

**WSR 10-18-090**  
**PROPOSED RULES**  
**BOARD OF ACCOUNTANCY**

[Filed September 1, 2010, 8:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-13-024.

Title of Rule and Other Identifying Information: Chapter 4-25 WAC. Amend and/or decodify entire chapter 4-25 WAC:

<b>WAC sections:</b>	<b>Title:</b>
WAC 4-25-400	What is the authority for and the purpose of the board's rules?
WAC 4-25-410	Definitions.
WAC 4-25-510	What is the board's meeting schedule and how are officers elected?
WAC 4-25-520	What public records does the board maintain?
WAC 4-25-521	How can the board be contacted?
WAC 4-25-530	Fees.
WAC 4-25-540	What rules govern the proceedings before the board?
WAC 4-25-550	Do I need to notify the board if I change my address?
WAC 4-25-551	Must I respond to inquiries from the board?
WAC 4-25-620	What are the requirements concerning integrity and objectivity?
WAC 4-25-622	When must a CPA or CPA firm be independent?
WAC 4-25-626	What restrictions govern commissions, referral, and contingent fees?
WAC 4-25-630	What are the requirements concerning competence?
WAC 4-25-631	With which rules, regulations and professional standards must a CPA, CPA-Inactive certificateholder, CPA firm, and firm owner comply?
WAC 4-25-640	What are the requirements concerning records and clients confidential information?
WAC 4-25-650	What acts are considered discreditable?
WAC 4-25-660	What are the limitations on advertising and other forms of solicitation?
WAC 4-25-661	What are the limitations regarding individual and firm names?
WAC 4-25-670	What enforcement actions must be reported to the board?
WAC 4-25-710	What are the education requirements to qualify to apply for the CPA examination?

<b>WAC sections:</b>	<b>Title:</b>
WAC 4-25-720	How do I apply to take the CPA examination?
WAC 4-25-721	What does the board consider to be cheating on the CPA examination, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs?
WAC 4-25-730	What are the experience requirements in order to obtain a CPA license?
WAC 4-25-735	How does a CPA-Inactive certificateholder apply for licensure?
WAC 4-25-745	How do I apply for an initial CPA license?
WAC 4-25-747	Must an individual holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?
WAC 4-25-746	How do I apply for a Washington state CPA license if I hold a valid CPA license in another state?
WAC 4-25-747	Must an out-of-state individual holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?
WAC 4-25-750	What are the CPA firm licensing requirements?
WAC 4-25-752	How do I register to be a resident nonlicensee owner of a licensed firm and with which rules must a nonlicensee firm owner comply?
WAC 4-25-753	Must a firm holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?
WAC 4-25-781	What are the rules governing reciprocity for accountants from foreign countries?
WAC 4-25-782	How do I apply for an initial Washington state license through foreign reciprocity?
WAC 4-25-783	How do I renew a Washington CPA-Inactive certificate and/or license granted through foreign reciprocity?
WAC 4-25-790	How do I renew my individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?
WAC 4-25-791	I am a CPA-Inactive certificateholder—Prior to July 1, 2001, I held a license—How do I apply to return to my previous status as a licensee?

WAC sections:	Title:
WAC 4-25-792	How do I reinstate a lapsed individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?
WAC 4-25-793	If I retire my license or CPA-Inactive certificate, how do I apply to return to my previous status as a licensee or a CPA-Inactive certificateholder?
WAC 4-25-795	How do I reinstate a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?
WAC 4-25-820	What are the requirements for participating in quality assurance review (QAR)?
WAC 4-25-830	What are the CPE requirements?
WAC 4-25-831	What are the program standards for CPE?
WAC 4-25-832	How do I report my CPE to the board?
WAC 4-25-833	What documentation must I retain to support my eligibility for CPE credits?
WAC 4-25-910	What are the bases for the board to impose discipline?
WAC 4-25-930	Does the board authorize the use of any other titles or designations?

**Add the following new sections:**

WAC 4-30-030	What are the requirements for communicating with the board and staff?
WAC 4-30-051	What are the requirements concerning client records, including response to requests by clients and former clients for records?

WAC 4-30-072	What are the responsibilities of a verifying CPA?
WAC 4-30-114	How do I apply for and maintain a firm license?
WAC 4-30-140	What are the authority, structure, and processes for investigations and sanctions?

**Repeal the following section:**

WAC 4-25-610	Which rules govern the conduct of CPAs, CPA-Inactive certificateholders, CPA firms, and firm owners?
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Hearing Location(s): Washington State Criminal Justice Training Commission, Classroom C-220, 19010 First Avenue South, Burien, WA 98148, on October 29, 2010, at 9:00 a.m.

Date of Intended Adoption: October 29, 2010.

Submit Written Comments to: Cheryl M. Sexton, Rules Coordinato[r] [Coordinator], P.O. Box 9131, Olympia, WA 98507-9131, e-mail cheryls@cpaboard.wa.gov, fax (360) 664-9190, by October 19, 2010.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by October 22, 2010, TTY (800) 833-6384 or (360) 664-9194.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Comprehensive review of all of the board's rules to:

- Recognize on-line services' impact on procedures.
- Use consistent language throughout the rules.
- Reorganize the rules resulting in renumbering and grouping into like functions.
- Incorporate board policy into rule.
- Adds new rules to accommodate changes in environment.

