not all inclusive or intended to be complete, but represents the types of conditions that would interfere with the safe performance of pilotage duties.

This guide is not intended to replace the physician's professional judgment. Rather, it calls for the physician and the board to closely examine whether the pilot applicant can safely perform the tasks outlined in the job description of a Washington state licensed marine pilot. The examining physician should also be aware that a second opinion concerning the diagnosis may be sought in cases of unfavorable determinations. A condition should only be considered disqualifying while such condition persists. Following corrective medical action the pilot applicant should be encouraged to apply for reentry.

#### Conditions Which Can Be Absolutely Disqualifying For Initial Licensure

1. Infectious and parasitic diseases - Any communicable disease in its communicable or carrier stage.
2. Neoplasms - Malignant diseases of all kinds in any location.
3. Endocrine, nutritional, metabolic, and immunity disorders - Diabetes requiring insulin or hypoglycemic drugs; cirrhosis of the liver; alcohol abuse (unless abstinence for two years).
4. Diseases of the blood and blood forming organs - Hemophilia; acute or chronic significant anemias.
5. Mental disorders - Severe personality disorders; use of illegal drugs; dementia of Alzheimer's type, senility, psychosis.
6. Diseases of the nervous system and sense organs - Epilepsy or any convulsive disorder resulting in an altered state of consciousness, regardless of control; disturbance of balance; multiple sclerosis; Meniere's syndrome.
7. Diseases of the circulatory system - Multiple myocardial infarctions or cardiac class II or IV (NYHA); hypotension with syncopal episodes; varicose veins if associated with edema, skin ulceration or residual scars. Recurrent thromboembolic conditions.
8. Diseases of the respiratory system - Active pulmonary tuberculosis Class IV respiratory impairment; permanent tracheostomy.
9. Diseases of the genitourinary system - Chronic renal failure; permanent ureterostomy.
10. Complications of pregnancy, childbirth, and the puerperium - Pregnancy is not in itself disqualifying, if, in the opinion of the examining physician and the pilot applicant's obstetrician determine that the pilotage duties can be safely carried out without risk to the mother or fetus and without risk to the safety of the vessel, crew, and property.
11. Diseases of the skin and subcutaneous tissues - There are no absolute exclusions listed for diseases of the skin unless, in the opinion of the examining physician, a condition exists that would interfere with the performance of pilotage duties.
12. Diseases of the musculoskeletal system and connective tissues - Lupus erythematosus, disseminated; amputation of any portion of a limb, resection of a joint, artificial joint or absence of the toes which would preclude the ability to run, walk, balance oneself, grasp and climb ladder rungs; chronic low back pain that is disabling to the degree of interfering with job requirements.

13. Congenital anomalies - Any existing condition that, in the opinion of the examining physician, would interfere with the safe performance of pilotage duties.

14. Symptoms, signs, and other ill defined conditions - Serious degree of stuttering or speech impediment sufficient to interfere with communication; alcoholism; drug addiction, other than tobacco or caffeine.

15. Injury or poisonings - May be temporarily disqualifying until condition resolved without disabling sequelae.

(11) Below is a list of conditions which can be absolutely disqualifying for relicensure as a maritime pilot. The list of causes for disqualification is not all inclusive or intended to be complete, but represent the types of conditions that would interfere with the safe performance of pilotage duties. This guide is not intended to replace the physician's professional judgment. Rather, it calls for the physician and the board to closely examine whether the pilot applicant can continue to safely perform the tasks outlined in the job description of a Washington state licensed marine pilot. The examining physician should also be aware that a second opinion concerning diagnosis may be sought in cases of unfavorable determinations.

#### Conditions Which Can Be Absolutely Disqualifying For Relicensure

1. Neoplasms - Malignancies with metastases.
2. Endocrine, nutritional, metabolic, and immunity disorders - Cirrhosis of the liver with hepatic failure.
3. Diseases of the blood and blood forming organs - Hemophilia; acute leukemia.
4. Mental disorders - Severe personality disorders; senility; dementia of Alzheimer's type psychosis.
5. Diseases of the nervous system and sense organs - Disturbance of balance, permanent and untreatable Meniere's syndrome.
6. Diseases of the circulatory system - Multiple myocardial infarctions or cardiac Class III or IV (NYHA); hypotension with syncopal episodes; varicose veins if associated with edema, skin ulceration or residual scars. Recurrent thromboembolic conditions.
7. Diseases of the respiratory system - Active pulmonary tuberculosis; Class IV respiratory impairment.
8. Diseases of the genitourinary system - Chronic renal failure; permanent ureterostomy.
9. Complications of pregnancy, childbirth, and puerperium - Pregnancy is not in itself disqualifying, if, in the opinion of the examining physician and the pilot applicant's obstetrician determine that the pilotage duties can be safely carried out without risk to the mother or fetus and without risk to the safety of the vessel, crew and property.
10. Diseases of the skin and subcutaneous tissues - There are no absolute exclusions for diseases of the skin unless, in the opinion of the examining physician, a condition exists that would interfere with the performance of pilotage duties.
11. Diseases of the musculoskeletal and connective system - Lupus erythematosus, disseminated; amputation of any portion of a limb, resection of a joint, artificial joint or absence of the toes which would preclude the ability to run, walk, balance oneself, grasp, and climb ladder rungs. Chronic

low back pain that is disabling to the degree of interfering with job requirements.

12. Symptoms, signs, and other ill defined conditions - Serious degree of stuttering or speech impediment sufficient to interfere with communication; alcoholism; drug addiction, other than tobacco or caffeine. Current need to use methadone, antabuse, antidepressants, antianxiety drugs.

13. Injury or poisonings - May be temporarily disqualifying until condition resolved without disabling sequelae.

(12) Some conditions may develop during the course of employment that would be absolutely disqualifying for initial licensure. In evaluating the impact of such a condition on an existing pilot, the examining physician and the board should take into consideration the pilot's past experience, effectiveness of performance and predictability of his/her performance. The board may waive certain duties of a pilot as outlined in the job description contained in subsection (1) of this section. The list of conditions requiring in-depth evaluation is not all inclusive or intended to be complete, but represent the types of conditions that might interfere with the safe performance of pilotage duties. The examining physician should also be aware that a second opinion concerning the diagnosis may be sought in cases of unfavorable determinations.

#### Conditions Requiring In-depth Evaluation

1. Neoplasms - Malignancies of any kind.
2. Endocrine, nutritional, metabolic, and immunity disorders - Diabetes requiring hypoglycemic drugs; cirrhosis of the liver.
3. Diseases of the blood and blood forming organs - Chronic leukemia.
4. Mental disorders - Anxiety reactions; depression.
5. Diseases of the nervous system and sense organs - Disturbance of balance; multiple sclerosis; epilepsy or any convulsive disorder resulting in an altered state of consciousness.
6. Diseases of the circulatory system - Uncontrolled hypertension; varicose veins; pacemaker, demand.
7. Diseases of the respiratory system - Respiratory impairment; permanent tracheostomy.
8. Diseases of the digestive system - Permanent colostomy; permanent ileostomy.
9. Complications of pregnancy, childbirth, and the puerperium - Pregnancy.
10. Diseases of the skin and subcutaneous tissues - Any skin disorders that, in the opinion of the examining physician, may interfere with the performance of pilotage duties.
11. Diseases of the musculoskeletal system and connective tissues - Lupus erythematosus, disseminated; artificial joints; chronic low back pain.
12. Injury or poisonings - May be temporarily disqualifying until condition resolved without disabling sequelae.
- (13) A pilot may be temporarily relieved of pilotage duties until such time as a disqualifying condition is resolved or medically managed and with frequent evaluation by the examining physician or specialist. In this case, the board, after consulting with the physician, will determine the frequency of medical examinations. A condition should only be considered disqualifying while such a condition persists.

Following corrective medical action, the individual may be removed from temporary disqualification. Provided that, if a temporary disqualifying condition continues for longer than two years from the time the pilot is initially relieved of pilotage duties, the board, in its discretion and after a full review of all relevant factors, may make a determination that the condition is permanently disqualifying.

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-200 Duties of pilots.** (1) In any case where a vessel in the charge of a state licensed pilot is involved in an incident or near-miss occurrence, ~~((the))~~ said pilot shall make a report to the board in the following required manner:

(a) *Pilot's Report of Incident.* A state licensed pilot involved in an incident shall notify the board by telephoning or radioing the Marine Exchange of Puget Sound as soon as the situation is stabilized or within one hour of reaching shore. The pilot shall also complete the board required *Pilot's Report of Incident* form and file it with the board as soon as possible after the incident, but in no event more than ten days afterwards. An incident includes an actual or apparent collision, allision or grounding, as well as a navigational occurrence which results in actual or apparent personal injury or property damage or environmental damage.

(b) *Pilot's Report of Marine Safety Occurrence.* A state licensed pilot involved in a near-miss occurrence shall complete the board required *Pilot's Report of Marine Safety Occurrence* form and file it with the board as soon as possible after the near-miss occurrence, but in no event more than ten days afterwards. A near-miss occurrence is where a pilot successfully takes action of a nonroutine nature to avoid a collision with another vessel, structure or aid to navigation, to avoid a grounding of the vessel or to avoid causing damages to the environment. Information relating to near-miss occurrences provided by a pilot on this form shall not be used for imposing any sanctions or penalties against said pilot. A state licensed pilot may also use this form on a voluntary basis for reporting out of the ordinary occurrences or concerns for navigational safety encountered or observed during the course of piloting a vessel.

(c) Completion of these forms does not replace or relieve a pilot from any other reporting requirements under federal, state or local law. If circumstances permit, a pilot will notify the vessel master of his/her intent to file a report of incident or marine safety occurrence with the board. The board shall forward a copy of any form received to the respective shipper or its board representative. The board of pilotage commissioners may, with or without a complaint being made against a pilot, investigate the matter reported upon.

(2) Pilots will report to the ~~((pilot office and to the))~~ aids to navigation officer of the ~~((U.S.))~~ United States Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that may come to their knowledge.

(3) Any pilot who shall fail, neglect or refuse to make a report to the board of pilotage commissioners as required by the pilotage laws of the state, or by these rules and regulations, for a period of ten days after the date when ~~((the))~~ said

report is required to be made, shall be subject to having his/her license suspended at the discretion of the board, and if he/she fails to report for a period of thirty days the board may, at its discretion, revoke his/her license.

(4) Pilots when so notified in writing shall report in person to the board, at any meeting specified in such notice.

(5) Any pilot summoned to testify before the pilotage board shall appear in accordance with such summons and shall make answer, under oath, to any question put to him/her which deals with any matter connected with the pilot service, or of the pilotage waters over which he/she is licensed to act. ((He)) The pilot shall be entitled to have his/her attorney or advisor present during any such appearance and testimony.

(6) Any pilot who shall absent himself/herself from his/her pilotage duties or district for a period of sixty days without permission of the board of pilotage commissioners shall be liable to suspension or to the forfeiture of his/her license.

(7) A pilot on boarding a ship, if required by the master thereof, shall exhibit his/her license, or photo static copy thereof.

(8) When a pilot licensed under this act is employed on an enrolled ship, the same rules and regulations shall apply as pertain to registered ships.

(9) Any state licensed pilot assigned to pilot a vessel entering, leaving, or shifting berths under its own power in any of the waters subject to the provisions of chapter 88.16 RCW shall before assuming pilotage obligations for such vessel obtain assurance from the master that the vessel meets all requirements for safe navigation and maneuvering. In addition, the pilot shall obtain assurance that the ship's officers will maintain navigation procedures by all navigational aids available to insure that the vessel's position is known at all times. If the pilot in his/her professional judgment considers the vessel to be incapable of safe navigation and maneuvering due to performance limitations, he/she shall refuse to assume the obligations of pilotage for such vessel until such limitations have been corrected and shall promptly notify the pilot's control station and the chairman of the board of pilotage commissioners of such action.

(10) In providing pilotage services under chapter 88.16 RCW every pilot shall perform those duties in a professional manner and without negligence so as to not endanger life, limb or property, not violate or not fail to comply with state laws or regulations intended to promote marine safety or to protect navigable waters.

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-205 Vessel certification.** (1) Upon boarding a vessel in the Puget Sound pilotage district or Grays Harbor pilotage district, a pilot shall request on the form provided in WAC 296-116-2051 that the master of the vessel certify that: (a) The engine room is properly staffed, able to maneuver, and all related equipment is in good order; (b) there are no defects listed against the ship by the United States Coast Guard which would prevent it from sailing; (c) the vessel is not leaking oil; (d) the vessel is experiencing no propulsion or maneuvering difficulties.

If the master is unable to certify that all of the above conditions are met, he/she shall be asked to certify that the United States Coast Guard captain of the port has been notified of said deficiencies and has authorized the vessel to proceed.

If the master is unable or unwilling to certify that either of the above are the case, the pilot shall not offer pilotage services to said vessel. Instead, the pilot shall disembark from the vessel as soon as practicable, immediately inform the captain of the port of the conditions and circumstances by the best possible means and forward a written report to the board of pilotage commissioners no later than twenty-four hours after disembarking from the vessel. Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section shall be subject to the penalties provided in RCW 88.16.100 and 88.16.150.

(2) Upon boarding vessels in either the Puget Sound pilotage district or the Grays Harbor pilotage district, the pilot shall also request to see the vessel's SOLAS certificate, and the Federal Maritime Commission certificate of financial responsibility.

The pilot shall also inspect the following of the ship's equipment and conditions and indicate their suitability:

VHF radio, channels 13, 14; radar; gyrocompass; rudder angle indicator; whistle; wheelhouse staffed by an officer and helmsman, one of whom speaks English; local, up-to-date charts; and wheelhouse to engine room communications.

(3) The form appearing in WAC 296-116-2051 shall be used by pilots and masters in complying with the above requirements.

(4) Forms completed by masters and pilots which indicate that the vessel is in compliance and nondeficient shall be forwarded to the offices of the board of pilotage commissioners where they will be retained for a period of at least six months. Forms indicating a vessel not in compliance or deficient and forms upon which either the master or the pilot have failed to make the required certification shall be forwarded to the board of pilotage commissioners and retained for a period of at least twelve months.

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-315 Retirement disbursements.** Pilot associations having retirement plans, the expense of which is reimbursed through board established tariffs, shall make such payments to retired pilots as are required by the benefits and enforcement provisions of those plans.

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-35001 Exemption from provisions of WAC 197-10-800.** The board of pilotage commissioners of the state of Washington has reviewed its authorized activities and found substantially all of them to be exempt from the provisions of chapter 197-10 WAC, with the exception of authority supplied by the 1975 legislature to the ~~((commis- sion))~~ board respecting additional tug shaft horsepower

equivalencies which is a part of the "tug escort" 1975 amendments by chapter 125, Laws of 1975 1st ex. sess.

There is presently no intent to exercise this authority. Additionally, said act is currently under constitutional challenge. Thus, the ((~~commission~~)) board indicates its intent that if, and when, any authority should be exercised pursuant to this provision, it would do so consistent with the guidelines contained within chapter 197-10 WAC insofar as practicable. (The referenced chapter being the regulations developed by the council on environmental policy.)

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-370 System of specified disciplinary or corrective actions.** When a pilot has received multiple disciplinary actions pursuant to RCW 88.16.100 (1) and/or (2) within any two-year period, the board shall evaluate the pilot and prepare and personally serve upon him/her a notice advising of the board's intended action, the specific ground therefore, and the right to request a hearing pursuant to RCW 88.16.100(4) to challenge the board's action. Such intended action may include the temporary suspension of the pilot from duties until such pilot has satisfactorily completed subsection (1) or (2) of this section:

(1) An approved course-of-study which may include navigation training and testing; or

(2) Any remedial activity or treatment designated by the board to assure fitness and competence for full pilotage duties.

In ordering such disciplinary action, the board shall take into account both the causes of the previous disciplinary actions and the pilot's previous record.

Failure to enter into such corrective action within thirty days of the board's action may be cause for revocation of the pilot's license.

In the event of a temporary license suspension, license reinstatement and resumption of pilotage duties shall not be authorized until the board has reviewed completed activity and formally extended approval. Such approval shall not be unreasonably withheld by the board and shall be reviewed and acted upon within five days of the completion of the activity.

AMENDATORY SECTION (Amending WSR 03-09-096, filed 4/21/03, effective 5/22/03)

**WAC 363-116-405 Relieving pilots for cause.** A pilot serving on a vessel required by chapter 88.16 RCW to employ a state licensed pilot may be relieved from his ((~~or~~))/her piloting duties by the ship's master only for cause as provided ((~~herein~~)) in this section. The master may relieve a pilot only if the pilot is manifestly incompetent or incapacitated or if the vessel is endangered or *in extremis* due to the pilot's error. If a pilot is relieved for cause under this section another pilot shall be requested and dispatched. In such event, the master shall immediately put the ship to anchor, to the extent it can be done safely, and await the substitute pilot. If anchoring is not possible or prudent, the master shall slow the vessel to the slowest prudent speed until another pilot can be put on board. To the extent possible and practical, after being

relieved of his ((~~or~~))/her duties, the pilot shall remain available to advise and assist the master. In the event a pilot is relieved as provided in this section in the Puget Sound pilotage district, the ((~~U.S.~~)) United States Coast Guard vessel traffic system shall be notified immediately. In the event a pilot is relieved as provided in this section in any pilotage district, the vessel and the pilot promptly shall provide notice to the board of the event and relevant circumstances.

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-420 Summary/temporary license suspension.** Summary/temporary suspension of a pilot's license may be made by the chairperson or vice-chairperson of the board of pilotage commissioners when:

(1) A pilot has been involved in any vessel accident where there has been major property damage, loss of life, or loss of a vessel; or

(2) Where there is a reasonable cause to believe that a pilot has diminished capacity or is under the influence of drugs, alcohol, or other substances; and

(3) Such an accident or physical or mental impairment would significantly diminish that pilot's ability to carry out pilotage duties and that the public health, safety, and welfare requires such emergency action. Notification of this suspension shall be made directly to the pilot and the appropriate pilot's association.

Within seventy-two hours an emergency board meeting will be held to determine whether to continue such suspension. In the event the suspension is continued pending proceedings for revocation or other action, an order shall be immediately prepared and notice shall be personally served upon the pilot advising of the board's action.

These further proceedings shall be promptly instituted in the office of administrative hearings.

All final decisions of the administrative law judge shall be subject to review by the superior court of the state of Washington for Thurston County or by the superior court of the county in which the pilot maintains his/her residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the administrative law judge if requested to do so by any party to the proceedings at any time within thirty days after the date of such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 363-116-075	Qualifications for pilot applicants taking examinations before July 1, 2008.
WAC 363-116-150	Registration of operators.



**WSR 08-15-125**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

(Consumer Services Division)

[Filed July 22, 2008, 8:55 a.m., effective August 22, 2008]

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

Purpose: Greater clarity, consistency, and reflection of industry practices in the rules that implement the Consumer Loan Act.

Citation of Existing Rules Affected by this Order: Amending WAC 208-620-260, 208-620-320, 208-620-350, 208-620-360, 208-620-400, 208-620-425, 208-620-430, 208-620-440, 208-620-460, 208-620-470, 208-620-475, 208-620-500, 208-620-515, 208-620-550, 208-620-630, and 208-620-640.

Statutory Authority for Adoption: RCW 43.320.040.

Adopted under notice filed as WSR 08-11-113 on May 20, 2008.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 208-620-320(2) is amended to include a bond maximum of \$700,000. 2. WAC 208-620-430(4) is removed because it is duplicative of WAC 208-620-430(3)(c).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, 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 16, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 16, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 16, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2008.

Deborah Bortner, Director  
 Division of Consumer Services

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-260** If I ~~((get))~~ **am** licensed under the Consumer Loan Act, can I broker loans in the state of Washington? ~~((1) As a consumer loan licensee,))~~ Yes. You may broker loans ~~((in the state of Washington provided that those loans are brokered))~~ under ~~((either))~~ the Consumer Loan Act or ~~((the))~~ Mortgage Broker Practices Act.

~~((2))~~ (1) If you broker loans under the Consumer Loan Act, those loans are subject to assessment under WAC 208-620-240 ~~((and must be counted in the calculation of the annual assessment.~~

~~((3) If you broker loans under the Mortgage Broker Practices Act, chapter 19.146 RCW, you must comply with that act)).~~

(2) If you broker loans under the Mortgage Broker Practices Act, chapter 19.146 RCW, you must comply with that act.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-320** What is the amount of the bond required for my consumer loan license? (1) **Loans not secured by real estate.** For licensees making loans not secured by real property, the penal sum of the bond is one hundred thousand dollars for each office up to five locations. For each additional branch office over five, the amount of the bond must be increased by ten thousand dollars.

(2) **Loans secured by real estate.** For a licensee making loans secured by real property, the penal sum of the bond is four hundred thousand dollars for the first ~~((location and one hundred thousand dollars for each branch office up to five licensed))~~ five locations. For each additional branch office over five, the amount of the bond must be increased by ten thousand dollars, up to a maximum bond amount of seven hundred thousand dollars. For example:

Number of Offices	Penal Sum of Bond - Licensee making non real estate loans	Penal Sum of Bond - Licensee making real estate loans
1	\$100,000	\$400,000
2	\$200,000	<del>\$(500,000)</del> <u>400,000</u>
3	\$300,000	<del>\$(600,000)</del> <u>400,000</u>
4	\$400,000	<del>\$(700,000)</del> <u>400,000</u>
5	\$500,000	<del>\$(800,000)</del> <u>400,000</u>
6	\$510,000	<del>\$(810,000)</del> <u>410,000</u>
7	\$520,000	<del>\$(820,000)</del> <u>420,000</u>
8	\$530,000	<del>\$(830,000)</del> <u>430,000</u>
9	\$540,000	<del>\$(840,000)</del> <u>440,000</u>
10	\$550,000	<del>\$(850,000)</del> <u>450,000</u>

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-350** If I qualify to use a bond substitute in lieu of a surety bond, what documentation do I have to provide to the department? (1) **Semiannual financial statements required.** A licensee that maintains a bond substitute must submit semiannually to the director year-to-date financial statements prepared in accordance with generally accepted accounting principles, including at a minimum

a statement of assets and liabilities and a profit and loss statement.

(2) **More frequent financial reporting.** The director may require that financial reports be submitted more frequently if past financial reports have been prepared incorrectly or were misleading or if there is substantial risk that the licensee will violate the bond substitute standard.

(3) **Additional information to be filed.** The director may require other documents, agreements and information deemed necessary to properly evaluate and ensure that the licensee remains in compliance with this section.

(4) **Failure to file financial statements as required.** The director may require a licensee that fails to file its financial statements under subsection (1) of this section to obtain a surety bond within thirty days of that failure. ~~((Failure to obtain the bond as required may result in suspension or revocation of the licensee's license.))~~

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-360 What if I choose the bond substitute alternative and my unimpaired capital falls below the minimum? ~~((+))~~ Failure to maintain sufficient unimpaired capital.** A licensee that does not maintain a sufficient bond substitute shall notify the director within ten days as required by WAC 208-620-490. The licensee must then obtain and file with the director a surety bond in the amount required by WAC 208-620-320 within twenty days after receiving notice from the director. A licensee that files a surety bond under this section must maintain the surety bond for five years after the date of noncompliance. During this five-year period, the director will not accept a bond substitute.

~~((2) Failure to obtain a surety bond. Failure to file a surety bond as required in this section may result in suspension or revocation of the licensee's license(s).))~~

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-400 Can I share an office with another business?** (1) A licensee may conduct its business in a licensed location in which other persons are engaged in business.

(2) ~~((If the licensee has effective control over the person sharing space, or the person sharing space with the licensee has effective control over the licensee or is under common control with the other by a third person or is a corporation related to another corporation as parent to subsidiary and one refers business incident to or a part of a real estate settlement service to the other, the licensee must comply with RESPA Sec. 3500.15, including required disclosures and prohibitions on referral fees.))~~ The licensee must comply with RESPA Sec. 3500.15, including the required disclosures and prohibitions on referral fees if:

(a) The licensee has effective control over the person sharing space; or

(b) The person sharing space has effective control over the licensee; or

(c) The licensee and the person sharing space are under common control by a third person; or

(d) The licensee is a corporation related to another corporation as parent to subsidiary and one refers business incident to or a part of a real estate settlement service to the other.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-425 May I transfer or assign my license?** No. A license is given to a specific entity with specific individuals at a specific location. If ~~((all or part))~~ twenty percent or more of the business is transferred or sold to another person, the licensee ~~((is required to notify the department prior to transfer so the department can determine if the new person is qualified to own all or part of the business))~~ and the proposed new licensee(s) must apply to the department for a license.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-430 What are my annual filing requirements as a consumer loan licensee?** Each year you are required to file a consolidated annual report on a form provided by the department. You must also pay a fee (assessment) based on your loan portfolio from the prior calendar year end, plus the loan activity conducted during the reporting year.

(1) **Annual report and assessment due March 1st.** ~~((Each year a licensee is required to file a consolidated annual report on a form provided by the department and pay a fee based upon the amount of business conducted during the prior calendar year under the act. The director will notify each licensee at its official address of the method to calculate the annual fee due along with a worksheet for such purpose and the consolidated annual report form. The licensee will calculate the annual fee on the worksheet. The licensee))~~ You must ~~((deliver its))~~ provide the completed consolidated annual report, worksheet, and annual fee to the department by March 1st of ~~((the following))~~ each year.

(2) **Late penalties.** A licensee that fails to submit the required annual report ~~((and)),~~ worksheet, and assessment by ~~((the))~~ March 1st ~~((due date))~~ is subject to a penalty of fifty dollars per report for each day of delay. For example, if the department receives the consolidated annual report and worksheet on March 4th, the licensee would have to pay an additional three hundred dollars as a late penalty.

(3) **Failure to file.** If a licensee fails to pay its annual assessment and file a worksheet by April 1st the director may file a claim against the licensee's surety bond for failing to faithfully conform to and abide by the Consumer Loan Act. The department may make a claim on the licensee's surety bond for the late penalties under subsection (2) of this section and the greater of:

(a) The assessment paid the previous year;

(b) The average annual assessment paid in the previous two years; or

(c) Fifteen hundred dollars.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-440 How do I calculate my annual ((fee)) assessment for activity in Washington?** (1) **Calculation of the annual ((fee)) assessment.** ~~((Each licensee will pay an))~~ The annual assessment ((fee)) is based on the "adjusted total loan value" as defined in subsection (2) of this section. The amount of the annual assessment ((fee)) is determined by multiplying the adjusted total loan value of the loans in the year being assessed by .000180271.

(2) **All loans counted in ((fee)) assessment calculation.** The "adjusted total loan value" is the sum of:

(a) The principal loan balance on Washington loans in your loan portfolio on December 31 of the prior year, plus

(b) The total ((unpaid balance)) principal loan amount of all first and junior lien Washington loans ((as of year end,)) both under and over twelve percent interest, you made ((or)), brokered ((under the act to Washington residents that were retained, brokered)), or purchased ((by the licensee, and

(b) The total unpaid balance of all loans as of year end, both under and over twelve percent, made or brokered under the act to Washington residents that were sold by the licensee with servicing retained (if any); and

(c) The total amount of all loans as of year end, both under and over twelve percent interest, made or brokered under the act to Washington residents that were sold by the licensee during the previous calendar year with servicing released (if any)) during the assessment year.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-460 Must I file my annual report even if I go out of business during the year?** (1) A licensee that ceases operations during the year must file the consolidated annual report and pay the annual assessment required in WAC 208-620-430 within thirty days of closure.

(2) Failure to file within thirty days of closure will trigger the bond claim process as described in WAC 208-620-430(3), or other action.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-470 Do I need to notify the department if I move the location of my office?** ~~((Before doing business under the act from a new location, either a main office or a branch office, a licensee must file an amendment for a change of address and obtain approval from the director.))~~ Yes. At least ten days prior to changing the location of your main or branch office, you must file an amendment for the change of location with the department, and receive approval from the director.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-475 Must I notify the department if I cease doing business in this state if I am doing business in other states?** Yes. You must ~~((either))~~ notify the department

within twenty days after you cease doing business in the state of Washington ~~((or continue to file your annual report and worksheet each year)). ((In order))~~ Additionally, to end your filing responsibilities, you must file a Consumer Loan Closure Form ~~((along with your)), including the final annual report ((and)), worksheet, and submit any fees owed((-and)).~~ Finally, you must return your license ((certificate)).

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-500 What are my reporting requirements if I want to close one or more of my branch offices?** ~~((1) Closing a branch office.))~~ If you close a branch office, you must immediately notify the department using the Consumer Loan Office Closure Form ~~((and)).~~ You must also return the original license.

~~((2) Closing the business. If you are going to close your business, you must notify the department using the Consumer Loan Office Closure Form, along with the annual report and worksheet, any fees due and return the original licenses.))~~

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-515 What authority do I have as a licensee?** (1) As a licensee you may:

(a) Lend money at a rate that does not exceed twenty-five percent per annum as determined by the simple interest method of calculating interest owed;

(b) In connection with the making of a loan, charge the borrower a nonrefundable, prepaid, loan origination fee not to exceed four percent of the first twenty thousand dollars and two percent thereafter of the principal amount of the loan advanced to or for the direct benefit of the borrower, which fee may be included in the principal balance of the loan;

(c) In connection with the making of a loan secured by real estate, when the borrower actually obtains a loan, agree with the borrower to pay a fee to a mortgage broker that is not owned by the licensee or under common ownership with the licensee and that performed services in connection with the origination of the loan. A licensee may not receive compensation as a mortgage broker in connection with any loan made by the licensee;

(d) The powers listed in (a)((;)) and (b)((-and-((e)))) of this subsection apply only to junior lien mortgage loans, and to lenders that are not "creditors" under the Depository Institutions Deregulatory and Monetary Control Act when making first lien mortgage loans and nonmortgage loans.

(2) Agree with the borrower for the payment of fees to third parties other than the licensee who provide goods or services to the licensee in connection with the preparation of the borrower's loan, including, but not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, and escrow companies, when such fees are actually paid by the licensee to a third party for such services or purposes and may include such fees in the amount of the loan. However, no charge may be collected unless a loan is made, except for reasonable fees actually and properly incurred in connection with the appraisal of property by a qualified, inde-

pendent, professional, third-party appraiser selected by the borrower and approved by the lender or in the absence of borrower selection, selected by the lender.

(3) Charge and collect a penalty of not more than ten (~~cents or less on each dollar~~) percent of any installment payment delinquent ten days or more.

(4) Collect from the debtor reasonable attorneys' fees, actual expenses, and costs incurred in connection with the collection of a delinquent debt, a repossession, or a foreclosure when a debt is referred for collection to an attorney who is not a salaried employee of the licensee.

(5) Make open-end loans as provided in the act.

(6) In accordance with Title 48 RCW, sell insurance covering real and personal property, covering the life or disability or both of the borrower, and covering the involuntary unemployment of the borrower.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-550 What business practices are prohibited?** Under RCW 31.04.027, the following constitute an "unfair or deceptive" act or practice:

(1) **Disclosure of payoff amount.** Failure to provide the exact pay-off amount as of a certain date within five (~~or fewer~~) business days after being requested in writing to do so by a borrower of record or their authorized representative;

(2) **Recognition of payment delivery.** Failure to record a borrower's payment as received on the day it is delivered to any of the licensee's locations during its regular working hours;

(3) **Charging a fee for best efforts.** Soliciting or entering into a contract with a borrower that provides in substance that the licensee may earn a fee or commission through its "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(4) **False advertising of rates and fees.** Soliciting, advertising, or entering into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time;

(5) **False filing.** Negligently making any false statement or willfully making any omission of material fact in connection with any application or any information filed by a licensee in connection with any application, examination or investigation conducted by the department;

(6) **Influencing appraisers.** Making any payment, directly or indirectly, or withholding or threatening to withhold any payment, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(7) **Documents with blanks.** (~~Allowing a borrower to leave~~) Leaving blanks on a document that is signed by the borrower;

(8) **False advertising.** Soliciting business using advertising that includes:

(a) An envelope or stationery that contains an official-looking emblem, such as an eagle or a crest, or that is otherwise designed to resemble an official government mailing, such as a mailing from the Internal Revenue Service or the U.S. Department of the Treasury;

(b) An envelope or stationery containing warnings or notices citing codes or form numbers made to appear like government codes or form numbers that are not required to be shown on the mailing by the U.S. Postal Service;

(c) Any suggestion or representation that the licensee is, or is affiliated with, a state or federal agency, municipality, bank, savings bank, trust company, savings and loan association, building and loan association, credit union, or other entity that it does not actually represent;

(d) Any suggestion or representation that the solicitation is from an entity other than the licensee;

(e) Any suggestion or representation that the information about a consumer's current loan was provided by any source other than the source disclosed pursuant to WAC 208-620-630;

(9) **Inclusion of taxes and insurance.** Failing to clearly disclose to a borrower whether the payment advertised or offered for a real estate loan includes amounts for taxes, insurance or other products sold to the borrower;

(10) **Force placed insurance.** Purchasing insurance on an asset secured by a loan without first attempting to contact the borrower by mailing one or more notices to the last known address of the borrower in order to verify that the asset is not otherwise insured;

(11) **Filing an inappropriate lien.** Willfully filing a lien on property without a legal basis to do so;

(12) **Threats and coercion.** Coercing, intimidating, or threatening borrowers in any way with the intent of forcing them to complete a loan transaction;

(13) Failure to reconvey title to collateral, if any, within thirty business days when the loan is paid in full unless conditions exist that make compliance unreasonable.

NEW SECTION

**WAC 208-620-611 What federal guidance has the director adopted for use by the department in determining if a violation under RCW 31.04.027 has occurred?** The director has adopted:

(1) The Conference of State Bank Supervisors and American Association of Residential Mortgage Regulators Guidance on Nontraditional Mortgage Product Risks; and

(2) The Conference of State Bank Supervisors, American Association of Residential Mortgage Regulators, and National Association of Consumer Credit Administrators Statement on Subprime Mortgage Lending.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-630 (~~If I send out a letter referring to a consumer's existing loan, what source information must I disclose?~~) What are the advertising restrictions, and what are some examples of those restrictions?** (~~When an advertisement includes information about a consumer's current loan that did not come from a solicitation, application, or loan made or purchased by the licensee, the licensee shall provide to the consumer the name of the source from which this information was obtained.~~) **(1) Licensees are prohibited from advertising with envelopes or stationery that contain an official-looking emblem designed to resemble a**

**government mailing or that suggest an affiliation that does not exist. What are some examples of emblems or government-like names, language, or nonexistent affiliations that will violate the state and federal advertising laws?** Some examples include, but are not limited to:

(a) Characterizing products as "government loan programs," "government-supported loans," or other words that may mislead a consumer into believing that the government is guaranteeing, endorsing, or supporting the advertised loan product. Using the words "FHA loan," "VA loan," or words for other products that are in fact endorsed or sponsored by a federal, state, or local government entity is allowed.

(b) An official-looking emblem such as an eagle, the Statue of Liberty, or a crest or seal that resembles one used by any state or federal government agency.

(c) Envelopes designed to resemble official government mailings, such as IRS or U.S. Treasury envelopes, or other government mailers.

(d) Warnings or notices citing government codes or form numbers not required by the U.S. Postmaster to be shown on the mailing.

(e) The use of the term "official business," or similar language implying official or government business, without also including the name of the sender.

(f) Any suggestion or representation that the solicitor is affiliated with any agency, bank, or other entity that it does not actually represent.

**(2) When I am advertising interest rates, the act requires me to conspicuously disclose the annual percentage rate (APR) implied by the rate of interest. What does it mean to "conspicuously" disclose the APR?** The type size of the APR must be the same size or larger than any other rates stated in the advertisement.

**(3) The act prohibits me from advertising an interest rate unless that rate is actually available at the time of the advertisement. How may I establish that an advertised interest rate was "actually available" at the time it was advertised?** Whenever a specific interest rate is advertised, the licensee must retain a copy of supporting rate information, and the APR calculation for the advertised interest rate.

**(4) Must I quote the annual percentage rate when discussing rates with a borrower?** Yes. You must quote the annual percentage rate and other terms of the loan if you give an oral quote of an interest rate to the borrower. TILA's Regulation Z, 12 CFR, part 226.26 provides guidance for using the annual percentage rate in oral disclosures.

**(5) May a licensee advertise rates or fees as the "lowest" or "best"?** No. Rates described as "lowest," "best," or other similar words cannot be proven to be actually available at the time they are advertised. Therefore, they are a false or deceptive statement or representation prohibited by RCW 19.146.0201(7).

**(6) May I solicit using advertising that suggests or represents that I am affiliated with a state or federal agency, municipality, federally insured financial institution, trust company, building and loan association, when I am not; or that I am an entity other than who I am?** No. It is an unfair and deceptive act or practice and a violation of the act for you to suggest or represent that you are affiliated with a state or federal agency, municipality, federally insured

financial institution, trust company, building and loan association, or other entity you do not actually represent; or to suggest or represent that you are any entity other than who you are.

**(7) If I advertise using a borrower's current loan information, what must I disclose about that information?** When an advertisement includes information about a borrower's current loan that you did not obtain from a solicitation, application, or loan, you must provide the borrower with the name of the source of the information.

**AMENDATORY SECTION** (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-640 What are ((the requirements)) some of the federal laws I must comply with when I advertise any loan subject to the Consumer Loan Act?** You must comply with all the applicable advertising requirements under the federal statutes and regulations including, but not limited to, the Truth in Lending Act, the Real Estate Settlement Procedures Act, the Federal Trade Act, the Telemarketing and Consumer Fraud and Abuse Act, and the Equal Credit Opportunity Act ((and you must conspicuously disclose the annual percentage rate implied by the rate of interest that you are advertising)).

**AMENDATORY SECTION** (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-650 Will the director waive fees charged under the Consumer Loan Act?** The director or designee may waive any or all of the fees and assessments under this chapter when he or she determines that:

(1) The financial services regulation account exceeds the projected minimum fund balance level approved by the office of financial management; and

(2) That the waiver is fiscally prudent((~~and~~

(3) ~~Good cause is shown by the applicant for the waiver).~~

## WSR 08-15-126

### PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 08-175—Filed July 22, 2008, 9:04 a.m., effective August 22, 2008]

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

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-88B-030.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 08-08-041 on March 26, 2008.

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

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

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

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

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

Date Adopted: July 20, 2008.

Susan Yeager  
for Jerry Gutzwiler, Chair  
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 04-21, filed 2/10/04, effective 3/12/04)

**WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal—Vessel restriction—Incidental catch.** (1) No individual may hold more than one Washington coastal spot shrimp experimental fishery permit.

(2) Coastal spot shrimp experimental fishery permits are not transferable. Only the vessel designated on the emerging commercial fishery license and coastal spot shrimp experimental fishery permit may be used to fish for or deliver spot shrimp.

(3) A coastal spot shrimp experimental fishery permit will be issued only to a natural person who

(a) held such a permit the previous year; and

(b) can demonstrate by valid Washington fish receiving tickets that at least 1,000 cumulative round weight pounds of spot shrimp taken from waters of the Pacific Ocean adjacent to the state of Washington were landed from the person's designated vessel or vessels during the previous two calendar years. Landings of spot shrimp reported as "tails" on fish receiving tickets will be converted to round pounds by multiplying the reported weight of tails by two).

(4) Coastal spot shrimp experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violations of other fishing regulations. A coastal spot shrimp experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(5) The director may issue a coastal spot shrimp experimental fishery permit to another person if a permittee fails to make the requisite landings, if the person's experimental coastal spot shrimp experimental fishery permit is revoked, or if no application for an emerging commercial fishery license is received by March 31st of each year. The total number of permits issued, including replacement permits, shall not exceed fifteen. Selection of persons to receive replacement permits shall be by gear or gear replacement type, and replacement permits will be offered in descending order first to persons who made the largest total of Washing-

ton coastal spot shrimp landings in each gear type during the original qualifying period, and then in descending order to persons who made the largest total of Washington coastal spot shrimp landings in each gear type. If no persons with coastal spot shrimp landings wish to participate, the director may offer a replacement permit by random drawing.

(6) Coastal spot shrimp experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

(7) The total allowable catch of spot shrimp taken from Washington territorial waters west of the Bonilla-Tatoosh line and from adjacent waters of the Pacific Ocean during a calendar year is ~~((250,000))~~ 200,000 pounds round weight, provided that not more than 100,000 pounds ~~((may))~~ be taken south of 47°04.00' N. latitude and no more than 100,000 pounds be taken north of 47°04.00' N. latitude.

(8) ~~((Beginning January 1, 2003, through December 31, 2005, the allowable catch shall be allocated as follows: 175,000 pounds available to all permit holders and 75,000 pounds available to fishers who were converted from trawl to pot permits. Beginning January 1, 2006, the allowable catch is available to all permit holders.~~

~~((9))~~ Vessel restriction: A coastal spot shrimp experimental fishery permit will not be issued to a person who designates a vessel greater than ten feet longer than the vessel designated as of March 31, 2003, provided that if the vessel designated as of March 31, 2003, is ten or more feet greater than the vessel used by the person to initially qualify for a coastal spot shrimp experimental fishery permit, the person may not designate a vessel greater in length than the vessel designated as of March 31, 2003.

~~((10))~~ (9) Incidental catch:

(a) It is unlawful to retain more than 50 pounds round weight of other shrimp species. It is ~~((lawful))~~ permissible to retain octopus and squid.

(b) It is unlawful to retain salmon.

(c) It is unlawful to retain any bottomfish species.

**WSR 08-15-127  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 08-180—Filed July 22, 2008, 9:07 a.m., effective August 22, 2008]

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

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 08-08-054 on March 27, 2008.

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

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

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

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

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

Date Adopted: July 20, 2008.

Susan Yeager  
for Jerry Gutzwiler, Chair  
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 04-210, filed 8/17/04, effective 9/17/04)

**WAC 220-52-073 Sea urchins.** It is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section.

**(1) Sea urchin districts:**

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juan Islands and Port Townsend) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island and Areas 21A, 21B, 22B, 23A, 23B, 25A and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C east of a line projected true north from Low Point, along 123°49'30" W. longitude, and Area 23D.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from

Low Point, along 123°49'30" W. longitude, and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock) and Areas 59A and 59B. Within Sea Urchin District 5, waters within one-quarter mile of Tatoosh Island are closed to the harvest of sea urchins at all times.

(f) Sea Urchin District 6 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A.

(g) Sea Urchin District 7 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, 26D and 28A. The following areas within Sea Urchin District 7 are closed to the harvest of sea urchins at all times.

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to the shore on Bainbridge Island.

(ii) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall directly below the Veteran's Home in Annapolis.

**(2) Sea urchin seasons and sizes:**

(a) Sea urchin seasons (~~and sizes~~) will be set by emergency rule.

(b) Green sea urchins in all sea urchin districts - unlawful to harvest urchins smaller than 2.25 inches (size in largest test diameter exclusive of spines).

(c) Red sea urchins in Sea Urchin Districts 1 and 2: Unlawful to harvest urchins smaller than 4.0 inches or larger than 5.5 inches (size in largest test diameter exclusive of the spines).

(d) Red sea urchins in Sea Urchin Districts 3 and 4: Unlawful to harvest urchins smaller than 3.25 inches or larger than 5.0 inches (size in largest test diameter exclusive of spines).

**(3) Shellfish diver gear:**

(a) It is unlawful to take sea urchins by any means other than shellfish diver gear.

(b) Divers may only use hand-operated equipment that does not penetrate the shell.

(c) Sea urchins may not be taken from water shallower than 10 feet below mean lower low water.

(d) Purple sea urchins may not be taken.

(e) Divers operating from a vessel must have a number assigned by the department, placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air and the number must be black on white no less than 18 inches high and of proportionate width.

(f) Divers may not take sea urchins from one-half hour after sunset to one-half hour before sunrise.

(g) No processing of sea urchins is permitted aboard the harvest vessel.

(h) Divers may not take sea urchins for use other than as human food.

(i) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvesting

operation or when commercial quantities of sea urchins are aboard except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(j) Variance from any of the provisions of this subsection is only allowed if authorized by a permit issued by the director.

(k) Licensing: A sea urchin dive fishery license is the license required to operate the gear provided for in this section.

**WSR 08-15-132**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 22, 2008, 9:21 a.m., effective October 1, 2008]

Effective Date of Rule: **Effective October 1, 2008:** WAC 296-17-31013, 296-17A-0607, 296-17A-2004, 296-17A-2102, 296-17A-3304, 296-17A-3402, 296-17A-3404, 296-17A-4109, 296-17A-4906, 296-17A-6602, 296-17A-6603, and 296-17A-7202.

**Effective January 1, 2009:** WAC 296-17A-0202 and 296-17A-4801.

Purpose: The purpose of this rule making is to clarify existing industrial insurance classifications in chapter 296-17A WAC and create a new classification as a result of industry needs and legislative changes. A classification for geoduck divers is being repealed and a new subclassification is being created for geoduck divers (not including tenders). A rule in chapter 296-17 WAC is being updated to include classification 0112 on the list of recognized construction classifications at the request of industry, which is in response to a rule-making petition. Eleven classifications are being amended for clarification purposes. WAC 296-17-31013, add 0112 (sand and gravel operations) to list of construction activities entitled to 5206 (shop classification); WAC 296-17A-4801, repeal geoduck diving class effective January 1, 2009; WAC 296-17A-0202, create new subclassification for geoduck diving under construction divers classification. With removal of tenders the rate will move from \$3.33 to \$5.32; WAC 296-17A-0607, added home staging to class for merchandise display; WAC 296-17A-2004, changes a reference to 3402 to 5209; WAC 296-17A-2102, changes reference to drivers to specify all driving outside the yard is to be reported in 1102 for trucking; WAC 296-17A-3402-11, repeal this subcode which was temporary holding sub; WAC 296-17A-3304, removes reference to harvesting shellfish in this classification; WAC 296-17A-3404, added metal boat manufacturing to a metal goods class; WAC 296-17A-4109, added special note regarding 4904; WAC 296-17A-4906, added sales to class for institutions of higher learning; WAC 296-17A-6602, included defogging for multi-paned windows to window washing class; WAC 296-17A-6603, added internet auctions to regular auction class; and WAC 296-17A-7202, added special note to real estate class regarding definition of worker and independent contractor.

Citation of Existing Rules Affected by this Order: Repealing 1; amending 12; and new 1.

Statutory Authority for Adoption: RCW 51.16.035, 51.16.100, and chapter 70, Laws of 2008 (SHB 2885).

Other Authority: Title 51 RCW.

Adopted under notice filed as WSR 08-09-129 on April 22, 2008.

Changes Other than Editing from Proposed to Adopted Version: Removed the tender language from classification 0202-05 in response to chapter 70, Laws of 2008 (SHB 2885) that passed the 2008 legislature.

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 12, 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 1, Amended 12, Repealed 1.

Date Adopted: July 22, 2008.

Judy Schurke  
Director

AMENDATORY SECTION (Amending WSR 07-12-045, filed 5/31/07, effective 7/1/07)

**WAC 296-17-31013 Building construction. (1) Does this same classification approach apply to building and construction contractors?**

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

*Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the **multiple business** classification approach.*

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping sec-



tion of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

**(2) Who does this rule apply to?**

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0107, 0108, 0112, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

**(3) Can I have a single classification assigned to my business to cover a specific construction project?**

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

**(4) How do I request the single classification for one of my construction projects?**

You should send your request to the attention of your account manager at the address below:

Department of Labor and Industries  
P.O. Box 44144  
Olympia, Washington 98504-4144

**(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?**

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

*Example:* You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.

With this information we will estimate the premiums by classification.

*Example:* We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

*Example:* We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification

whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

*Example:* From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.

**(6) How will I know what classification will apply to my construction project?**

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

**(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?**

No, but you should call your account manager to verify what other classifications would apply to the project. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.

**(8) I am a general construction or erection contractor, I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?**

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors in good standing by confirming their status on the department's web site or contacting your account manager.

**(9) Am I required to keep any special records of subcontractors that I use?**

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

**(10) What classification should I use to report construction site cleanup by my employees?** You should report the cleanup of construction debris in the same classifi-

cation that applied to the work which generated the debris unless another classification treatment is provided for in other rules. For example, if you are a roofing contractor and you have an employee pick up roofing debris at the construction (project) site, you would report the employee involved in the site cleanup in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report site cleanup in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report construction site cleanup by your employees in classification 0510 "wood frame building construction."

**(11) I am a construction site clean-up contractor, my employees only pick up construction debris, we do no construction work, what classification do I report site cleanup in?** If your employees are collecting and/or removing construction site debris, you would report in classification 4305-22. If your employees are collecting and/or removing nonconstruction debris such as household junk, garden waste, basement debris, furniture and appliances, you would also report in classification 4305-22. If you have contracts to clean up construction debris and also provide preoccupancy clean up work and are not a construction contractor, then you can divide hours between the two risk classifications 4305-22 and 6602-03 providing accurate accounting records are kept for both activities.

**(12) What classification should I use to report the work time of my employees when they are involved in the set up of scaffolding, hoists, cranes, towers or elevators at a construction site?** We use the same classification treatment for this type of work as we do with construction site cleanup. For example, if you are a roofing contractor and you have an employee set up scaffolding at the construction (project) site, you would report the employee involved in the set up of scaffolding in the roofing classification (0507). If you are the general contractor at a construction site and have either classification 0510 "wood frame building construction" or classification 0518 "nonwood frame building construction" assigned to your business, you would report the set up of scaffolding at the construction in the classification applicable to the type of building you are constructing. For example, if you are a general contractor and you are engaged in building a single-family wood frame dwelling, you would report scaffolding set up by your employees in classification 0510 "wood frame building construction." Helicopter services that are engaged to assist in lifting beams, air conditioning units, statues and other objects onto buildings or structures are to be reported separately in classification 6803.

**(13) Is preoccupancy cleanup of a building by my employees classified the same as debris cleanup at a construction site?** Since your understanding of what preoccupancy clean-up work is may be different from ours, we need to share with you our understanding before we can answer this question. Our understanding in this area is that preoccupancy cleanup occurs after the building is finished. The clean-up work consists of washing paint and overspray from

windows, vacuuming carpets, washing floors and fixtures, and dusting woodwork, doors and cabinets. If you have employees whose duties are limited to this type of cleaning, we will allow you to report their work time in classification 6602 "janitors."

**(14) If I have an employee who does some construction work, construction site cleanup and preoccupancy cleanup, can I divide their work time between the janitor and a construction classification?** No, we will not permit you to divide the work time of an employee between the janitor classification and a construction classification. If you have an employee who does preoccupancy clean-up work for you, and that employee also performs other nonpreoccupancy clean-up work for you such as construction work, shop work or construction site debris clean-up work, then you must report all of their work time in the applicable construction or nonshop classification.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-0202 Classification 0202.**

**0202-02 Pile driving - wood or concrete piling construction**

Applies to contractors engaged in pile driving and piling construction. Pile driving involves long sturdy posts or columns of timber, steel, or concrete being driven into the earth as a foundation or support for a structure such as a building, pier or wharf. This type of activity usually occurs when a portion of the structure is going to be under water, in mud, at a site where the ground is soft or unstable, or when the structure is expected to be of extraordinary weight. Work contemplated by this classification includes driving wood or steel beams, driving concrete columns, shaft sinking or caisson work, stacking of concrete piles, erection of a cofferdam, and includes all cross beaming, decking, and similar carpentry incidental to, and connected with, pile driving operations as part of the foundation construction project. Shaft sinking is removal of earth from a hole with a relatively small diameter and usually at a considerable depth. The cofferdam is a temporary structure from which water can be pumped or sucked to provide a dry work area during construction of the foundation or substructure. Once the foundation support is complete, the cofferdam is taken apart and removed.

This classification excludes diving operations or activities which are to be reported separately in classification 0202-04.

**Special note:** Pile driving projects could occur on or adjacent to navigable waters (harbors, rivers, canals) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick, pile driver or dredge, a barge, or a pontoon (which is a flat bottom boat) or portable float. Workers

who perform the work activities from the shoreline or from adjacent areas such as an existing dock, pier, or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, pile driving projects involve a variety of types of work crews such as those working from a floating derrick or pile driver, a barge, a pontoon, a shoreline pile crew, workers inside the cofferdam, as well as the maintenance and repair of the construction material or equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

**0202-03 Wharf, pier, dock and marine railway: Construction, maintenance and repair**

Applies to contractors engaged in the construction, maintenance or repair of piers, wharves, docks and marine railways. A pier or wharf is a platform extending from a shore over water and supported by piles or pillars. A dock is the area between two piers or alongside a pier or wharf. These types of platforms are for vessels to tie up and provide an area for loading, unloading, or repairing vessels. Most often, the construction of such platforms will include the foundation or substructure being under water or mud, and the remainder of the platform being exposed above the water or mud. Work contemplated by this classification includes, but is not limited to, construction of the foundation or substructure which consists of shaft sinking, pile driving, stacking of piles and/or erection of a cofferdam, and includes all concrete, steel or carpentry work after the foundation or substructure is built to completion of the project. Shaft sinking involves the removal of earth from a hole with a relatively small diameter and usually at a considerable depth. Pile driving involves long sturdy posts or columns of timber, steel, or concrete being driven into the earth as a foundation or support for the structure. The cofferdam is a temporary structure from which water can be pumped or sucked to provide a dry work area during construction of the foundation or substructure. Once the foundation support is complete, the cofferdam is taken apart and removed. This classification also includes caisson work as part of the construction for the foundation or substructure support.

This classification excludes diving operations or activities which are to be reported separately in classification 0202-04.

**Special note:** The construction of piers, wharves, docks and marine railways could occur on or adjacent to navigable waters (harbors, rivers, canals) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick, floating barge, a pontoon (which is a flat bottom boat) or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an

existing dock, pier, or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, these types of projects involve a variety of work crews such as those working from a floating derrick or barge, a pontoon, a shoreline pile crew, workers inside the cofferdam, as well as the maintenance and repair of the construction material or equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

**0202-04 Diving operations and subaqueous work, N.O.C.**

Applies to establishments engaged in diving operations not covered by another classification (N.O.C.). Diving operations such as underwater diving, skin diving or scuba diving are performed in numerous types of uncontrolled environments such as the ocean, harbors, bays, dams, lakes, as well as controlled environments such as swimming pools or aquarium tanks. Work contemplated by this classification includes, but is not limited to, marine salvage and wreckage, underwater mining and sweeping, underwater construction or demolition, installation, repair and/or inspection of wharves, piers, and docks, inspection of ships, barges, and other vessels, ~~((subaqueous harvesting of geoduck, sea cucumbers, or similar marine life,))~~ underwater exploration, as well as diving instruction. Classification 0202 includes all diving activities with the following exception: Diving instructors who provide instructional lessons in a controlled environment such as a swimming pool may be reported separately in classification 6209 provided accurate time records are maintained for the instructional lesson hours. Failure to maintain accurate time records will result in the hours in question being assigned to classification 0202 without a division of hours between the two classifications.

**Special note:** Many diving operations and activities occur on or adjacent to navigable waters (a harbor, river, canal, dam, lake) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" who are support personnel such as line handlers and pump persons) from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, a boat or ship, a barge, or type of pontoon (which is a flat bottom boat) or portable float. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" who are support personnel such as line handlers and pump persons) from the shoreline or from adjacent areas such as an existing dock, pier or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

**0202-05 Geoduck harvesting by divers (to be assigned only by the maritime specialist)**

Applies to establishments engaged in diving operations to harvest wild geoduck clams from natural areas. Work contemplated by this classification includes subaqueous harvesting of geoduck clams, sea cucumbers or similar marine life.

**Special note:** Many diving operations and activities occur on or adjacent to navigable waters (a harbor, river, canal, dam, lake) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" who are support personnel such as line handlers and pump persons) from on board a vessel could be subject to the Jones Act or Admiralty Law which recognize such work crews and workers as masters or members of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, a boat or ship, a barge, or type of pontoon (which is a flat bottom boat) or portable float. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" or other support personnel such as line handlers and pump persons) from the shoreline or from adjacent areas such as an existing dock, pier or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Compensation Act (LHWCA). Care should be exercised prior to assignment of this classification as the workers could be subject to either or both state fund or federal jurisdiction. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-2004 Classification 2004.****2004-21 Iron or steel merchants; wire rope and cable dealers**

Applies to establishments engaged as iron or steel merchants or as dealers of wire rope, cable, or metal conduit. This classification includes the merchandising of nonferrous metals such as, but not limited to, copper, brass, or aluminum. This classification is distinguished from scrap metal dealers in classification 0604 who deal primarily in used metal as opposed to merchants in classification 2004 who sell new goods. Iron or steel merchants receive metal in the form of beams, sheets, plates, bars, rods, pipe, rounds, channels, angles, tubes, or coils from the mills which they unload with overhead cranes, and store them in their shop or yard. Using power equipment such as ~~((shearers))~~ shears, hacksaws, drills, benders, and cutting torches, they are cut, sheared, and formed to customer specifications. Wire rope and cable dealers use coilers to wind the wire rope or cable from large spools onto smaller spools, and use saws or other cutting tools to cut it to length and large hydraulic presses to attach sockets, pulleys and other hardware to wire rope to form rigging used by the fishing, logging, and construction industry.

This classification excludes scrap metal and junk dealers which are to be reported separately in classification 0604, and rebar fabricators which are to be reported separately in classification ~~((3402))~~ 5209.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-2102 Classification 2102.****2102-00 Warehouses - general merchandise**

Applies to establishments operating as warehouses for general merchandise. This merchandise belongs to a customer and is usually stored for long periods of time. Products typically involved are bulk, nonperishable materials which might include, but not be limited to, rice, coffee, potatoes, or dry cement. Work contemplated by this classification includes, but is not limited to, unloading deliveries, moving merchandise within the facility, recordkeeping, security, and maintaining the facility. Equipment and machinery used includes pallet jacks, forklifts, routine maintenance, cleaning and recordkeeping supplies, and shop vehicles.

This classification excludes delivery drivers who are to be reported separately in classification 1102; wholesale dealers who operate a warehouse for storage of their own product which is to be reported separately in the classification applicable to the product being sold; warehousing of household furnishings by a moving and storage company which is to be reported separately in classification 6907; cold storage plants which are to be reported separately in classification 4401; ministorage warehousing which is to be reported separately in classification 4910; field bonded warehouses which are to be reported separately in classification 2008; and the warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.

**Special note:** Even though this type of operation may handle some "grocery" products, it differs from 2102-11 in that the products being handled in 2102-00 are in bulk packaging (not cases of consumer-size packages), do not belong to the business that is warehousing them, and are not intended for sale to a wholesaler/retailer.

**2102-04 Recycle, collection and receiving stations; rags, bottles, paper and metal container dealers, N.O.C.**

Applies to establishments engaged in the collection of used paper, aluminum, tin, glass, and plastic for the purpose of selling the material to another business that will recycle/remanufacture it into new products. These facilities normally acquire material by placing collection bins at various remote locations, operating a drop-off center (this phase of the business is known in the trade as a "buy back center")~~((; and employing drivers to pick up from businesses))~~. Work contemplated by this classification includes, but is not limited to, sorting material, operating various pieces of equipment used to crush, reduce, wash, and bale material, weighing containers, paying customers for receipt of items that have a redemption value by the pound or piece ("buying back"), and operating shop or yard vehicles. Machinery and equipment includes, but is not limited to, shredders, balers, can crushers, weigh scales, forklifts, collection bins, shop or

yard vehicles, and rolloff trucks to handle the collection bins. This classification includes dealers of rags, bottles, paper and metal containers not covered by another classification (N.O.C.)

This classification excludes ~~((drivers who are))~~ all trucking outside of the yard which is to be reported separately in classification 1102 and establishments engaged in collecting, sorting and reducing scrap metal such as junk dealers, scrap metal dealers or processors, which also receives glass, paper, plastic, etc., which are to be reported separately in classification 0604.

**Special note:** Classification 2102-04 should not be assigned to an employer who also operates a business subject to classification 4305-18 (Garbage, refuse or ashes collecting) without careful review and an on-site survey. Most garbage collecting businesses have some type of "recycle" program as part of their normal operations in an effort to sort and reduce the amount of waste that goes to landfills and this is considered an inclusion.

### **2102-11 Grocery, fruit or produce distributors - wholesale or combined wholesale and retail**

Applies to establishments engaged in the wholesale, or wholesale/retail, distribution of a variety of grocery items, fruit and produce. A business in this classification buys products from the manufacturer and sells to retail grocery stores, restaurants, and similar businesses. Grocery items may include, but not be limited to, packaged foods, frozen foods, household cleaning supplies, paper products, personal care items, beer, soda, and dairy products. Work contemplated by this classification includes, but is not limited to, unloading deliveries, moving merchandise within the facility, incidental repackaging, breakdown of merchandise into smaller lots, recordkeeping, security, and maintaining the facility. Equipment and machinery includes, but is not limited to, pallet jacks, forklifts, strapping and shrink wrapping equipment, and vehicles.

This classification excludes delivery drivers who are to be reported separately in classification 1101; any general merchandise warehouse operations in which the operator of the warehouse does not own the merchandise being handled and it is in bulk quantities, which is to be reported separately in classification 2102-00; cold storage plants handling food products which are to be reported separately in classification 4401; operations specializing in vegetable/fruit packing for wholesale distribution which are to be reported separately in classification 2104; operations specializing in wholesale distribution of beer, wine, ale or soft drinks which is to be reported separately in classification 2105; field bonded warehouses which are to be reported separately in classification 2008; and the warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.

### **2102-28 Wool or cotton merchants**

Applies to establishments operating as wool or cotton merchants. Merchants subject to this classification buy raw wool or cotton from others, do incidental sorting, grading and repackaging, and sell the product to another business for use as a raw material to make products such as yarn, thread or fabric. Work contemplated by this classification includes, but

is not limited to, unloading deliveries, moving merchandise within the facility, hand sorting the product by grade (quality), repackaging, recordkeeping, security, and maintaining the facility. Equipment and machinery includes, but is not limited to, pallet jacks, forklifts, repackaging equipment and vehicles.

This classification excludes drivers who are to be reported separately in classification 1102; wholesale dealers of a finished wool or cotton product which are to be reported separately in the classification applicable to the product; and the warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.

**AMENDATORY SECTION** (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

### **WAC 296-17A-3304 Classification 3304.**

#### **3304-00 Fish processors, packers and repackers - wholesale or combined wholesale/retail**

Applies to establishments engaged in processing, packaging, and repackaging fish such as salmon, cod, whitefish, halibut, tuna, and/or shellfish when conducted by a wholesale or combined wholesale/retail operation. Typically, fish will arrive at a port via a commercial fishing vessel. Before the load of fish is accepted the wholesaler will inspect the commercial fishing vessel's records to ensure that the fish were caught, handled and stored in accordance with all applicable laws. The fish is then unloaded, identified, inspected for quality, weighed and stored in a refrigerated area or a freezer to await further disposition. Fish are processed, packed and repackaged as requested by the customers. Processing may include, but is not limited to, cutting, filleting, cooking, and/or canning. The fish may be sold to fish and meat markets, supermarkets, grocery stores, restaurants, or other wholesale dealers. ~~((This classification includes fishing activities that are not covered by another classification (N.O.C.) and the harvesting, planting or packaging of aquatic plants or shellfish obtained from natural areas where the husbandry of the resource is not an integral part of the operation.))~~

This classification excludes establishments engaged in the cold storage or locker operations of products owned by others which are to be reported separately in classifications 4401 or 4404 as applicable; establishments engaged in the raising, harvesting and subsequent processing and packing of shellfish which are to be reported separately in the appropriate classifications; and establishments engaged exclusively in retail fish activities, or the packaging of whole minnow, herring, or anchovy (not processed), which are to be reported separately in classification 3303.

#### **3304-01 Meat and/or poultry dealers - wholesale or combined wholesale/retail**

Applies to establishments engaged in the wholesale or combined wholesale/retail distribution of fresh, frozen, cured, or smoked meat or poultry. Wholesale dealers generally purchase meat (whole, half, or quarter carcasses) from slaughterhouses, and poultry from poultry processing plants. The meat or poultry is cut into steaks, chops, roasts, fillets or

poultry parts, for sale to commercial or institutional customers such as restaurants, hotels, grocery stores, meat and poultry markets, hospitals, and prisons. Wholesale dealers typically do not have display cases for the meat or poultry and receive orders by telephone or by mail. This classification includes the processing and butchering of poultry.

This classification excludes meat products manufacturing, canning or dehydrating, and packing house or slaughterhouse operations, which are to be reported separately in classification 4301; custom meat cutting operations, including farm kill, which are to be reported separately in classification 4302; cold storage or locker operations which are to be reported separately in classifications 4401 or 4404 as applicable, when conducted as a separate and distinct business; establishments engaged in processing, packaging, and repackaging fish which are to be reported separately in classification 3304-00; and retail meat, fish and poultry dealers who are to be reported separately in classification 3303.

AMENDATORY SECTION (Amending WSR 07-12-047, filed 5/31/07, effective 7/1/07)

**WAC 296-17A-3402 Classification 3402.**

**3402-00 Air compressor: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of air compressors. This includes air or gas compressors used for paint sprayers, air tools, tire inflation, and general industrial purposes. Operations contemplated include, but are not limited to, welding, machining, general mechanical and electrical work. Machinery and equipment includes, but is not limited to, hand and air tools, welders, punches, shears, and compression equipment. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-01 Printing or bookbinding machinery: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of printing or bookbinding machinery. The outside casings of the machines may be made of plate metal that varies between 1" to 2 1/2" in thickness. The machines used to make the presses and binding machinery may include both Computer Numeric Controlled (CNC) and manual mills and lathes. Other machinery used in the manufacturing process includes, but is not limited to, welders or cutters, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being

performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and the set up, installation and repair of printing or bookbinding machinery which is to be reported separately in classification 0603.

**3402-02 Pump, safe, scale, auto jack, and water meter: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of pumps, safes, scales, auto jacks, and water meters. Materials range from brass screws and rubber washers used to rebuild water meters to plate metal and steel castings used for safe and pump manufacturing. Machinery includes, but is not limited to, hand tools used for repairs, lathes, welders, and pressure testers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; the installation and repair of safes which is to be reported separately in classification 0607; and the installation of pumps which is to be reported separately in the applicable classification.

**3402-03 Shoe or textile machinery: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of shoe machinery or textile machinery. Metal materials used vary in size, shape and dimension. Machinery includes, but is not limited to, drills, mills, lathes, saws, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of shoe or textile machinery which is to be reported separately in classification 0603.

**3402-04 Confectioners or food processing machinery: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of food processing or confectioners machinery. Metal materials used vary in size, shape and weight. These establishments often have an assembly line operation and a separate electronic assembly area. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it

includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of confectioners and food processing machinery which is to be reported separately in classification 0603.

#### **3402-05 Machine shops, N.O.C.**

Applies to establishments engaged in general machine shop operations not covered by another classification (N.O.C.), tool sharpening, and mobile welding shops. Many of the establishments in this classification are "job shops." Size and shape of materials vary with steel and aluminum being the most common. Plastics, light weight aluminum, and alloyed metals are becoming increasingly popular in the manufacture of equipment for some industries. These establishments often have welding shops along with machine shops. Machinery and equipment includes, but is not limited to, mills, lathes, grinders, saws, welding equipment, inspection equipment, and material handling equipment. Machinery is both manual and Computer Numeric Controlled (CNC). This classification also includes "mobile shops" which are used *exclusively* to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, however, sometimes the broken part is removed and taken back to the shop for repair.

This classification excludes repairs to buildings and structures which are to be reported separately in the appropriate construction classification, and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

**Special note:** The term "job shop" is an industry term that means the shop will produce products to customer specifications.

#### **3402-06 Power saw, lawn and garden equipment, small motor, N.O.C.: Repair**

Applies to establishments engaged in repairing small power tools, small motors powered by gas or diesel, outboard marine engines, and lawn and garden equipment not covered by another classification (N.O.C.). The largest piece of equipment repaired in this classification is generally a riding lawn mower. Classification 3402-06 is assigned in conjunction with a store classification for establishments that have a store operation and also repair the type of items they sell. Classification 3402-06 may also be assigned to a manufacturer representative who performs warranty repairs. Tools used in this type of repair are mainly hand and air tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the repair of electrical motors which is to be reported separately in classification 5201.

#### **3402-07 Gear: Manufacturing or grinding**

Applies to establishments engaged in the manufacture or grinding of gears. Establishments in this classification may

also cut key slots and broaches. Establishments that cut stock to manufacture the gear are often not the same ones that perform the final grinding process. Gears may go through two, three, or four different grinding, slotting, and/or keying establishments and then go to another establishment for electroplating or galvanizing before they are ready for sale or use. Precision machine shops may grind gears to the ten thousandths of an inch. Materials used are usually stainless steel, aluminum, or plastic. Machinery includes, but is not limited to, gear shapers, drill presses, mill, hobbers, grinders, some of which might be Computer Numeric Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

#### **3402-08 Elevator: Manufacturing**

Applies to establishments engaged in the manufacture of elevators and associated electronic components. Machinery includes, but is not limited to, mills, drills, lathes, saws, and grinders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation, service, and repair of elevators which is to be reported separately in classification 0602.

#### **~~(3402-11 Metal goods: Manufacturing and shop services (temporary classification))~~**

~~Applies temporarily to all establishments assigned any classification within WAC 296-17-580. When the metal goods study is complete, the establishments within this classification will be assigned to the appropriate classifications. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.~~

~~This classification excludes all activities away from the shop or plant.)~~

#### **3402-12 Multimedia blasting**

Applies to establishments engaged in multimedia (such as, but not limited to, glass, plastic and sand) blasting operations which strip paint or other coatings from metal or fiberglass. Most of the blasting operations in this classification are done on automobiles, but it also applies to establishments that perform blasting on items such as, but not limited to, barbecue grills, and cast iron pieces. Multimedia blasting processes in this classification are performed in a shop, use less air pressure and media with softer finishes than other blasting opera-

tions. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and sandblasting of buildings or structures which is to be reported separately in classification 0504.

**3402-14 Furnace, heater, radiator, wood, propane, or pellet stoves: Manufacturing**

Applies to establishments engaged in the manufacture of furnaces, radiators, wood, propane, or pellet burning stoves or similar heating fixtures. Materials include, but are not limited to, metal cast parts, sheet metal, plate metal, aluminum, or stainless steel. Machinery includes, but is not limited to, hand tools, solder guns, punches, lathes, and saws. Establishments in this classification may have separate areas for electronic assembly and/or painting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of radiators for automobiles or trucks which are to be reported separately in classification 3402-48; and establishments engaged in the manufacture of baseboard heaters which are to be reported separately in classification 3404.

**3402-16 Die casting**

Applies to establishments engaged in the manufacture of products by die casting. Die casting is a manufacturing process for producing accurately-dimensioned, sharply-defined metal products which are referred to as "die castings." "Dies" are the steel molds used to mass produce the product. The process begins when ingots of various metal alloys are melted in die casting machines. The machine forces the metal into the die under hydraulic or pneumatic pressure. The casting quickly solidifies in the die, and is automatically ejected by the machine, and the cycle starts again. The castings are cleaned by grinding or sanding, which also removes any excess metal "flash." Many die casting manufacturers maintain their own machine shop for making the dies. Die making, when done as a part of die casting operations, is included within the scope of this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and establishments engaged in making dies for others which are to be reported separately in classification 3402-74.

**3402-26 Saw blade: Manufacturing, assembly, or sharpening**

Applies to establishments engaged in the manufacture, assembly, or sharpening of saw blades such as, but not limited to, those used in circular saws, band saws, rip saws, key-hole saws, and handsaws such as hacksaws or meat saws. This classification also includes sharpening services for items such as, but not limited to, tools, scissors, and knives. Materials include, but are not limited to, high tensile steel and carbide tipped blades. Machinery includes, but is not limited to, saws, mills, drills, and hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the repair or sharpening of chain saws which are to be reported separately in classification 3402-06; and establishments engaged in the manufacture or repair of electrical saws which are to be reported separately in classification 5201.

**3402-28 Heat treating metal**

Applies to establishments engaged in heat treating metal. The heat treating process may use computer numeric controlled ovens or furnaces. The oven may heat up to 1200 degrees Fahrenheit and a furnace may heat up to 2000 degrees Fahrenheit. The metal(s) is placed on a platform; the platform is hydraulically moved into the first chamber and the door is automatically closed. At this time, the oxygen is burned from the chamber. Then the second chamber door is opened and the metal enters the oven/furnace. Depending upon the specifications, the heat treating process usually takes six to sixteen hours. When the metal is finished in the heating chamber it returns automatically to the first chamber. Then the platform lowers and the metals are dipped into a cooling agent. Once the metals are cooled to room temperature the platform rises, the door opens, and the materials are removed. The process is essentially the same using noncomputer numeric controlled heat treating equipment except that, rather than being hydraulically operated, the machine operators move the metals through the system. Many establishments do not produce a product, but heat treat a variety of products to customer specifications. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-29 Nut, bolt, screw, nail, tack, rivet, eyelet spike, needle, N.O.C.: Manufacturing**

**Sprinkler head, speedometer, carburetor: Manufacturing or assembly**

Applies to establishments engaged in the manufacture of nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, and needles not covered by another classification (N.O.C.). This classification also applies to establishments engaged in the



manufacture or assembly of sprinkler heads, speedometers, or carburetors. Materials include, but are not limited to, steel or iron rods which may be pressed or formed, and small component parts. Machinery includes, but is not limited to, saws, shears, presses, chucks, threading and tapping machines, some of which may be Computer Numeric Controlled (CNC). Establishments may have separate areas for deburring, inspecting, packing and shipping. The carburetor rebuilding may be performed on vehicles that are driven or towed into the shop, or on carburetors that have been already removed from the vehicles. In either case the repairs are made exclusively with hand and air tools and sometimes a diagnostic scope and a drill press. A speedometer is usually embodied with a mileage recording mechanism. The central feature of the device is a permanent magnet. There are gears, spindles, and a drive shaft present in most speedometers. There is also a unit counting disc and a spiral spring calibrator. Hand tools are used almost exclusively in the repair of this kind of speedometer. Today many speedometers are computer controlled. Basically, if this kind of speedometer is in need of repair, a computer chip(s) is replaced, using hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of hardware that is not covered under another classification, such as handles, latches, and hinges which are to be reported separately in classification 3404, and the repair of speedometers or carburetors in a vehicle which is to be reported separately in the appropriate vehicle repair classification.

### **3402-32 Abrasive wheel: Manufacturing**

Applies to establishments engaged in the manufacture of abrasive wheels. Manufacturing operations often include a laboratory where carbon and other materials are mixed together to form the abrasive edge of the mainly high tensile steel wheels. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

### **3402-40 Welding or cutting, N.O.C. (mobile operations limited to repair of equipment and machinery)**

Applies to establishments engaged in welding or cutting operations not covered by another classification (N.O.C.) either in the shop or at the customer's site. Steel is the predominant material along with some aluminum alloys. Machinery is predominantly welding equipment, but may include tools such as, but not limited to, grinders, saws, drills,

and material handling equipment. This classification also includes "mobile shops" which are used *exclusively* to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, sometimes with the use of the customer's equipment; however, broken parts may be removed and taken back to the shop for repair.

This classification excludes welding construction and repairs to buildings or structures which are to be reported separately in the appropriate construction classification and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

### **3402-48 Automobile or truck, radiator and heater core: Manufacturing and repair shops**

Applies to establishments engaged in the manufacture and/or repair of automobile or truck radiator and heater cores. Manufacturers in this classification may have a die casting area and a separate electronic assembly area. Tools and equipment include, but are not limited to, hand tools, solder guns, and punches. Shops that repair radiators may work on the radiators in the vehicles, but usually the radiators have been removed from the vehicle. The radiator is examined and the core may be removed. Next the radiator is cleaned, air pressurized, and dipped in a water tank to check it for leaks. Once the leaks are found they can generally be repaired by welding the holes shut. The radiator is dipped again to ensure the repair has been made properly. Cleaning the radiator may be done by sandblasting, ultra sound baths or by "rodding" the radiator to remove corrosion. Repair equipment includes, but is not limited to, welders, air and hand tools, dipping tanks, hoists, and forklifts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

### **3402-60 Office machinery, N.O.C.: Manufacturing or assembly; Cash register or sewing machines: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of cash registers, sewing machines and office machinery not covered by another classification (N.O.C.) such as, but not limited to, copiers, collators, mail/postage machines, calculators and automatic letter openers. Component parts may be metal, plastic, or wood. Operations include, but are not limited to, cutting, shaping, forming, drilling, riveting, clamping, and bolting; there may be a separate electronic assembly area. Machinery and tools vary within this classification; some establishments use hand and air tools only, others use additional equipment such as, but not limited to, saws, lathes, mills, drills, or water jets, some of which may be Computer Numeric Controlled (CNC). This

classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-61 Small arms: Manufacturing, assembly, or rebuild**

Applies to establishments engaged in the manufacture, assembly, or rebuild of small arms. For the purpose of this classification, small arms means .50 caliber or less, such as pistols, rifles, shotguns, and light machine guns. Operations include, but are not limited to, metal stamping of casings, machining, assembling, and a high proportion of inspecting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of ammunition which is to be reported separately in classification 4601; the manufacture or repair of heavy arms which is to be reported separately in classification 5109; and gun stores which are to be reported separately in classification 6309.

**3402-74 Tool: Manufacturing, not hot forming or stamping; Die: Manufacturing - ferrous**

Applies to establishments engaged in tool manufacturing or die manufacturing, for others, from ferrous materials. Tools manufactured in this classification are usually cutting tools used in lathes, mills, rotors, and saws. Machinery includes, but is not limited to, sharpeners, grinders, lathes and mills, which are both manual or Computer Numeric Controlled (CNC). The die manufacturing included in this classification includes those made exclusively of ferrous materials including, but not limited to, jigs, fixtures, and dies for metal work in general. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of machine-finished tools which are to be reported separately in classification 3402-83.

**3402-77 Auto, truck, semi-trailer and bus body: Manufacturing;**

**Travel trailer body: Manufacturing or repair**

Applies to establishments engaged in the manufacture of auto, truck, and bus bodies, and in the manufacture or repair of travel trailer bodies or cargo containers. Repairs are usually made with the use of welders or cutting torches and air or hand tools. These establishments will also repair or replace hydraulic units. Material used in the manufacture of goods in this classification is usually steel and aluminum, varying in thickness from 16 gauge to plate metal up to one inch thick. Shapes include, but are not limited to, sheet metal, tubes, solid rod or I-beams. Equipment includes, but is not limited to, shears, breaks, hydraulic presses, iron workers, drill presses, grinders, welders, hoist, cranes, and forklifts. Shops may have a finish sanding area as well as a paint area where the vehicle bodies are sprayed with primer, a body bonding material, or a finish coat of paint. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-83 Tool: Manufacturing and machine finishing**

Applies to establishments engaged in manufacturing and machine finishing tools. Tools manufactured in this classification are usually hand held instruments such as, but not limited to, wrenches, screw drivers, hammers, torque wrenches, pliers, and sockets. Machinery includes, but is not limited to, air and hand tools, polishers, grinders, inspection equipment, mills, lathes, shapers, and drill presses, some of which may be Computer Numeric Control (CNC). Establishments may have a galvanizing and/or electroplating area for the finish work which is included when performed by employees of employers subject to this classification. Other establishments in this classification send the finish work out. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of tools from ferrous materials which are to be reported separately in classification 3402-74; and establishments engaged in tool forging which are to be reported separately in classification 5106.

**3402-85 Auto or truck parts: Machining or rebuild not in vehicle**

Applies to establishments engaged in machining or rebuilding auto or truck parts such as, but not limited to, water pumps, fuel pumps, transmissions, heads, brake drums,

ball joints, and rear ends, which are not in the vehicle. Work contemplated in this classification may also include manufacturing sockets, pulleys, shafts, fittings, flywheels, and/or bearings. Machinery includes, but is not limited to, mills, lathes, grinders, sanders, presses, welders, and balancing equipment. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines which are to be reported separately in classification 3402-86.

**3402-86 Auto, truck or aircraft engine, N.O.C.: Manufacturing or rebuilding**

Applies to establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines not covered by another classification (N.O.C.), including manufacturing the component parts. Establishments in this classification often specialize in the type of engines they make or rebuild. The basic difference between automobile, truck, and aircraft engines is the size and weight of the parts being worked on. Engine rebuild shops use many specialized machines and air tools to tear the core down to an engine block; then rebuild the engine. After the engine is stripped down to the engine block, it is placed in a machine called a baker which heats to approximately 600 degrees and bakes away the grease. After baking, the engine block is placed in a sand blaster where the surface is cleaned with very fine steel shot. The engine block is then placed in a large pressure washer which removes the steel shot. Next, the crank and cam shafts are ground and turned on machinery similar to lathes. There is usually a separate room or area which is called the "head shop" where the heads and valves are machined on valve grinders, valve facers, and head grinders. Engine rebuild shops that do not have the equipment to grind the crank and cam shafts will contract work out to other shops, or buy new crank shafts and cam shafts. Other machinery includes, but is not limited to, boring bars and hones to polish cylinder walls, small pressure washers for oil pans and other smaller parts, solvent tanks, and hoists or forklifts for lifting the engines or engine parts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in machining or rebuilding auto or truck parts, other than engines, which are to be reported separately in classification 3402-85.

**3402-91 Bed spring or wire mattress: Manufacturing**

Applies to establishments engaged in the manufacture of bed springs or wire mattresses. The wire stock is coiled and cut to length on a coiling machine, then tempered in an oven to produce the spring. The coils are fastened to the frame either by hand or by machine. This classification includes the

repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of stuffed mattresses which are to be reported separately in classification 3708.

**3402-93 Valve: Manufacturing**

Applies to establishments engaged in the manufacture of valves. Valves regulate the flow of air, gases, liquids, or loose material through structures by opening, closing, or obstructing passageways. They are operated manually, electrically, with compressed air, or hydraulic pressure. Valves are usually cut from aluminum, steel, or stainless steel either by a Computer Numeric Controlled machine (CNC) or water jet machine. Depending upon the complexity of the valve, they are assembled in one or several stages. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of valves made in a die mold which are to be reported separately in classification 3402-74.

**3402-94 Precision machined parts, N.O.C.: Manufacturing**

Applies to establishments engaged in manufacturing precision machined parts not covered by another classification (N.O.C.). Most of these establishments are "job shops." Job shops make component parts for other businesses according to customer specifications, rather than manufacturing a specific product. Many establishments in this classification manufacture precision parts for the aerospace industry. Machining usually begins with solid blocks of material such as, but not limited to, steel, aluminum, titanium, inconel, or plastic, although some hollow tube, flat bar, and angle stock may also be used. The "rough cuts" are often made on manual machines, and the finish cuts on Computer Numeric Controlled (CNC) machines. Depending on the establishment and the job specifications, a specific part may be sent to one or more additional shops to be tempered, milled, or inspected before the original establishment is through with the manufacturing process. Some parts are so sensitive that climate controlled conditions are necessary. Both manual and CNC mills and lathes are the most common types of machines used. Others include, but are not limited to, saws, drills, and grinding machines. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in con-

nection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-95 Storage battery: Manufacturing, assembly or repair**

Applies to establishments engaged in the manufacture, assembly, or repair of storage batteries. Lead ingots, weighing 20-25 pounds, are melted and poured into a mold or casting machine. After the grids are cooled lead oxide is then pumped onto each side of a grid and cured by baking in an oven of about 300 - 400 degrees F. The plates are then assembled by placing a negative separator (zinc) between a positive separator (copper), and so forth until there are enough of these cells to form the battery. Next, they are sent to a burning machine that cures the paste and plates. After the burning process, the plates are placed into a plastic or hard rubber box-like container and cured for two or three days. The plates are welded together and the top is attached to the body of the battery case with an epoxy glue. Diluted sulfuric acid is added to the battery and then it is put on a charger. The battery is then cleaned and packed for shipping. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of dry cell (flashlight type) batteries which are to be reported separately in classification 3602; and establishments engaged in battery sales and installation which are to be reported separately in the applicable automotive services classification.

**3402-96 Automobile or motorcycle: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of automobiles or motorcycles. Most of the manufacturing operations, such as cutting, milling, and turning, are performed with Computer Numerically Controlled (CNC) machinery. Most of the assembly operations are performed with air and hand tools. Other machinery includes but is not limited to saws, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged only in the manufacture of auto bodies which are to be reported separately in classification 3402-77.

**3402-98 Machinery, N.O.C.: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of machinery not covered by another classification (N.O.C.). For purposes of this classification, machinery means any combination of mechanical parts constructed primarily with metal. Finished products vary widely and range from hand held machines to those weighing thousands of pounds; products include, but are not limited to, grinding machines, boring machines, conveyer systems, and wood chippers. Machinery used to manufacture these items includes, but is not limited to, lathes, mills, press, breaks, shears, and welders, some of which may be Computer Numerically Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3402-99 Photo processing machinery: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of photo processing machinery such as, but not limited to, photo processors or film enlargers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-3404 Classification 3404.**

**3404-01 Can: Manufacturing - aluminum or galvanized**

Applies to establishments engaged in the manufacture of cans from aluminum or galvanized metals lighter than 9 gauge. Products include, but are not limited to, soda cans, food cans, and garbage cans. The galvanizing process includes dipping the tin/metal into liquid zinc. The manufacturing process involves cutting, forming, stamping, and soldering/welding. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-02 Galvanized iron works: Manufacturing - non-structural**

Applies to establishments engaged in the manufacture of nonstructural galvanized iron from sheet metal lighter than 9 gauge. Processes include cutting, forming, welding, riveting, punching, and drilling. The equipment used includes, but is not limited to, drills, presses, punches, shears, and press breaks. Establishments in this classification may paint, powder coat, or silk screen their products; which is included when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of employers subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-03 Hardware, N.O.C.: Manufacturing**

Applies to establishments engaged in the manufacture of hardware that is not covered by another classification (N.O.C.), such as, but not limited to, handles, latches, hinges, and buckles. Operations include, but are not limited to, stamping and assembly, electroplating and/or other types of finishing. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, and needles which are to be reported separately in classification 3402.

**3404-04 Metal stamping**

Applies to establishments engaged in the mass production of products by metal stamping techniques which impress, cut out, or shape something to a desired size. Products produced by this technique include, but are not limited to, license plates, pie plates, pots, and waste baskets. This classification includes any finish work when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-06 Metal sign: Manufacturing**

Applies to establishments engaged in the manufacture of signs from metals lighter than 9 gauge. Materials may be cut, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, water jets and welders. All operations necessary to make a sign operative, such as, but not limited to, adding electrical wiring or circuitry, painting, powder coating, or silk screening are included within the scope of this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; the installation or removal of signs outside of buildings which is to be reported separately in classification 0403; the installation or removal of signs inside of buildings which is to be reported separately in classification 0513; sign painting or lettering on the inside of buildings, or establishments that paint on or apply lettering to sign "backings" that are manufactured by others, which is to be reported separately in classification 4109; and establishments engaged in the manufacture of wood or plastic signs which are to be reported separately in the classification applicable to the manufacturing process and materials.

**3404-07 Metal goods, N.O.C.: Manufacturing or assembly from materials lighter than 9 gauge**

Applies to establishments engaged in the manufacture or assembly of metal goods from materials lighter than 9 gauge which are not covered by another classification (N.O.C.) including water heaters, electric baseboard heaters, electric furnaces, boat manufacturing, and bicycles. Materials may be cut, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-12 Aluminum ware: Manufacturing from sheet aluminum**

Applies to establishments engaged in the manufacture of aluminum ware such as, but not limited to, mail boxes, buckets, gutters, and down spouts, from sheet aluminum. Materials may be cut, bent, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done

as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-18 Metal coffin/casket: Manufacturing or assembly**

Applies to establishments engaged in the manufacture of coffins or caskets out of metal. Materials may be cut, bent, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Physically separated upholstery departments of establishments engaged in furniture, coffin, casket manufacturing, assembly, or finishing may be reported separately in classification 3808 provided all the conditions in the general reporting rule covering the division of an employees hours have been met.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of caskets from wood or plastic which are to be reported separately in the classification applicable to the manufacturing process and materials.

**3404-19 Metal awnings: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of awnings from metals lighter than 9 gauge. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of awnings from canvas or other textiles which is to be reported separately in classification 3802.

**3404-20 Metal furniture, shower door, showcases: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of furniture, shower doors, or showcases made with metals lighter than 9 gauge. Other items manufactured in this classification include, but are not limited to, file cabinets, desks, and stands. Material may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an

employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Physically separated upholstery departments of establishments engaged in furniture, coffin, casket manufacturing, assembly, or finishing may be reported separately in classification 3808, provided all the conditions of the general reporting rule covering the division of an employee's hours have been met.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of wood furniture which are to be reported separately in classification 2905.

**3404-21 Stove: Manufacturing from metals lighter than 9 gauge**

Applies to establishments engaged in the manufacture of stoves from metals *lighter than 9 gauge*. Types of stoves include, but are not limited to, electric or gas cook stoves. Accessory materials such as, but not limited to, electrical assembly units, glass, plastic, or wood may be used in the manufacture of stoves. Materials may be cut, punched, drilled, riveted, and bent. Establishments in this classification may paint or powder coat their products which is included when performed by employees of employers subject to this classification. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, grinders and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of wood stoves or other stoves made of metals 9 gauge or heavier which are to be reported separately in classification 3402.

**3404-24 Metal electric or gas lighting fixtures, lampshades or lantern: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of metal fixtures, lampshades, or lanterns from materials lighter than 9 gauge. The metal fixtures may be equipped with electrical or gas lighting and used as signs or other display mediums. Metal may be cut, punched, drilled, riveted, and bent. Depending on the item being made, electrical or gas-filled tubes or bulbs may be attached. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, grinders, welders, and solders. Establishments in this classification may make a finished product or only component pieces. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes

work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes establishments engaged in the manufacture of neon tube signs or displays that are not attached to metal backings which are to be reported separately in classification 3602, and all activities away from the shop or plant.

**3404-25 Brass or copper goods: Manufacturing**

Applies to establishments engaged in the manufacture of brass or copper goods such as, but not limited to, belt buckles, lamp stands, cooking utensils, and flower pots. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, water jets, grinders, welders/solders and brazing guns. Establishments in this classification may make a finished product or a component part. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-26 Aluminum window, sash or door: Manufacturing or assembly**

Applies to establishments engaged in the manufacture or assembly of windows, sashes or doors from aluminum. Accessory materials such as, but not limited to, glass, wood or plastic may also be used in the assembly process. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, grinders, and welders/solders. Establishments in this classification may make a finished product or only component parts. Manufacturers may paint, enamel, or bake a finish onto products, which is included when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in manufacturing vinyl window sashes which are to be reported separately in classification 3512; and establishments engaged in manufacturing wooden window sashes and doors which are to be reported separately in classification 2903.

**3404-27 Auto or truck parts, N.O.C.: Manufacturing or assembly; miscellaneous stamped parts**

Applies to establishments engaged in the manufacture or assembly of auto or truck parts not covered by another classification (N.O.C.), and of miscellaneous stamped parts, such as, but not limited to, hub caps, fenders, and trim. Galvaniz-

ing or electroplating is included in this classification when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

**3404-29 Metal ski and toboggan: Manufacturing**

Applies to establishments engaged in the manufacture of skies or toboggans primarily from metal although wood or plastic component parts may also be used. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, water jets, shears, break presses, grinders, and welders/solders. Establishments in this classification may make a finished product or only a component part. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-4906 Classification 4906.**

**4906-01 Institutions of higher education - public**

Applies to *public* institutions of higher education such as universities, colleges, and junior colleges that have obtained state accreditation and are supported at least in part by public funds. Work contemplated by this classification includes, but is not limited to, administrative staff, professors/teachers, advisors, librarians, athletic coaches, medical staff at a hospital or research center run as part of the institution, restaurant/snack shop staff, campus security, janitorial/maintenance staff, clerical office and sales personnel.

This classification excludes private institutions of higher education which are to be reported separately in classification 4906-02 and secondary technical or vocational schools which are to be reported separately in classifications 6103 and 6104.

**4906-02 Institutions of higher education - private**

Applies to *private* institutions of higher education such as universities and colleges that have obtained state accreditation. These private institutions include any institution of higher education that is not supported by public funds. Work contemplated by this classification includes, but is not limited to, administrative staff, professors/teachers, advisors, librarians, athletic coaches, medical staff at a hospital or research center run as part of the institution, restaurant/snack

shop staff, campus security, janitorial/maintenance staff, and clerical office and sales personnel.

This classification excludes public institutions of higher education which are to be reported separately in classification 4906-01 and secondary technical or vocational schools which are to be reported separately in classifications 6103 and 6104.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-6602 Classification 6602.**

**6602-02 Contract window washing services**

Applies to establishments engaged in contract window washing services not done in connection with a janitorial service. These establishments specialize in cleaning both interior and exterior windows in residential and commercial, single and multistory buildings. Also included in this classification is the service of defogging multiple-paned windows.

This classification excludes establishments engaged in residential cleaning which are to be reported separately in classification 6602-04 and establishments engaged in both commercial and residential cleaning which are to be reported separately in classification 6602-03.

**6602-03 Janitorial cleaning services, N.O.C.**

Applies to establishments engaged in providing general interior cleaning services for commercial businesses or for combined commercial and residential customers. General cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances, and replacing light globes, paper or linen towels. This classification includes window washing when performed by the janitorial service employees in conjunction with a general house cleaning contract, it also includes the cleaning of swimming pools, spas and hot tubs. Fire restoration, which includes cleaning smoke or water damaged buildings, drying and/or cleaning carpets and upholstered furniture, washing and polishing furniture, washing walls, washing and waxing floors, cleaning personal contents of the home or business such as linens, dishes, drapes, and other general cleaning tasks, are included in this classification.

This classification excludes establishments engaged exclusively in contract window washing services which are to be reported separately in classification 6602-02, and establishments engaged in residential cleaning which are to be reported separately in classification 6602-04.

**Special note:** Care should be exercised with companies specializing in fire restoration or water damage related work. These companies may be general contractors who will not only do the clean up work, but will also do repairs such as, but not limited to, repair or replace cabinets, doors, and fixtures, patch drywall, paint, and replace windows. Construction-related tasks, when performed by a company doing the clean up work, are to be assigned the appropriate construction classification. Each contract should be reviewed to determine the proper classification assignment. A division of individual work hours between classification 6602 and any construc-

tion, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy cleanup are to be reported in the applicable construction classification.

**6602-04 Janitorial cleaning services - residential**

Applies to establishments engaged in providing general interior janitorial cleaning or services to residential customers. General cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances. This classification includes window cleaning when performed in connection with a general house cleaning contract.

This classification excludes establishments engaged exclusively in contract window cleaning which are to be reported separately in classification 6602-02 and establishments engaged in commercial or combined commercial and residential cleaning which are to be reported separately in 6602-03.

**6602-05 Janitors, N.O.C.**

Applies to the janitorial staff assigned to clean the clerical and administrative offices of establishments whose principle business undertaking is other than providing janitorial services *and* who are eligible to report their clerical employees in classification 4904. *This classification is applicable only to janitors who clean the office area.* Janitors who clean outside the office area such as a shop, warehouse, or retail store area, are excluded from this classification and are to be reported separately in the classification applicable to the employer's business.

**Special note:** See the special exception section of the general rules for a complete description of these requirements.

**6602-08 Pest control**

Applies to establishments engaged in pest control services for others. These establishments offer inspection for, and elimination of, unwanted pests in buildings and other wooden structures. Pests include, but are not limited to, termites, carpenter ants, fleas, ticks, mice, ants, cockroaches, and bees. This classification applies to all operations of elimination services such as, but not limited to, spraying liquid or aerosol pesticide, dusting with powder, setting out traps or bait, applying pesticides to the soil to creating a chemical barrier around the base of a structure, digging trenches around foundations, and drilling holes through masonry surfaces in order to pour or pump chemicals into the infected areas. Establishments may also offer inspection and certification services for customers seeking mortgage approval. This classification also includes the removal of pet waste from the yards of private residences.

This classification excludes any structural repairs which are to be reported separately in the appropriate construction classification.

**6602-10 Portable cleaning and washing, N.O.C.**

Applies to establishments engaged in cleaning and washing services not otherwise classified (N.O.C.). This classification contemplates cleaning and washing, by means of por-



table spray or steam power units, machinery, equipment, automobiles, trucks, recreational vehicles, mobile homes, walk-in freezers, and shopping carts. This classification also applies to the cleaning or removal of snow from roofs, gutters or downspouts of one-story buildings.

This classification excludes establishments engaged in cleaning buildings or structures, cleaning or removing snow from roofs, gutters, and downspouts on multistory buildings, which are to be reported separately in classification 0504.

**6602-12 Street and building decoration: Hanging or removing flags or bunting**

Applies to establishments engaged in hanging or removing flags or bunting for conventions, celebrations, events, or similar decorations on the exterior or interior of buildings, structures, or streets. Buntings are strips of decorative cloth which may be used to span a roadway to promote events, as overhead streamers at an auto sales lot, or as a sign hung on a building to advertise grand openings.

This classification excludes the manufacture of flags or bunting which is to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-6603 Classification 6603.**

**6603-00 Auction sales: Industrial or commercial equipment or machinery**

Applies to establishments engaged in auction sales of industrial or commercial plant equipment or machinery such as, but not limited to, tractors, farm implements, backhoes, cranes, booms, asphalt pavers, trailers, conveyors, stone crushers, lifts, bulldozers, forklifts, dump trucks, and logging equipment. Auctions are held at the auctioneer's permanent location or at the client's place of business. Work contemplated by this classification includes, but is not limited to, picking up merchandise from clients, advertising, preparing catalog listings of items for auction, preparing the auction site, demonstrating equipment at preauction inspections, estimating values, ensuring that there is title for the goods, numbering and tagging items into lots, conducting the auction, and receiving payment from buyers and paying the consignor. This classification includes clerical office and outside sales personnel, snack bars, concession stands, and lunch counters when operated by employees of the auction company.

This classification also applies to auctions performed online via the internet.

This classification excludes establishments engaged as equipment or machinery dealers which are to be reported separately as applicable.

**6603-01 Auction or estate sales: Antiques or general household furnishings**

Applies to establishments engaged in auction or estate sales of collectibles and antiques or of general household furnishings such as, but not limited to, furniture, pictures, vases, dishes, musical instruments, books, clothing, or lawn and garden furniture, ornaments, tools and equipment. Auctions are held at the auctioneer's permanent location or at the cli-

ent's location. Work contemplated by this classification includes, but is not limited to, picking up merchandise from clients, advertising, preparing catalog listings of items for auction, preparing the auction site, opening boxes with razor blades and knives, moving merchandise with the use of hand carts, estimating values, ensuring that there is title for the goods, numbering and tagging items into lots, conducting the auction, and receiving payment from buyers and paying the consignor. This classification includes clerical office and outside sales personnel, snack bars, concession stands, and lunch counters when operated by employees of the auction company.

This classification also applies to auctions performed online via the internet.

This classification excludes establishments engaged as antique variety stores which are to be reported separately in classification 6304.

**6603-02 Auction sales: Specialty merchandise, N.O.C.**

Applies to establishments engaged in auction sales of specialty merchandise such as, but not limited to, fine art, furs, collectibles, cars and trucks. Auctions are held at the auctioneer's permanent location or at the client's place of business. Depending on the value of items, these types of auctions may operate on a wholesale only basis, or for dealers or qualified buyers only. Work contemplated by this classification includes, but is not limited to, picking up merchandise from clients, advertising, preparing catalog listings of items for auction, preparing the auction site, opening boxes with razor blades and knives, moving merchandise with the use of hand carts, estimating values, ensuring that there is title for the goods, numbering and tagging items into "lots," conducting the auction, and receiving payment from buyers and paying the consignor. This classification includes clerical office and outside sales personnel, snack bars, concession stands, and lunch counters when operated by employees of the auction company. This classification excludes livestock auctions, which are to be reported in classification 4304.

This classification also applies to auctions performed online via the internet.

This classification excludes establishments engaged as stores or dealers which are to be reported separately as applicable.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-7202 Classification 7202.**

**7202-00 Real estate agencies**

Applies to establishments engaged in buying, selling, renting, and appraising real estate for others. A real estate licensee will study property listings, accompany clients to property sites to show the property, and assist in the completion of real estate documents such as real estate contracts, leases, and seller's disclosure documents. They will also hold open houses, conduct negotiations, and assist at the closing. This classification includes clerical office and sales personnel. Real estate sales personnel, including agents, are considered to be workers of the broker or real estate agency employing them.

This classification excludes building and/or property management services which are to be reported separately in classification 4910.

**Special note:** Real estate sales agents are included in the industrial insurance definition of "worker" and should NOT be treated as independent contractors. (RCW 51.08.180 and 51.08.195.)

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17A-4801 Classification 4801.

**AMENDATORY SECTION** (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-0607 Classification 0607.**

#### **0607-11 Household appliances: Installation, service and/or repair by nonstore service or repair company; dealers of used household appliances**

Applies to establishments engaged in the installation, service and/or repair of electrical or gas household appliances and to dealers of used electrical or gas household appliances. Many establishments covered by this classification have small retail store operations where they offer reconditioned or second hand appliances for sale, a parts department, and an area where appliances brought into the shop are repaired. Although this classification deals primarily with service away from the shop, the store, parts department and shop operations are included within the scope of this classification. The term "household appliances" includes, but is not limited to, stoves, ovens, ranges, dishwashers, refrigerators, trash compactors, television sets, residential type garage door openers, washing machines, and clothes dryers. This classification also applies to the installation, service or repair of automated teller machines. Repair services provided by establishments subject to this classification may also include related smaller appliances such as video players, portable television sets, stereo systems, microwave and toaster ovens, blenders, coffee makers and mixers. The *servicing* of water softening systems, coffee and juice machines, and beer taps is also included in this classification.

This classification excludes dealers of new household appliances who are to be reported separately in classification 6306; installation, service, and/or repair of commercial appliances such as those used in laundries, bakeries, and restaurants which is to be reported separately in classification 0603; installation, service, and repair of commercial garage doors and openers which is to be reported separately in classification 0603; installation of water softening systems which is to be reported separately in classification 0306; and small table top or counter top appliance stores which are to be reported separately in classification 6406.

***Special note:*** Classification 0607 is distinguishable from classification 6306-02 operations in that appliance stores covered in classification 6306-02 are engaged primarily in the sales of new appliances. Although classification 6306 includes repair of appliances, most repairs are related to

warranty work and represent a minor part of the business. By contrast, the repair of appliances in classification 0607 is the primary activity of the business.

#### **0607-16 Television antenna or satellite dish: Installation, removal, service and/or repair**

Applies to establishments engaged in the installation, removal, service and/or repair of television antennas or satellite dish receiving units. Operations contemplated by this classification are limited to rooftop installation of television antennas or ground or rooftop-mounted satellite dish reception units. Establishments covered by this classification will generally employ technicians and installers to install systems and trouble shoot reception problems. Equipment is limited primarily to delivery trucks, vans, ladders, and small power and/or hand tools.

This classification excludes specialty contractors who install, remove, service or repair antennas, dish units, and/or other transmitting/receiving apparatus to a structure covered by classification 0508, who are to be reported separately in classification 0508; and establishments engaged in the sale of new console type and big screen televisions who also sell and install antennas which are to be reported separately in classification 6306.

#### **0607-17 Safes or vaults: Installation, removal, service and/or repair(=)**

Lock sets and/or dead bolt locks: New installation

Applies to contractors engaged in the installation, removal, service and/or repair of all types of safes or vaults regardless of size or application, private mail or postal boxes, or safe deposit box units within buildings. Safes and vaults are found in businesses such as, but not limited to, banks, jewelry stores, rare coin and stamp stores, grocery stores, and gasoline service stations, as well as in private residences. Services contemplated by this classification include, but are not limited to, safe opening services.

*New installation* of lock sets and/or dead bolt locks on buildings or structures by contractor or by employees of a locksmith also applies to this classification. The term new installation applies to installing a lock set (locking doorknob) or a dead bolt where none previously existed. The process consists of measuring and marking where the unit is to be placed on the door, boring holes into the door to accept the lock set or dead bolt lock, and installing the lock set unit using a power drill and basic hand tools.

This classification excludes the installation of a *replacement* lock set or dead bolt lock unit by employees of a locksmith, and locksmith store operations which are to be reported separately in classification 6309.

#### **0607-18 Window/door blinds, shades, curtains and drapes: Installation**

Applies to contractors and employees of store operations who are engaged in the installation of indoor or outdoor window coverings, such as, but not limited to, blinds, shades, screens, exterior roll shutters and draperies or curtains, but does not include awnings. The process consists of marking the location of covering on the frame or opening, securing brackets or hardware, rods and poles, and installing the covering.

This classification excludes the installation of window and door awnings which is to be reported separately in the applicable classification, and the manufacture of coverings which is to be reported in the applicable classification.

**Special note:** Care should be taken when considering the assignment of a store classification to an establishment engaged in the installation of coverings to verify that a store exists. It is common for establishments subject to this classification to have show rooms to help customers visualize covering products available for sale. These establishments have little or no product available for immediate sale, as most items are special order from the manufacturer. A bona fide window/door covering store will have a large assortment of coverings, as well as related home interior products such as, but not limited to, pillows, small rugs, and accent pieces, readily available for sale to customers.

**0607-19 Advertising or merchandise display: Set up or removal within buildings by nonstore employees; staging services**

Applies to contractors engaged in the set up or removal of advertising or merchandise displays within buildings for retail or wholesale store customers. Operations contemplated by this classification will vary from seasonal panoramas with extensive carpentry, painting, and art work to dressing mannequins to be displayed in store windows.

This classification also applies to establishments engaged in providing merchandising services, not covered by another classification, (N.O.C.), without the responsibility of delivering products to the customer's place of business. Merchandising services contemplated by this classification include, but are not limited to, taking inventory of goods on hand, restocking, reordering, removing outdated or damaged merchandise from shelves, and/or assembling temporary displays.

This classification also applies to establishments providing staging services. They prepare a vacant or occupied home, showroom, or other types of property for viewing to make it appealing to prospective buyers. Usually under the direction of an interior decorator, employees will rearrange existing furniture or add accessories, eliminate clutter and depersonalize a home to make it more spacious and inviting. Staging may also be done on the exterior to provide better curb appeal, but this would generally be minimal by these firms.

This classification excludes employees of store operations engaged in setting up displays or providing staging services who are to be reported (~~separately~~) in the applicable store classification as this is a common store activity; assembly of work stations or office furniture which is to be reported in classification 2002, and merchandising establishments or employees who deliver products to their customer's place of business, and may also perform related merchandising functions, who are to be reported separately in classification 1101.

**0607-21 Meat slicer or grinder: Installation, service and/or repair**

Applies to contractors and employees of equipment manufacturers engaged in the installation service and/or repair of meat cutting, slicing, or grinding equipment within

stores, restaurants, or processing plants. Repair may be performed at the customer's location or in a shop operated by an employer subject to this classification. This classification includes repair shops, field technicians, installers, and warehouse or parts department employees.

**Special note:** Establishments subject to this classification generally do not have store operations. Equipment is generally ordered from the manufacturer or distributor and shipped to the customer's location where it will be installed. In the event that an establishment subject to this classification has a store operation it is included within classification 0607.

**0607-22 Protective bumpers: Installation**

Applies to contractors engaged in the installation of protective bumpers on structures such as, but not limited to, store loading docks for freight or cargo. Operations contemplated by this classification are limited to measuring the dock to be fitted with a rubber bumper, finish cutting or otherwise fabricating the rubber pieces to fit the required application, and fastening the dock bumper with the use of hand tools. Dock bumpers are made of rubber from recycled tires or similar pliable materials.

This classification excludes the manufacture of loading dock bumpers which is to be reported separately in the applicable manufacturing classification.

**0607-23 Cellular phone systems or audio components: Installation in vehicles, service and repair**

Applies to establishments engaged in the installation of cellular phone systems and/or audio components in vehicles. Audio components include, but are not limited to, radios and stereo systems, speakers and amplifiers, alarm systems, television units, antennas, two-way radio systems. This classification applies to installation employees of stores that sell products as well as to auto service centers that specialize in the installation of products covered by this classification.

This classification excludes retail and wholesale store operations which are to be reported separately in the applicable store classification.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-4109 Classification 4109.**

**4109-10 Sign painting or lettering inside buildings**

Applies to establishments engaged in sign painting or lettering inside a customer's building. This type of painting includes, but is not limited to, names, addresses and office hours on a door or window, and signs in the form of lettering/illustrations on an interior wall. Work contemplated by this classification includes preparing the surface by cleaning, sanding, etc., applying the lettering/illustrations by appropriate method (brushing, rolling, spraying, etc.), and applying a protective finish. This classification includes the painting of scenery, by a contractor, in a shop or theater (if done by the employees of a theater or television broadcasting station it would be an inclusion in classification 4504 or 4502 as applicable), and the painting of an interior mural.

This classification excludes sign painting shops that paint on, or apply vinyl lettering to, precut backings which are to be reported separately in classification 4109-18; paint-

ing in a shop that is not covered by another classification which is to be reported separately in classification 3603-12; and the painting, repair or erection of signs or murals on any part of the exterior of a building which is to be reported separately in classification 0403.

#### 4109-18 Sign painting in shop

Applies to establishments engaged in providing sign painting services in their shop. The use of this classification is limited to painting on, or applying vinyl lettering to, precut mediums (sign backings) provided by the customer or purchased elsewhere; it does not contemplate the manufacture of the sign backing. (Vinyl lettering or designs are usually computerized. Lettering or designs are entered into a computer; a plotter/cutter attached to the computer cuts the programmed design or lettering from rolls of vinyl.) Work contemplated by this classification includes preparing the surface by cleaning, sanding, etc., applying the lettering/illustrations by appropriate method (such as brushing, rolling, spraying, applying vinyl designs), and applying a protective finish. This classification includes making and applying vinyl lettering in place of painted lettering and lettering/illustrating on vehicles not in connection with auto body repair or painting.

This classification excludes the painting or lettering of signs in buildings which is to be reported separately in classification 4109-10; painting in a shop which is to be reported separately in classification 3603 (unless the painting is included in another classification); the painting, repair or erection of signs on any part of the exterior of a building which is to be reported separately in classification 0403; and sign painting in connection with sign manufacturing operations which is to be reported separately in the applicable manufacturing classification.

**Special note:** An employee who creates vinyl lettering or designs on computerized equipment in an office environment, and is not involved in the further manufacturing of signs, could qualify for class 4904 provided that all the conditions of WAC 296-17-31018 are met.

### WSR 08-15-136

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 22, 2008, 9:47 a.m., effective August 22, 2008]

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

Purpose: The department is amending WAC 388-310-1600 WorkFirst—Sanctions and 388-310-1800 WorkFirst—Post employment services.

These rules are being amended to reflect the recent change by department of early learning (DEL) of the title number of chapter 388-290 WAC, Working connection child care to chapter 170-290 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-1600 and 388-310-1800.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Other Authority: RCW 34.05.310 (4)(c).

Adopted under notice filed as WSR 08-12-084 on June 4, 2008.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

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

Date Adopted: July 15, 2008.

Stephanie E. Schiller

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 07-09-081, filed 4/17/07, effective 6/1/07)

#### **WAC 388-310-1600 WorkFirst—Sanctions. (1) What WorkFirst requirements do I have to meet?**

You must do the following when you are a mandatory WorkFirst participant:

(a) Give the department the information we need to develop your individual responsibility plan (IRP) (see WAC 388-310-0500);

(b) Show that you are participating fully to meet all of the requirements listed on your individual responsibility plan;

(c) Go to scheduled appointments listed in your individual responsibility plan;

(d) Follow the participation and attendance rules of the people who provide your assigned WorkFirst services or activities; and

(e) Accept available paid employment when it meets the criteria in WAC 388-310-1500.

#### **(2) What happens if I don't meet WorkFirst requirements?**

(a) If you do not meet WorkFirst requirements, we will send you a letter telling you what you did not do.

(b) You will have ten days to contact us so we can talk with you about the situation. You can contact us in writing, by phone, by going to the appointment described in the letter, or by asking for an individual appointment.

(c) If you do not contact us within ten days, we will make sure you have been screened for family violence and other barriers to participation. We will use existing information to decide whether:

(i) You were unable to do what was required; or

(ii) You were able, but refused, to do what was required.

(d) If you had a good reason not to do a required activity we will work with you and may change the requirements in your individual responsibility plan if a different WorkFirst activity would help you move towards independence and employment sooner. If you have been unable to meet your

WorkFirst requirements because of family violence, you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

(e) Before you are placed in sanction:

(i) We will have a case staffing which is a meeting with you, your case manager and other people involved in your case to review your situation and make plans. At your case staffing, we will ensure you were offered the opportunity to participate, discuss what happens if you stay in sanction, discuss how participation helps you and your family and discuss how to end your sanction. You will be notified when your case staffing is going to happen so you can attend. You can invite anyone you want to come with you to your case staffing.

(ii) Effective September 1, 2006, supervisory staff will review your case and must approve the sanction.

(f) If you are sanctioned, we will actively attempt to contact you another way so we can talk to you about the benefits of participation and how to end your sanction.

**(3) What is considered a good reason for not being able to do what WorkFirst requires?**

You have a good reason if it was not possible to do what WorkFirst requires (or get an excused absence, described in WAC 388-310-0500(5)) due to a significant problem or event outside your control. Some examples of good reasons include, but are not limited to:

(a) You had an emergent or severe physical, mental or emotional condition, confirmed by a licensed health care professional that interfered with your ability to participate;

(b) You were threatened with or subjected to family violence;

(c) You could not locate child care for your children under thirteen years that was:

(i) Affordable (did not cost you more than your copayment would under the working connections child care program in chapter ((388-290)) 170-290 WAC);

(ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and

(iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community).

(iv) You could not locate other care services for an incapacitated person who lives with you and your children.

(d) You had an immediate legal problem, such as an eviction notice; or

(e) You are a person who gets necessary supplemental accommodation (NSA) services under chapter 388-472 WAC and your limitation kept you from participating. If you have a good reason because you need NSA services, we will review your accommodation plan.

**(4) What if we decide that you did not have a good reason for failing to meet WorkFirst requirements?**

If we decide that you did not have a good reason for failing to meet WorkFirst requirements, we will send you a letter that tells you:

(a) What you failed to do;

(b) That you are in sanction status;

(c) Penalties that will be applied to your grant;

(d) When the penalties will be applied;

(e) How to request a fair hearing if you disagree with this decision; and

(f) How to end the penalties and get out of sanction status.

**(5) What is sanction status?**

When you are a mandatory WorkFirst participant, you must follow WorkFirst requirements to qualify for your full grant. If you or someone else on your grant doesn't comply and you can't prove that you had a good reason, you do not qualify for your full grant. This is called being in WorkFirst sanction status.

**(6) Are there penalties when you or someone in my household goes into sanction status?**

(a) When someone in your household is in sanction status, we impose penalties. The penalties last until you or the household member meet WorkFirst requirements.

(b) Your grant is reduced by the person(s) share or forty percent, whichever is more.

**(7) How do I end the penalties and get out of sanction status?**

To stop the penalties and get out of sanction status:

(a) You must provide the information we requested to develop your individual responsibility plan; and/or

(b) Start and continue to do your required WorkFirst activities for four weeks in a row (that is, twenty-eight calendar days).

(c) When you leave sanction status, your grant will be restored to the level for which you are eligible beginning the first of the month following your four weeks of participation. For example, if you finished your four weeks of participation on June 15, your grant would be restored on July 1.

**(8) What if I reapply for TANF or SFA and I was in sanction status when my case closed?**

(a) If your case closes while you are in sanction status and is reopened in six months or less, you will start out in sanction.

(b) Effective September 1, 2006, if you come back in sanction, you will start out where you left off in sanction. (That is, if you left off in month three of sanction, you will come back on in month four of sanction.)

(c) If your case has been closed for more than six months, you will not be in sanction status if your case is reopened.

**(9) What happens effective September 1, 2006 if I stay in sanction status?** Effective September 1, 2006, if you stay in sanction status:

(a) Unless you are a dependent child age sixteen or older, your case manager will review your record after you have been in sanction for at least three months in a row to make sure:

(i) You knew what was required;

(ii) You were told how to end your sanction;

(iii) We tried to talk to you and to encourage you to participate; and

(iv) You were given a chance to tell us if you were unable to do what we required.

(b) Your case manager will invite you to a noncompliance sanction case staffing.

(i) You will be notified when your noncompliance sanction case staffing is going to happen so you can attend.

(ii) Your case manager will also invite other people who are working with your family to your noncompliance sanction case staffing, like representatives from tribes, community or technical colleges, employment security, the children's administration or limited-English proficient (LEP) pathway providers.

(iii) You can invite anyone you want to come with you to your case staffing.

(c) At your noncompliance sanction case staffing, we will discuss with you:

(i) How you and your family benefit when you participate in WorkFirst activities;

(ii) How you can participate, and get out of sanction;

(iii) That if you continue to refuse to participate, without good cause, a sanction review panel may review your case, and decide to close your case after you have been in sanction status for six months in a row.

(iv) How you plan to care for and support your children if a sanction review panel closes your case. We will also discuss the safety of your family, as needed, using the guidelines under RCW 26.44.030; and

(v) How to reapply if a sanction review panel closes your case.

(d) If you do not come to your noncompliance sanction case staffing, we will make a decision based on the information we have. We will also attempt to visit you at your home so you have another chance to talk to us about the benefits of participation and how to end your sanction.

(e) If we decide you are refusing to participate without a good reason:

(i) We will send you information about resources you may need if a sanction review panel closes your case;

(ii) We will send information to a sanction review panel with a recommendation to close your case. We will only do this after a community services office administrator reviews your case to make sure the sanction is appropriate and we tried to reengage you in the program; and

(iii) The sanction review panel will review your case and make the final decision.

#### **(10) What is a sanction review panel?**

(a) The sanction review panel is a small group of people who are independent of your local community services office and do a thorough, objective review of your sanction.

(b) The sanction review panel makes the final decision about whether to close your case after receiving a recommendation from your case manager and reviewing your case to make sure the original sanction was appropriate and we made attempts to reengage you in the program.

#### **(11) What happens when a sanction review panel decides to close my case?**

When a sanction review panel decides to close your case, we will send you a letter to tell you:

(a) What you failed to do;

(b) When your case will be closed;

(c) How to request a fair hearing if you disagree with this decision;

(d) How to end your penalties and keep your case open (if you are able to participate for four weeks in a row before we close your case); and

(e) How your participation before your case is closed can be used to meet the participation requirement in subsection (12).

#### **(12) What if I reapply for TANF or SFA after a sanction review panel closed my case?**

(a) If a sanction review panel closes your case and you apply within six months, you must participate for four weeks in a row before you can receive cash. Once you have met your four week participation requirement, your cash benefits will start, going back to the date we had all the other information we needed to make an eligibility decision.

(b) You will not be required to participate for four weeks in a row before you receive cash if you apply after your case has been closed for six months or longer.

#### **(13) What if my TANF or SFA is closed by a sanction review panel, reopened and I go into sanction again?**

(a) When a sanction review panel closes your case, and we reopen your case, we will follow all steps in subsection (9) of this section (like the case review and the noncompliance case staffing) during your second month of sanction.

(b) The sanction review panel may close your case after you are in sanction status for three months in a row.

(c) If your case is closed, and you reapply, we will follow the rules in subsection (12) of this section to reopen your case.

#### AMENDATORY SECTION (Amending WSR 03-21-154, filed 10/22/03, effective 10/27/03)

#### **WAC 388-310-1800 WorkFirst—Post employment services. (1) What is the purpose of post employment services?**

Post employment services help low-income parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

#### **(2) How do I obtain post employment services?**

(a) You can obtain post employment services by:

(i) Asking for a referral from the local community service office;

(ii) Contacting community or technical colleges; or

(iii) Contacting the employment security department.

Employment security department staff may also telephone you if you got a job while you were on TANF or SFA to see if you are interested in receiving these services.

(b) You may qualify for different services (from various state or federal programs) depending on whether you:

(i) Are a mandatory participant (that is, you currently receive TANF or SFA benefits);

(ii) Used to receive TANF or SFA benefits; or

(iii) Have never been on TANF or SFA.

#### **(3) Who provides post employment services and what kind of services do they provide?**

(a) The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

(i) Employment and career counseling;

- (ii) Labor market information;
- (iii) Job leads for a better job (sometimes called job development);
- (iv) On the job training;
- (v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and
- (vi) Help with finding a new job after job loss (sometimes called reemployment).

(b) Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

- (i) High school/GED,
- (ii) Vocational education training,
- (iii) Job skills training,
- (iv) Adult basic education,
- (v) English as a second language training, or
- (vi) Preemployment training.

**(4) What other services are available while you receive post employment services?**

While you receive post employment services, you may qualify for:

(a) Working connections childcare if you meet the criteria for this program (described in chapter ~~((388-290))~~ 170-290 WAC).

(b) Other support services, such as help in paying for transportation or work expenses.

(c) Other types of assistance for low-income families such as food stamps, medical assistance or help with getting child support that is due to you and your children.

**(5) Who is eligible for post employment service, support services and childcare?**

You may qualify for post employment services, support services and child care if you are working twenty hours or more a week, and:

(a) You are current TANF or SFA recipient. You qualify for:

- (i) All types of post employment services, unless you are in sanction status;
- (ii) Tuition assistance from the community and technical college system;
- (iii) WorkFirst support services; and
- (iv) Working connections childcare.

(b) You are a former TANF or SFA recipient. You qualify for:

- (i) Employment retention services (help with keeping a job) for up to twelve months after exiting TANF or SFA.
- (ii) Wage and skill progression services (help with finding a better job and/or obtaining better wages) for up to twelve months after exiting TANF or SFA.
- (iii) Tuition assistance or preemployment training from the community and technical college system;
- (iv) Working connections childcare assistance; and/or
- (v) WorkFirst support services for up to six months after exiting TANF or SFA.

(c) You are a low wage earner (that is, your family income does not exceed one hundred seventy-five percent of

the federal poverty level) who has never received TANF or SFA benefits, and are in a community or technical college-approved skill training program. You may qualify for:

(i) Tuition assistance or preemployment training from the community and technical college system; or

(ii) Working connections child care while you are in training or school for up to a total of thirty six months.

**(6) What if I lose my job while I am receiving post employment services?**

If you now receive or used to receive TANF or SFA, help is available to you for up to four weeks so that you can find another job and continue in your approved post employment.

(a) The employment security department will provide you with reemployment services.

(b) At the same time, your case manager can approve up to four weeks of support services and childcare for you.

**WSR 08-15-137**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 22, 2008, 9:49 a.m., effective October 1, 2008]

Effective Date of Rule: October 1, 2008.

Purpose: The department is amending WAC 388-414-0001 Do I have to meet all eligibility requirements for Basic Food? The current rule describes the circumstances where a Basic Food assistance unit does not have to meet all eligibility requirements for Basic Food because they meet requirements for another program. The amendments under this filing extend categorical eligibility to households with income up to the monthly value of 200% of the federal poverty guidelines to implement a legislative directive to the department under section 207 (e)(13) of HB 2687.

This change, in effect, increases the gross and net income for the Basic Food program to 200% of the federal poverty guidelines to the maximum extent allowable under federal law.

Citation of Existing Rules Affected by this Order: Amending WAC 388-414-0001.

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

Other Authority: 7 C.F.R. 273.2(j), 273.8(a), 273.9(a), 273.10.

Adopted under notice filed as WSR 08-12-083 on June 4, 2008.

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 1, Repealed 0.

Date Adopted: July 15, 2008.

Stephanie E. Schiller  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-23-081, filed 11/15/05, effective 1/1/06)

**WAC 388-414-0001 Do I have to meet all eligibility requirements for Basic Food? (1) What is "categorically eligible" (CE)?**

(a) Being categorically eligible (CE) means that you have already met requirements for the program. If you are CE, you do not have to meet **every** program requirement to be eligible for Basic Food.

(b) If your assistance unit (AU) is CE, you automatically meet the following requirements for Basic Food:

- (i) Residency under WAC 388-468-0005;
- (ii) Countable resource limit under WAC 388-470-0005;
- (iii) Maximum gross monthly income under WAC 388-478-0060; and
- (iv) Maximum net monthly income under WAC 388-478-0060.

(c) If your AU is CE and the information is available from another program, you do not need to provide the following for Basic Food:

- (i) Social Security number information under WAC 388-476-0005; and
- (ii) Sponsored alien information under WAC 388-450-0155.

(d) Being CE does not mean that your AU is guaranteed to get Basic Food benefits. If your AU is CE:

- (i) You must still meet the other Basic Food program requirements under WAC 388-400-0040; and
- (ii) If you meet the other program requirements, we must budget your AU's income to determine the amount of benefits your AU will receive.

**(2) Who is categorically eligible for Basic Food?**

Your Basic Food AU is CE when(=) your AU's income that we do not exclude under WAC 388-450-0015 is at or under two hundred percent of the federal poverty guidelines we use for department programs.

(a) (~~Every member of your AU gets either general assistance (GA), Alcohol and Drug Abuse Treatment Support Act (ADATSA), or Supplemental Security Income (SSI) cash benefits on their own behalf.~~) The federal government publishes the federal poverty guidelines on the health and human services website. These are currently posted at <http://aspe.hhs.gov/poverty/index.shtml>.

(b) (~~Any member of your AU gets or is authorized to get payments from the following programs because we have determined that the entire AU benefits from someone receiving the assistance:~~

~~(i) Temporary assistance for needy families (TANF) cash assistance;~~

~~(ii) State family assistance (SFA); or~~

~~(iii) Diversion cash assistance (DCA). You are CE for the month you receive DCA and the three following months as long as you have one adult relative caretaker with a dependent child in the Basic Food AU.~~

~~(e) Your AU's income that we don't exclude under WAC 388-450-0015 is not over the maximum gross monthly income under WAC 388-478-0060. If your income is not over the gross monthly income limit, we provide your AU information about department programs and referral to resources in the community.)~~ The department uses the monthly value of the income guidelines for the current year beginning the first of April every year.

(c) If your income is not over two hundred percent of the federal poverty guidelines, we provide your AU information about the department programs and resources in the community.

**(3) Who is not CE even if my AU meets the above criteria?**

(a) Even if your AU is CE, members of your AU are not eligible for Basic Food if they:

- (i) Are not eligible because of their alien or student status;
- (ii) Were disqualified from Basic Food under WAC 388-444-0055 for failing work requirements;
- (iii) Are not eligible for failing to provide or apply for a Social Security number;
- (iv) Receive SSI in a cash-out state (state where SSI payments are increased to include the value of the client's food stamp allotment); or
- (v) Live in an institution not eligible for Basic Food under WAC 388-408-0040.

(b) If a person in your AU is not eligible for Basic Food, we do not include them as an **eligible member** of your CE AU.

(c) Your AU is not CE if:

- (i) Your AU is not eligible because of striker requirements under WAC 388-480-0001;
- (ii) Your AU is ineligible for knowingly transferring countable resources in order to qualify for benefits under WAC 388-488-0010;
- (iii) Your AU refused to cooperate in providing information that is needed to determine your eligibility;
- (iv) The head of household for your AU failed to meet work requirements; or
- (v) Anyone in your AU is disqualified because of an intentional program violation under WAC 388-446-0015.

**WSR 08-15-139**

**PERMANENT RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed July 22, 2008, 9:50 a.m., effective December 1, 2008]

Effective Date of Rule: December 1, 2008.



Purpose: This rule making is in response to chapter 285, Laws of 2008 (EHB 3381) which gave the department the authority to increase the fees associated with the explosives program.

**Why was this rule making proposed?** Labor and industries (L&I) is required by RCW 70.74.360 to process and issue all explosive licenses. On July 1, 2007, the Washington state patrol (WSP) began charging the department for fees associated with processing state and Federal Bureau of Investigation (FBI) fingerprint and background records checks needed for L&I to issue the explosives license. Up to this point, the department had access to a federal and state database allowing us to conduct these fingerprint and background checks, also revoked by the WSP and the FBI prior to July 1, 2007.

It is anticipated that the annual cost to L&I to have the Washington state patrol process two thousand four hundred new applications and renewals will be \$100,000 per year. This cost is currently unfunded for the explosives licensing program within the division of occupational safety and health (DOSH) at L&I. Funding to pay the Washington state patrol for these services is essential to meeting a statutory mandate and to the success of the explosives licensing program.

**What change was proposed?** Amended the rule to:

- Require license applicants to pay the current federal and state fees for processing fingerprinting and background checks.
- Increase the license fee paid:
  - For explosives' purchases.
  - By businesses' storing explosives.
  - By explosives' users.
  - By explosives' manufacturers.
  - By businesses selling explosives.

**WAC 296-52-61010 License applicants must provide this information.**

- Amended this section—took out the wording "Meet the requirements of WAC 296-52-610 Explosives licensing."

**WAC 296-52-61030 Applicant participation.**

- Amended this section—took out the wording "May be required to pay a fee to the law enforcement agency providing fingerprint research services (RCW 70.74.360) and replaced it with "Must pay the fee to the department for processing the fingerprint card (RCW 703.74.360(1) [70.74.360(1)]).

Citation of Existing Rules Affected by this Order: Amending WAC 296-52-61010, 296-52-61020, and 296-52-61030.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 70.74.137, 70.74.140, 70.74.142, 70.74.144, 70.74.146, 70.74.360, and chapter 285, Laws of 2008.

Adopted under notice filed as WSR 08-11-104 on May 20, 2008.

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 3, 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 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.

Date Adopted: July 22, 2008.

Judy Schurke  
Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-61010 License applicants must provide this information.** (1) Applicants must provide the following information to the department:

- An individual must provide:
  - Their name, address, and citizenship.
- A partnership must provide:
  - The name, address, and citizenship for each partner
  - The name and address of the applicant.
- An association or corporation must provide:
  - The name, address, and citizenship for each officer and director
  - The name and address of the applicant.

(2) Applicants must:

~~(• Meet the requirements of WAC 296-52-610, Explosives licensing))~~

- Meet any license specific requirements
- Provide their Social Security number (RCW 26.23.150)
- Provide any information requested by the department before a new or renewal license will be issued.

AMENDATORY SECTION (Amending WSR 05-08-110, filed 4/5/05, effective 6/1/05)

**WAC 296-52-61020 License fees.** Applicable license fees must be included with new or renewal explosives license applications.

<b>Type of License</b>	<b>Fee</b>
Dealer's License	<del>((25.00))</del> <u>50.00</u>
Purchaser's License	<del>((5.00))</del> <u>25.00</u>
Blaster's License	<del>((5.00))</del> <u>50.00</u>
Manufacturer's License	<del>((25.00))</del> <u>50.00</u>
Storage License	(See table below)

Explosive Materials STORAGE LICENSE FEES <i>RCW 70.74.140 applies</i>			
EXPLOSIVES  Maximum Weight (pounds) of explosives permitted in each magazine or mobile site.	DETONATORS  Maximum Number of detonators permitted in each magazine or mobile site.	FEE (for each magazine or mobile site)	
		Annual	Permanent Storage License for Two Years
200	133,000	<del>((10.00))</del> <u>50.00</u>	<del>((20.00))</del> <u>100.00</u>
1,000	667,000	<del>((25.00))</del> <u>125.00</u>	<del>((50.00))</del> <u>250.00</u>
5,000	3,335,000	<del>((35.00))</del> <u>175.00</u>	<del>((70.00))</del> <u>350.00</u>
10,000	6,670,000	<del>((45.00))</del> <u>225.00</u>	<del>((90.00))</del> <u>450.00</u>
50,000	33,350,000	<del>((60.00))</del> <u>300.00</u>	<del>((120.00))</del> <u>600.00</u>
300,000	200,000,000	<del>((75.00))</del> <u>375.00</u>	<del>((150.00))</del> <u>750.00</u>

**Note:** License fees will not be refunded when a license is revoked or suspended for cause.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

**WAC 296-52-61030 Applicant participation.** Applicants:

- Must cooperate and assist the department in all aspects of the application review
- Must provide all information requested by the department to:
  - Verify application statements
  - Help with any questions
- Must furnish their fingerprints to the department on department forms
  - Fingerprinting and criminal history record information checks are required for management officials directly responsible for explosives operations
- ~~((May be required to pay a fee to the law enforcement agency providing fingerprint research services (RCW 70.74.360-)))~~ Must pay the fee to the department for processing the fingerprint card (RCW 70.74.360(1)).

Adopted under notice filed as WSR 08-12-061 on June 2, 2008.

A final cost-benefit analysis is available by contacting Nasue Nishida, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail nasue.nishida@k12.wa.us.

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 2, Repealed 0.

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

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

Date Adopted: July 17, 2008.

Nasue Nishida  
Policy and Research Analyst

**WSR 08-15-141  
PERMANENT RULES  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed July 22, 2008, 10:15 a.m., effective August 22, 2008]

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

Purpose: The language deletes a satisfactory performance evaluation as a requirement for principal and administrator professional certificates. The language also makes technical corrections from a "professional educator standards board-approved private school" to "state board of education-approved private school."

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-211 and 181-79A-250.

Statutory Authority for Adoption: RCW 28A.410.210.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

**WAC 181-79A-211 Academic and experience requirements for certification—Administrators.** Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 181-79A-150 and 181-79A-213.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter credit hours (thirty semester credit hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 181-79A-150(4).

## (b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter credit hours (forty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 181-79A-150(4).

(iii) Candidates applying for continuing superintendent's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

## (2) Principal.

## (a) Initial.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

## (b) Residency.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

## (c) Continuing.

(i) The candidate who holds a valid initial principal's certificate issued prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall hold a valid initial principal's certificate, an approved master's degree and shall have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by a college or university with a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria pursuant to chapter 181-85 WAC, or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the principal performance domains included in WAC 181-78A-270 (2)(a) or (b);

(B) Be taken subsequent to the issuance of the initial principal's certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved principal preparation program.

(iii) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the academic requirement for the continuing certificate described in WAC 181-79A-211 (2)(c)(i), if the candidate meets requirements for and applies for the continuing certificate by the expiration date on that initial certificate.

(iv) The candidate must meet requirements for a principal's certificate pursuant to WAC 181-79A-150(4).

(v) Candidates applying for continuing principal's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal.

(vi) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the one hundred-eighty day experience requirement described in WAC 181-79A-211 (2)(c)(v), if that candidate meets requirements and applies for the continuing certificate by the expiration date on that initial certificate.

## (d) Professional certificate.

(i) The candidate shall have completed an approved professional certificate program.

~~(ii) ((The candidate shall have satisfactory evaluations while serving in the principal or assistant principal role as verified by a school district or a professional educator standards board approved private school.~~

~~((iii))~~ The candidate shall have documentation of three contracted school years of employment as a principal or assistant principal.

## (3) Program administrator.

## (a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least twenty-four quarter credit hours (sixteen semester credit hours) of graduate level course work in education.

## (b) Residency certificate.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of program administrators.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

## (c) Continuing.

(i) The candidate shall hold a valid initial program administrator's certificate, an approved master's degree and have completed subsequent to the baccalaureate degree at least thirty quarter credit hours (twenty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) Candidates applying for continuing program administrator's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

## (d) Professional certificate.

~~((+))~~ The candidate shall have completed an approved professional certificate program.

~~((ii) The candidate shall have satisfactory evaluations while serving in a program administrator role as verified by a school district or a professional educator standards board-approved private school.))~~

AMENDATORY SECTION (Amending WSR 07-20-047, filed 9/26/07, effective 10/27/07)

**WAC 181-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements.** The following shall apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

(a) Teachers.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 181-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 181-79A-123 will apply.

(b) Administrators.

After June 30, 2004, provisions of WAC 181-79A-123(8) will apply.

(c) Educational staff associates.

After June 30, 2005, provisions of WAC 181-79A-123(9) will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(iii) An individual who completes a national board certification assessment but does not earn national board certification, may use that completed assessment to renew the residency certificate for two years.

(iv) Individuals who complete the requirements in their school district professional growth plan may use that completed plan to maintain the continuing certificate or renew the professional certificate.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certifi-

cate program pursuant to WAC 181-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program under WAC 181-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(c) School counselors, school psychologists, or school social workers.

(i) Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535(3) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC 181-78A-535 (3)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship approved by a college or university with a professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(d) Renewals based on conditions other than those described in WAC 181-79A-250 (2)(a) and (b) may be appealed to the professional educator standards board, or its designated appeals committee. The following conditions apply to such appeals:

(i) Individuals who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The professional educator standards board, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific

conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(3) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 181-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement, to include the filing requirement specified in chapter 181-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 181-85 WAC and must meet the conditions stated in WAC 181-79A-253.

(4) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued. An expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards outlined in WAC 181-78A-540:

- (I) Effective instruction.
- (II) Professional contributions.
- (III) Professional development.

(B) One of the salary criteria specified in RCW 28A-415.023.

(I) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

(II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(III) Is necessary to obtain an endorsement as prescribed by the professional educator standards board;

(IV) Is specifically required to obtain advanced levels of certification; or

(V) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certifi-

cate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five year periods for individuals employed as a principal, assistant principal or program administrator in a public school or (~~(professional educator standards board)~~) state board of education-approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

- (I) Emphasize continuous learning;
- (II) Positively impact student learning;
- (III) Relate to the six standards and "career level" benchmarks defined in WAC 181-78A-270 (2)(b);
- (IV) Explicitly connect to the evaluation process;
- (V) Reflect contributions to the school, district, and greater professional community; and
- (VI) Identify areas in which knowledge and skills need to be enhanced.

(B) (~~Verification of satisfactory performance evaluations for the five year periods; and~~

(~~C~~)) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or (~~(professional educator standards board)~~) state board of education-approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board-approved professional certificate program, and taken since the issuance of the last professional certificate.

(c) School counselors, school psychologists, or school social workers.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor, school psychologist, or school social worker in a public school, (~~(professional educator standards board)~~) state board of education-approved private school, or in a state agency which provides educational services to students by:

(A) Completion of a professional growth plan that is developed and approved with the principal or principal designee,

nee, and that documents formalized learning opportunities and professional development activities that:

- (I) Emphasize continuous learning;
- (II) Positively impact student learning; and
- (III) Reflect contributions to the school, district, and greater professional community; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9).

(ii) Individuals not employed as a school counselor, school psychologist, or a school social worker in a public school or (~~((professional educator standards board))~~) state board of education-approved private school may have their professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9); or

(C) Provided that, a school counselor professional certificate may be renewed based on the possession of a valid school counselor certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the national board certificate, whichever is greater.

**WSR 08-15-142**  
**PERMANENT RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 22, 2008, 10:18 a.m., effective August 22, 2008]

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

Purpose: Changes references of "work-based" to "work-site" and "diversified occupations" to "career choices." These name changes better reflect school district language.

Citation of Existing Rules Affected by this Order: Amending WAC 181-77A-180.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 08-08-104 on April 2, 2008.

A final cost-benefit analysis is available by contacting Nasue Nishida, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail nasue.nishida@k12.wa.us.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 16, 2008.

Nasue Nishida  
Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

**WAC 181-77A-180 Career and technical education teacher preparation specialty standards.** In addition to the standards identified in WAC 182-82-332 or 181-77A-175, individuals obtaining certification in the areas of coordinator of (~~((work-based))~~) worksite learning or (~~((diversified occupations))~~) career choices must demonstrate competency in the following standards.

(1) **Coordinator of (~~((work-based))~~) worksite learning.**

(a) The (~~((work-based))~~) worksite learning coordinator demonstrates the knowledge and ability to develop, implement, manage, and evaluate a diversified (~~((work-based))~~) worksite learning program that utilizes local resources.

(b) The (~~((work-based))~~) worksite learning coordinator models ethical behavior and demonstrates the ability to facilitate, supervise, and evaluate student leadership activities.

(c) The (~~((work-based))~~) worksite learning coordinator demonstrates the ability to team with career and technical education teachers and prospective employers to relate (~~((work-based))~~) worksite learning with school-based learning and to measure student performance.

(d) The (~~((work-based))~~) worksite learning coordinator demonstrates a commitment to professional development.

(e) The (~~((work-based))~~) worksite learning coordinator demonstrates a current knowledge of the essential academic learning requirements and skills for entry level workers and uses a variety of methods to insure that students master the essential academic learning requirements.

(2) **(~~((Diversified occupations))~~) Career choices.**

(a) The (~~((diversified occupations))~~) career choices teacher demonstrates competency in the areas of career exploration, employment acquisition, job retention, resource management (personal, community, workplace technology, and consumerism), economic systems (entrepreneurship, economics), basis skills development, and leadership development.

(b) The (~~((diversified occupations))~~) career choices teacher demonstrates the ability to link classroom learning with the world of work and coordinate (~~((work-based))~~) worksite learning which prepares students for the world of work.

**WSR 08-15-156**  
**PERMANENT RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed July 22, 2008, 4:09 p.m., effective August 22, 2008]

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

Purpose: To create a uniform repayment policy between participating state need grant institutions. To make technical corrections for clarification purposes.

Citation of Existing Rules Affected by this Order: Amending WAC 250-20-011, 250-20-013, 250-20-015, 250-20-021, 250-20-031, 250-20-037, 250-20-041, 250-20-051, and 250-20-071.

Statutory Authority for Adoption: Chapter 28B.92 RCW, State need grant.

Adopted under notice filed as WSR 08-08-123 on April 2, 2008.

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 9, Repealed 0.

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

Date Adopted: July 22, 2008.

Julie Japhet  
 Assistant Director  
 Student Financial Assistance

AMENDATORY SECTION (Amending WSR 06-17-046, filed 8/8/06, effective 9/8/06)

**WAC 250-20-011 Student eligibility.** For a student to be eligible for a state need grant he or she must:

(1) Be a "needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802. These students must also meet the "income cut-off," be a "former foster youth" or be a "disadvantaged student."

(2) Be a resident of the state of Washington in accordance with RCW 28B.15.012 (2)(a) through (d).

(3) Be enrolled or accepted for enrollment as an undergraduate student at a participating postsecondary institution ~~((or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington))~~.

(a) For purposes of need grant eligibility, the student must be enrolled, at time of disbursement, in a course load of at least six credits per quarter or semester ~~((or, in the case of institutions which do not use credit hours, in a program of at least six hundred clock hours requiring at least twelve clock~~

~~hours of instruction per week)) (except as specified in WAC 250-20-021 less-than-half-time pilot project).~~

(b) A student enrolled less than half time may not receive this grant for the term in question (except as specified in WAC 250-20-021 less-than-half-time pilot project), but is eligible for reinstatement or reapplication for a grant upon return to at least a half-time status. Correspondence courses may not comprise more than one-half of the student's minimum credit load for which aid is being considered.

(c) Have a high school diploma or its equivalent. Equivalent standards include a general education development certificate(;) or a certificate of completion of a home study program recognized by the student's home state. For a student without a high school diploma or its equivalent, ~~((he or she must pass))~~ a school may accept a ((federally)) recognized ability-to-benefit test as ~~((is required for the receipt of federal student aid))~~ defined by federal financial aid regulations.

(4) Maintain satisfactory progress as defined in WAC 250-20-021(19).

(5) Not be pursuing a degree in theology.

(6) Not have received a state need grant for more than the equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two, nor exceed one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree or certificate program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. A student shall be deemed to have received an associate degree as a state need grant recipient if the student received state need grant payments in more than three quarters, two semesters, or equivalent clock hours while pursuing an associate degree. Upon receipt of a bachelor's degree or its foreign equivalent, a student is no longer eligible.

(7) Have submitted the Free Application for Federal Student Aid to receive consideration for a Pell grant (except as specified in WAC 250-20-021 less-than-half-time pilot project).

(8) Certify that he or she does not owe a refund or repayment on a state ~~((need))~~ or federal grant, ~~((a Federal Pell Grant or a Federal Supplemental Educational Opportunity Grant,))~~ and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Student Loan Program.

AMENDATORY SECTION (Amending WSR 07-15-038, filed 7/12/07, effective 8/12/07)

**WAC 250-20-013 Institutional eligibility.** (1) For an otherwise eligible student to receive a state need grant, ~~((he or she))~~ the student must be enrolled in an eligible program at a postsecondary institution approved by the higher education coordinating board for participation in the state need grant program. To be eligible to participate, a postsecondary institution must:

(a) Be a postsecondary institution as defined in WAC 250-20-021(3).

(b) Participate in the federal Title IV student financial aid programs, including, at a minimum, the Federal Pell Grant program.

(2) In addition, a proprietary institution must demonstrate to the satisfaction of the board:

(a) That it is certified for participation in the federal Title IV student financial aid programs. Institutions which have been limited or suspended from Title IV programs are not eligible to participate in the state need grant program. A proprietary institution that is provisionally certified due to its failure to meet standards of administrative capability or financial responsibility may have its eligibility limited or denied. Institutions will be evaluated on a case-by-case basis and may be allowed to participate in a probationary status with conditions including a letter of credit, or other limitations.

(b) That it is capable of properly administering the state need grant program. In making this determination, the board will consider such factors as the institution's:

- (i) Adequacy of staffing levels.
- (ii) Staff training and experience in administering student financial aid programs and turnover in key personnel.
- (iii) Compliance with the standards of administrative capability specified for purposes of federal Title IV program eligibility.
- (iv) Pending legal regulatory issues.
- (v) Written student complaints.
- (vi) Compliance with state aid program regulations and guidelines.
- (vii) Ability to maintain electronic systems to support state aid program tracking, payment requests and reporting obligations.

(c) That it is maintaining acceptable performance levels. In making this determination the board will consider such factors as the institution's:

- (i) Student completion rate.
- (ii) Student placement rate.
- (iii) Student loan cohort default rate.

In evaluating completion and placement standards, the board will rely on the standards of the institution's accrediting agency or the standard established between the board and the institution at the time the participation agreement is signed. Multiple year averages will be considered in evaluating these standards. Each participating institution will submit its annual accreditation report to the board.

(d) That it is financially stable and has adequate financial resources to provide the services described in its official publications and statements. Institutions must meet the administrative and financial standards for participation in the federal Title IV programs. In making this determination, the board will consider such factors as:

- (i) The school's annual financial statements. The board will not retain copies of confidential financial statements that cannot be exempted from the Public Disclosure Act, chapter 42.56 RCW.
- (ii) The Department of Education's composite financial score.
- (iii) Federal program review findings.
- (iv) State reauthorization or relicensing reports.
- (v) Accrediting agency show cause or other findings.

(vi) Enrollments by program and intent to terminate an existing program.

(vii) Enrollment trends.

(e) If evaluation of an institution's administrative capability, performance level, or financial strength results in concerns about the institution's participation in the state aid programs, the board may:

(i) Request additional information as well as give the school the opportunity to provide additional clarifying information.

(ii) Place an institution in a probationary status and specify the corrective actions which need to occur.

(iii) Require a letter of credit or bond.

(iv) Limit, suspend, or terminate an institution's participation in accordance with WAC 250-20-081.

(3) "Probation" indicates the board has determined that the school has one or more significant deficiencies for which corrective action is required within a specified time period.

(4) The school must renew its eligibility each year under these standards or as requested by the board. A school that has lost eligibility to participate must complete a new application for reconsideration.

(5) Nothing in this section shall prevent the board, in the exercise of its sound discretion, from denying eligibility or terminating the participation of an institution which the board determines is unable to properly administer the program or provide advertised services to its students.

(6) If an institution disagrees with actions taken by the board, the institution can appeal the action per the procedure outlined in WAC 250-20-081.

**AMENDATORY SECTION** (Amending WSR 95-17-045, filed 8/11/95, effective 9/11/95)

**WAC 250-20-015 Application and agreement to participate.** A postsecondary institution which wishes to participate in the state need grant program must apply and be approved each year. As a part of the application process, the institution must provide all requested information, in the format specified by the board. Such information will include, but may not be limited to, the following: Name and address of school (including central office and all campus sites), name and address of owner(s), or if a corporation the name and addresses of stockholders holding more than twenty-five percent of the stock and percentage of stock held, the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the state of Washington or in the integrated postsecondary education data system), evidence of certification and participation in the Federal Pell Grant program and any other information upon request of the board as needed to determine the institution's eligibility. The institutions must also submit each year, for approval, a copy of its refund/repayment policy, student budgets, gift equity packaging policy and its satisfactory progress policy for state need grant recipients and such other information as may be required to assure proper administration of the program and financial stability. In addition the "agreement to participate" will also indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and



provide all pertinent information, records, and reports requested by the board, and to notify the board within thirty days of any change (~~((other than student enrollment))~~) to information reported on the agreement form.

**AMENDATORY SECTION** (Amending WSR 06-17-046, filed 8/8/06, effective 9/8/06)

**WAC 250-20-021 Program definitions.** (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median or has participated in a means tested early awareness program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington.

(3) The term "postsecondary institution" shall mean:

(a) Any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an approved accrediting association.

(b) If such institution agrees to participate in the program in accordance with all applicable rules and regulations.

(c) Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of an approved accrediting association.

(d) The separate accreditation requirement is waived for branch campuses of out-of-state institutions if the branch campus:

(i) Is eligible to participate in federal student aid programs; and

(ii) Has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington; and

(iii) Has an annual enrollment of at least seven hundred full-time equivalent students.

(4) The term "approved accrediting association" shall mean the following organizations:

(a) Northwest (~~(Association of Schools and)~~) Commission on Colleges and Universities;

(b) Middle States Association of Colleges and Schools, Commission on Higher Education;

(c) New England Association of Schools and Colleges;

(d) North Central Association of Colleges and Schools;

(e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges;

(g) Accrediting Bureau of Health Education Schools;

(h) Accrediting Council for Continuing Education and Training;

(i) Accrediting Commission of Career Schools and Colleges of Technology;

(j) Accrediting Council for Independent Colleges and Schools;

(k) National Accrediting Commission of Cosmetology Arts and Sciences.

(5) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.012 (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of residency.

(6) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(~~((6))~~) (7).

(7) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or

(b) Is a veteran of the U.S. Armed Forces; or

(c) Is an orphan or ward of the court; or

(d) Has legal dependents other than a spouse; or

(e) Is a married student or a graduate/professional student; or

(f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

(8) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

(9) "Student budgets" are determined by institutions and approved by the board. The student budget consists of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

(10) "State need grant cost-of-attendance" is the standard student cost per sector, as developed by the board.

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.92.060(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of

the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

(e) The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

(11) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

(12) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant.

(a) The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding.

(b) The board will endeavor to award students, in order, from the lowest income to the highest income, within the limits of available funding.

(c) At the discretion of the institution's aid administrator, a student who is eligible for a state need grant in a given academic year may be deemed eligible for the ensuing academic year if his or her family income increases by no more than three percent, even if the stated median family income cutoff for grant eligibility is lower than that amount.

(13) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

(14) "Base grant" is the state need grant award for each sector before the addition of a dependent care allowance. The base grant per student will be no less than the published base grant in 1998-1999. The base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

For certain students who have completed board-approved early awareness and preparation programs such as, GEAR-UP or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant,

in these cases, will be no less than the current value of the federal PELL grant program.

(15) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the eligible student's base grant.

(a) The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student.

(b) Care must be that assistance provided to the dependent by someone outside of the student's household and not paid by another agency.

(c) Eligible grant recipients must document their need for the dependent care allowance.

(16) "State need grant award" is the base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

(17) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(18) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation; or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

(19) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

(20) "Satisfactory progress" is the student's successful completion of a minimum number of credit or clock hours for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of credit or clock hours for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half of the minimum number of credits or clock hours for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half, but less than all of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

(21) The term "full institutional accreditation" shall mean the status of public recognition that an accrediting agency recognized by the U.S. Department of Education grants to an educational institution that meets the agency's established standards and requirements. Institutional accreditation applies to the entire institution, indicating that each of an institution's parts is contributing to the achievement of the institution's objectives.

(22) The term "eligible program" for a public or private nonprofit educational institution, shall mean ~~((an))~~ a certificate, associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree, or ~~((at least a one-year educational program))~~ a program that provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation. ~~((The term "eligible program" for a for-profit or a postsecondary vocational institution shall mean a program which provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours. The program may admit students without an associate degree or equivalent. The term "eligible program" for a for-profit or a postsecondary vocational institution may also be a program that provides at least a 10-week program of 300 clock hours, 8 semester hours, or 12 quarter hours. A program in this category must be an undergraduate program that admits only students with an associate degree or equivalent.))~~ To be an "eligible program," a program must be encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs.

(23) The three "public sectors of higher education" are the research universities, comprehensive universities, and the community and technical colleges.

(24) A "for-profit institution" is a postsecondary educational institution other than a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

(25) A "postsecondary vocational institution" is a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

(26) The "less-than-half-time pilot project" is defined as follows:

(a) The pilot project is authorized for ~~((2005-2007))~~ 2007-2011 in chapter ~~((299))~~ 404, Laws of ~~((2005))~~ 2007 and is meant to test the feasibility of providing state need grant awards to students who enroll in three, four or five credits.

(b) ~~((The board shall select up to ten schools to participate in the pilot project.~~

~~((e))~~ All rules and guidelines that govern student and school participation in the state need grant program shall apply to pilot project except the following:

(i) The student may enroll for three, four or five credits per term.

(ii) The grant award is equal to one-quarter of the regular base grant amount.

(iii) Students otherwise enrolled in credit bearing coursework may receive the grant for up to one academic year

before being accepted into a program that leads to a degree or certificate.

(27) The term "former foster youth" means a person who is at least eighteen years of age, but no more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

AMENDATORY SECTION (Amending WSR 99-16-015, filed 7/23/99, effective 8/23/99)

**WAC 250-20-031 Student application procedure.** (1) Application for a state grant must be made each year.

(2) All applications will be ranked anew each year.

(3) Application for a state need grant is accomplished through a student's application for admission to, and financial aid from, the institution of his or her choice.

(4) Financial data must be generated in accordance with the method set forth by the higher education coordinating board to assure that information will be consistent on a state-wide basis.

The board shall annually specify the student data elements essential for determining state need grant eligibility and shall authorize the forms and processes for collecting and analyzing such data.

(5) The burden of proof of a grant recipient's eligibility is with the institution. At a minimum:

(a) The institution must be able, on request of the board, to reconstruct the calculations and rationale for the student's grant eligibility and award amounts.

(b) The financial aid form or comparable financial status documents, with the resulting financial need analysis must be on record in the financial aid office for all grant recipients.

(c) The institution must also have on record justification for reawarding a need grant to any student who failed to make satisfactory progress.

(6) The board shall establish annual criteria by which the eligible student is to be identified, ranked, and awarded. ~~((That))~~ Those criteria shall include the maximum award for each sector and the income cutoff level.

(7) The institution shall examine the student's aid application to determine overall need and specific state need grant eligibility and the appropriate award, using the board-approved criteria.

(8) The board will make available to all participating institutions, a list of all students who owe state need grant repayments or have otherwise exhausted their state need grant eligibility. It is the institution's responsibility to ensure that no ineligible student receives a state need grant.

(9) The financial aid administrator at each institution will be required to sign a statement attesting to the fact that all eligible financial aid applicants within state need grant parameters will be identified and served to the extent funds are available and that financial information will be determined in strict adherence to program guidelines.

(10) No group of students, such as single parents or part-time students, may be advantaged or disadvantaged in its access to the state need grant by any institutional awarding policy.

AMENDATORY SECTION (Amending WSR 90-04-067, filed 2/5/90, effective 7/1/90)

**WAC 250-20-037 Reserve of funds.** (1) The board shall annually reserve funds for the body of students at each institution. The percentage of state need grant funds to be reserved equals the proportion of grant dollars needed to fund the eligible students who are enrolled, as reported on the ~~((unit record))~~ interim/reconciliation report, at each school compared to the dollars needed to fund all state need grant eligible students enrolled in all participating schools.

(2) The board shall establish methods to reserve state need grant funds for:

- (a) Former foster youth;
- (b) Transfer students; and
- (c) New institutions.

AMENDATORY SECTION (Amending WSR 07-15-038, filed 7/12/07, effective 8/12/07)

**WAC 250-20-041 Award procedure.** (1) The institution will offer grants to eligible students from funds reserved by the board. It is the institution's responsibility to ensure that the reserve is not over expended within each academic year.

(2) The state need grant award for an individual student shall be the base grant, appropriate for the sector attended and a dependent care allowance, if applicable, adjusted for the student's family income and rate of enrollment. Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible, unless such award should exceed the student's overall need or the institution's approved gift equity packaging policy.

(3) The grant amount for students shall be established as follows:

(a) The award shall be based on the representative average tuition, service, and activity fees charged within each public sector of higher education. The average is to be determined annually by the higher education coordinating board. The award for students enrolled in the applied baccalaureate pilot program authorized in RCW 28B.50.810 shall be based on the representative tuition and fees used for the comprehensive universities.

(b) Except for the 2003-04 and 2004-05 academic years, the base grant award shall not exceed the actual tuition and fees charged to the eligible student. During the 2003-04 and 2004-05 years the grant award may exceed the tuition charged to the eligible student by fifty dollars.

(c) The base grant award for students attending independent four-year institutions shall be equal to that authorized for students attending the public four-year research institutions. The base grant for students attending private vocational institutions shall be equal to that authorized for students attending the public community and technical colleges.

(4) The total state need grant award shall be reduced for students with family incomes greater than fifty percent of the state's median and for less than full-time enrollment.

(a) Students whose incomes are equal to fifty-one percent to seventy-five percent of the state's median family income shall receive seventy-five percent of the maximum award. Students whose incomes are equal to seventy-six percent to one hundred percent of the state's median family

income shall receive fifty percent of the maximum award. Students whose incomes are equal to one hundred one percent to one hundred twenty-five percent of the state's median family income shall receive twenty-five percent of the maximum award.

(b) Eligible students shall receive a prorated portion of their state need grant for any academic period in which they are enrolled at least half-time, as long as funds are available. Students enrolled at a three-quarter time rate, at the time of disbursement, will receive seventy-five percent of their grant. Students enrolled half-time at the time of disbursement will receive fifty percent of their grant.

(5) Depending on the availability of funds, students may receive the need grant for summer session attendance.

(6) The institution will be expected, insofar as possible, to match the state need grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

(7) All financial resources available to a state need grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. The student will not be considered over-awarded if he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year.

(8) The institution shall ensure that the recipient's need grant award, in combination with grant aid from all sources, not exceed seventy-five percent of the student's cost-of-attendance. In counting self-help sources of aid, the aid administrator shall include all loans, employment, work-study, scholarships, grants not based on need, family contribution, and unmet need.

(9) The institution will notify the student of receipt of the state need grant.

(10) Any student who has received at least one disbursement and chooses to transfer to another participating institution within the same academic year may request that the receiving institution apply to the board for funds to continue receipt of the grant ~~((at the receiving institution))~~.

AMENDATORY SECTION (Amending WSR 93-08-010, filed 3/25/93, effective 4/25/93)

**WAC 250-20-051 Grants disbursement and repayment.** (1) At intervals designated by the executive director, financial aid administrators from participating independent colleges and proprietary institutions will submit the appropriate ~~((warrant order))~~ cash request or reimbursement form to the higher education coordinating board for each state need grant recipient certifying enrollment and grant eligibility.

(a) Upon receipt of the ~~((warrant order))~~ cash request or reimbursement forms, the higher education coordinating board will forward ~~((warrants))~~ payments to the appropriate institution for each recipient or directly to the school as reimbursement.

(b) At private and proprietary schools, as long as the student remains eligible for the grant, the ~~((warrant))~~ payment must be given directly to the student without the institution placing any other condition ~~((being placed))~~ on receipt of the ~~((warrant by the institution))~~ payment. Institutions which

participate in the electronic funds transfer reimbursement program, must follow the requirements of the student directives. The student directive is a board-approved document used to direct the schools in the student's choice of payment method, either a direct deposit or school issued warrant.

(c) All signed receipts and student directives for state need grants are to be retained by the institution. They must be made available for inspection upon request of the board. All unclaimed (~~warrants~~) payments must be returned to the board on or before the date specified by the board each term.

(d) A student-by-student reconciliation must be completed by the institution at the end of each term.

(2) All other institutions may request funds as necessary to make disbursements to students.

(a) Interim progress reports must be filed with the board as requested.

(b) A student-by-student reconciliation must be filed with the board at the end of each academic year.

(3) No institution may disburse nor claim more funds than that amount reserved by the board for the body of students at each institution.

(4) Should a student recipient withdraw (~~from classes~~) prior to or on fifty percent of the term or prior to completing fifty percent of the scheduled clock hours during the term in which he or she received a state need grant, (~~he or she~~) the student shall be required to repay (~~the appropriate amount~~) a portion of the grant amount according to the (~~institution's~~) board-approved repayment policy. This policy is separate and distinct from the federal repayment policy and computation. Beginning in 2009-2010 the board-approved repayment policy shall incorporate the following repayment principles.

(a) The repayment calculation is based on the portion of the term not completed or the percent of scheduled clock hours not completed.

(b) A fifty percent reduction is applied to the final repayment calculation for relief of irretrievable costs of attendance. This adjustment is only available to students who officially or unofficially withdraw when the last date of attendance is known.

(c) If the last known date of attendance occurs after fifty percent of the term, the state need grant award is considered one hundred percent earned and no repayment is due.

(d) If a state need grant recipient attends a portion of a term and withdraws with no verified last date of attendance, the repayment will be fifty percent of the grant amount with no additional adjustments.

(e) If a state need grant recipient never attends courses in the term for which they received a state need grant award, the repayment is one hundred percent of the grant amount.

The institution shall advise the student and the board of amounts to be repaid.

(5) The board reserves the right, if funds are available, to pay to public institutions an administrative expense allowance for the shared responsibility of administering the program on the board's behalf. The allowance shall be calculated annually as a percentage of the need grant funds disbursed by the institution.

(6) Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed, except

that eligible former foster youth shall be assured receipt of a grant.

AMENDATORY SECTION (Amending WSR 90-04-067, filed 2/5/90, effective 7/1/90)

**WAC 250-20-071 Appeal process.** Should a student question his or her state need grant eligibility or award, the following procedures should be followed:

(1) The student should direct questions and appeals to the financial aid officer at the institution he or she attends.

(2) If the student is not satisfied with the response of the institution, he or she should assemble all relevant academic, financial, and personal data and forward it to the higher education coordinating board for review.

(3) The board's division of student financial aid will review all material submitted and, if possible, will resolve the problem, advising the student of his or her eligibility and generating an award or, if the student is not eligible for a state need grant, advising the student of the reason for denial.

(4) The higher education coordinating board will convene its review committee to consider the situation of any student whose state need grant eligibility is questionable, or upon the request of the student. If the committee finds the student eligible for state need grant receipt, it will advise the financial aid administrator at the institution the student attends and will recommend to the school that the student's state need grant award be processed immediately. If the review committee finds the student not eligible for state need grant receipt, it will advise the student of the reason for denial.

(5) If the student is not satisfied with the (~~resolve by~~) decision of the review committee, the student's final recourse is submission of his or her case to the executive director of the higher education coordinating board.

**WSR 08-15-160**  
**PERMANENT RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed July 23, 2008, 8:57 a.m., effective August 23, 2008]

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

Purpose: To implement rules for the newly established passport to college promise scholarship for former foster care youth. Rules also provide administrative direction for college incentive grants.

Citation of Existing Rules Affected by this Order: Amending chapter 250-83 WAC.

Statutory Authority for Adoption: RCW 28B.76.500.

Adopted under notice filed as WSR 08-08-126 on April 2, 2008.

Changes Other than Editing from Proposed to Adopted Version: The change clarifies that participating schools provide a comprehensive financial aid package to eligible youth, to the extent possible. The amended section is at WAC 250-83-060 (2)(d)(ii).

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 9, 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 9, Amended 0, Repealed 0.

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

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

Date Adopted: July 22, 2008.

Rachelle Sharpe  
Associate Director

### Chapter 250-83 WAC

#### PASSPORT TO COLLEGE PROMISE PROGRAM

##### NEW SECTION

**WAC 250-83-010 Purpose.** Recognizing the low college going rates of foster youth emancipating from care in Washington state, the legislature has created the passport to college promise program. The program's purpose is:

(1) To encourage current and former foster care youth to prepare for, attend, and successfully complete higher education; and

(2) To provide current and former foster care youth with the educational planning, information, institutional support and direct financial resources necessary for them to succeed in higher education.

##### NEW SECTION

**WAC 250-83-020 Institutional eligibility.** An eligible institution is one that:

(1) Meets the requirements for state need grant eligibility defined in RCW 28B.92.030 and WAC 250-20-013 and 250-20-021;

(2) Agrees to abide by all program rules adopted by the board;

(3) Completes an agreement to participate in state aid programs;

(4) Provides the eligible student all available need-based and merit-based grant and scholarship aid for which the student qualifies; and

(5) If participating in the incentive grant authorized in WAC 250-83-060, completes a separate board approved passport to college promise program addendum to the agreement to participate.

##### NEW SECTION

**WAC 250-83-030 Identification of eligible foster youth.** The program requires early and accurate identification of current and former foster care youth so they can be linked to the financial assistance and other services that will

help them succeed in college. The sharing of information to identify eligible foster youth is facilitated by chapter 28B.117 RCW.

(1) The board will seek verification from the department of social and health services that applicants meet the passport student eligibility definition when:

(a) The board has a signed passport to college promise program consent form from the student. The consent is a form that has been developed and approved by the department of social and health services; or

(b) The student has completed the free application for federal student aid giving the board and the institutions permission to verify information supplied on that application; and

(c) The board, acting on behalf of the department of social and health services, will contract with DSHS to receive information for the purpose of conducting outreach to foster youth.

(2) The board will confirm the eligibility of foster youth to eligible institutions of higher education.

(3) The board, DSHS and the institutions of higher education will protect personally identifiable information in accordance with the Family Educational Rights and Privacy Act (34 CFR Part 99) and other applicable privacy standards.

(4) The board will maintain the consent and verification information for the period of the youth's passport eligibility. Thereafter, records will be maintained according to the record retention schedule in RCW 40.14.060.

##### NEW SECTION

**WAC 250-83-040 Student eligibility for passport scholarship.** To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for the passport scholarship, which functions similar to a grant program, if he or she:

(1) Has, or is expected to have, emancipated from foster care in Washington state on or after January 1, 2007, after having spent at least one year in foster care subsequent to his or her sixteenth birthday;

(2) Is a Washington state resident student as defined in RCW 28B.15.012(2);

(3) Is admitted to, or enrolled in, an eligible degree or certificate program.

To recognize cases where a lack of college preparation exists, the aid administrator may, for up to one academic year, consider the otherwise eligible student for the passport scholarship based upon an institutionally documented educational pathway that leads to an eligible degree or certificate.

For example, a documented pathway can include prerequisites that must be met before admission to a degree or certificate program, or a short term course that connects to a degree or longer certificate program.

(4) Is enrolled or will enroll with an eligible institution before age twenty-two;

(5) Enrolls each term on at least a half-time basis;

(6) Demonstrates financial need according to federal methodology;

(7) Has not earned a bachelor's or professional degree;

(8) Is not pursuing a degree in theology;

(9) Is making satisfactory progress;

(10) Has not received a passport scholarship for more than ten semesters, or fifteen full-time quarters, or an equivalent combination of the two;

(11) Is not twenty-seven years of age or older.

(12) Does not owe a refund or repayment on other state or federal aid programs and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Student Loan Program.

#### NEW SECTION

**WAC 250-83-050 Determining the amount of the passport student scholarship.** (1) Eligible students may receive the passport scholarship.

(2) The scholarship shall not exceed the student's financial need, less a reasonable self-help amount. A reasonable self-help amount is equivalent to what a student can earn by working ten hours per week at minimum wage per term of enrollment.

The scholarship amount cannot be more than an amount equivalent to resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state.

(3) In calculating need, initially based on an established cost of attendance, the institution is encouraged to further examine the student's costs on a case-by-case basis to identify any extenuating circumstances, so actual costs borne by the individual former foster care youth are recognized.

#### NEW SECTION

**WAC 250-83-060 Institutional incentive grant to provide student support services.** Institutional incentive grants are grant payments to institutions based on satisfactory student performance. The payment is available only to institutions agreeing to provide specified student support services.

Institutional participation in the passport incentive grant is voluntary. An otherwise eligible student can receive a passport scholarship to attend an eligible college even if the institution does not participate in the incentive grant option.

For the 2008-09 academic year, and to the extent that funds are allotted for this purpose, the amount of each incentive grant payment will be equal to five hundred dollars per successful student per quarter or seven hundred fifty dollars per semester. The payment amounts in succeeding years will be determined annually.

Participating institutions will meet the following criteria:

(1) Include on their applications for admission or on their registration materials a question asking whether the applicant has been in foster care in Washington state for at least one year since his or her sixteenth birthday. All other institutions of higher education, whether participating in the incentive grant or not, are strongly encouraged to include this question on their admission application.

(2) Have a viable plan. The scope of a viable plan is one that generally:

(a) Identifies those students eligible for assistance under this program;

(b) Tracks and enhances academic progress of eligible students;

(c) Addresses their unique needs for assistance during school vacation and academic interims; and

(d) Links eligible students to appropriate sources of assistance in their transition to adulthood.

At a minimum, each institution's viable plan will:

(i) Designate campus support staff;

(ii) Provide a comprehensive financial aid package taking into account available federal, state, institutional and private funding that, to the extent possible, meets the student's financial need;

(iii) Build a lasting institutional commitment to serve current and former foster youth; and

(iv) As appropriate, communicate with social services and independent living providers.

(3) Institutions choosing to participate will sign an addendum. The addendum to the state student financial aid participation agreement specifies the services that are to be provided through the institution's viable plan.

(4) Institutions may receive incentive grants for the:

(a) Student's initial enrollment at the institution.

(b) Student's enrollment in subsequent terms providing satisfactory progress was maintained for the previous term.

#### NEW SECTION

**WAC 250-83-070 Reserve of funds and payment of student scholarship and institutional incentive grant.** (1) Reserve of funds. The board will establish a reserve of funds for student scholarships to be used at each institution. The reserve is intended to provide an equitable opportunity for eligible students across the state and provide an efficient allocation method for institutions packaging aid. This method will be reviewed periodically.

(2) Payment of scholarship funds. All passport student scholarships will be paid by the institution. After the institution pays the passport scholarship amount, it will request reimbursement from the board from its reserve. The board will reimburse the institution in a timely manner.

(3) Payment of institutional incentive grant funds.

(a) The institution may claim a one-time incentive grant payment for each student that coincides with the student's first term of enrollment.

(b) The institution may claim subsequent incentive grant payments after it can determine the student maintained satisfactory progress for the prior term.

(c) Incentive grant payments may be claimed at the same time as reimbursements for student scholarship payments.

#### NEW SECTION

**WAC 250-83-080 Board's responsibilities.** (1) Administering agency. The higher education coordinating board shall administer the passport to college promise program.

(2) The board will ensure colleges are packaging all available need-based and merit-based grant and scholarship aid for which the student qualifies. The board may request or collect additional information from the institution to verify students received such aid.

(3) Reports. The board will obtain reports from institutions necessary to the administration and evaluation of the passport to college promise program.

(4) Oversight. If an institution fails to maintain its eligibility for the program, or if the board determines that an institution has failed to comply with program rules and regulations or guidelines, the board may suspend, terminate, or place conditions upon the institution's participation in the program.

(5) Appeals. Any appeal will first be heard by the board's executive director or his or her designee.

Applicants may request in writing a review of decisions affecting their scholarship eligibility.

#### NEW SECTION

**WAC 250-83-090 Definitions.** (1) "Academic year" means a nine-month period consisting of two semesters or three quarters of academic work. Summer term is additional to the academic year.

(2) "Board" means the Washington state higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(3) "Emancipated from foster care" for the purpose of creating timely offers of financial aid, means the student has spent at least one year in foster care subsequent to his or her sixteenth birthday and who either has emancipated from care or who is, at the time of verification, expected to emancipate from care by their eighteenth birthday.

(4) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by federal methodology.

(5) "Program" means the passport to college promise program created in this chapter.

(6) "Satisfactory progress" means a student making progress according to the institutionally determined student financial aid satisfactory policy.

(7) "Verification" means that a student's eligibility for passport has been documented by the department of social and health services.

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

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

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

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

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

Date Adopted: July 23, 2008.

John P. Daly  
Acting Deputy Director

AMENDATORY SECTION (Amending WSR 99-12-076, filed 5/28/99, effective 6/28/99)

**WAC 16-108-010 Rate.** (1) A fee of (~~(\$0.0026 cents effective June 30, 1999;)~~) \$0.00268 cents effective July 1, 1999, per dozen eggs is hereby established for every egg handler or dealer who pays assessments monthly in lieu of seals and for Washington state egg seals and facsimile type Washington state egg seals imprinted on egg containers.

(2) The imposition of the assessment, whether paid monthly in lieu of seals or by purchase of Washington state egg seals or facsimile type Washington state egg seals imprinted on egg containers, is suspended effective September 1, 2008, and reinstated effective December 1, 2008, at the rate stated in subsection (1) of this section. The reporting requirements of WAC 16-108-030 and labeling requirements of WAC 16-108-040 remain in effect.

### WSR 08-15-165

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed July 23, 2008, 9:39 a.m., effective August 23, 2008]

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

Purpose: Chapter 16-108 WAC, Washington state egg seals and assessments, WAC 16-108-010 Rate, the purpose is to suspend collection of the egg assessment for three months. This change has been recommended by industry.

Citation of Existing Rules Affected by this Order: Amending WAC 16-108-010.

Statutory Authority for Adoption: Chapters 69.25 and 34.05 RCW.

Adopted under notice filed as WSR 08-12-087 on June 4, 2008.