Current (Old) WAC Section:	The Suggested Revision:	New WAC Section:	Grouping
4-25-400	Renumbered to support regrouping into like functions; no changes to language.	4-30-020	Board administration
4-25-410	Renumbered to support regrouping into like functions; and proposed section: (11) Clarifies when compensation arrangements qualify as commissions or referral fees. The arrangement may meet the criteria of any of subsections of the definition to be classified as a commission or referral fee. Individuals have erroneously interpreted the definition that the arrangement must meet the criteria of every subsection of the definition to be classified as a commission or referral fee.	4-30-010	Definitions

Current (Old) WAC Section:	The Suggested Revision:	New WAC Section:	Grouping
	(28) Changes the language from "qualifying for" to "exercising" for consistency with RCW 18.04.350. (37) See (28) above. Also, corrects the reference to the correct subsection of RCW 18.04.350.		
4-25-510	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Corrects reference to decodified section.</li> </ul>	4-30-022	Board administration
4-25-520	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Incorporates board policy 2000-2 Section III (public inquiries) into rule.</li> <li>• Clarifies the agency's procedures regarding records including the hours for inspection of records, the agency's records index, the organization of the agency's records, and how anyone may make a request for public records.</li> <li>• Corrects reference to Public Records Act, chapter 42.56 RCW.</li> </ul>	4-30-024	Board administration
4-25-521	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Changes structure of agency's physical address to align with United States Postal Service preferences.</li> </ul>	4-30-026	Board administration
4-25-530	Renumbered to support regrouping into like functions; no changes to language.	4-30-038	Board administration
4-25-540	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Changes the presiding officer for appeals to certain denials by board staff. The agency is extremely small and the executive director is mandated to be involved in assuring that resolutions are fair and equitable. The board believes the presiding officer should be insulated from any information related to a staff denial of licensure or other listed matters to ensure objective "due process."</li> <li>• Clarifies where decisions will be provided.</li> </ul>	4-30-028	Board administration
<b>New</b>	The board's rules include communication requirements/deadlines. For easy reference all the communication requirements/deadlines are repeated in this one rule with references to the applicable WAC section.	4-30-030	Board administration
4-25-550	Renumbered to support regrouping into like functions; no changes to language.	4-30-032	Board administration
4-25-551	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Changes the language from "qualifying for" to "exercising" for consistency with RCW 18.04.350.</li> </ul>	4-30-034	Board administration
4-25-610 <b>Repeal</b>	This rule lists principles to guide the development of board rules; the board intends to transfer these principles to board policy.	Repeal	
4-25-620	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Corrects reference to decodified section.</li> </ul>	4-30-040	Ethics and prohibited practices
4-25-622	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Corrects reference to decodified section.</li> </ul>	4-30-042	Ethics and prohibited practices
4-25-626	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Corrects reference to decodified section.</li> </ul>	4-30-044	Ethics and prohibited practices
4-25-630	Renumbered to support regrouping into like functions; no changes to language.	4-30-046	Ethics and prohibited practices

Current (Old) WAC Section:	The Suggested Revision:	New WAC Section:	Grouping
4-25-631	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Changes the language from "qualifying for" to "exercising" in two locations for consistency with RCW 18.04.350.</li> <li>Adds other standards recognized by the AICPA, PCAOB, SEC and/or GAO with which regulated individuals and firms must comply.</li> </ul>	4-30-048	Ethics and prohibited practices
4-25-640	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Separated into two rules - WAC 4-30-050 for the handling of client records that the credential person holds and safeguards and WAC 4-20-051 that identifies which of those records belong to the client.</li> </ul>	4-30-050	Ethics and prohibited practices
<b>New</b>	<ul style="list-style-type: none"> <li>Provides definitions for terms related to client records for purposes of this section and WAC 4-25-050 to clarify which records belong to the client and which records belong to the credentialed person.</li> <li>Clarifies the credentialed person's responsibilities concerning the return of client records.</li> <li>Expands the rule to include requirements regarding electronic records.</li> </ul>	4-30-051	Ethics and prohibited practices
4-25-650	Renumbered to support regrouping into like functions; no changes to language.	4-30-052	Ethics and prohibited practices
4-25-660	Renumbered to support regrouping into like functions; no changes to language.	4-30-054	Ethics and prohibited practices
4-25-661	Renumbered to support regrouping into like functions; no changes to language.	4-30-056	Ethics and prohibited practices
4-25-670	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Group with other rules related to board administration.</li> <li>Adds clarifying language to subsection (1).</li> </ul>	4-30-036	Board administration
4-25-710	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Minor clarifying language in subsection (2).</li> <li>Subsection (5) (iii) reflects the accrediting agency's name change.</li> </ul>	4-30-060	Uniform CPA examination
4-25-720	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Changes in language for consistency.</li> <li>Changes in language to recognize on-line procedures.</li> <li>Removes transition language (between paper and pencil exam and computer-based exam) that is no longer necessary, but provides contact information for the rare applicant that may need the information.</li> <li>The requirement to complete an ethics exam as a condition for licensure moved from this section to WAC 4-25-745 that sets the requirements for licensure.</li> </ul>	4-30-062	Uniform CPA examination
4-25-721	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Revised title only.</li> </ul>	4-30-064	Uniform CPA examination
4-25-730	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Incorporates board policy into rule by adding the applicant's responsibilities when requesting experience verification.</li> <li>Clarifies that a CPA verifying an applicant's experience must be qualified for practice privileges.</li> <li>Removes unnecessary transition language.</li> <li>Recognizes on-line services' impact on procedures.</li> <li>Segregates verifying CPA's responsibilities into new section (WAC 4-25-072).</li> </ul>	4-30-070	Individual experience and verification

Current (Old) WAC Section:	The Suggested Revision:	New WAC Section:	Grouping
	<ul style="list-style-type: none"> <li>Removes records retention requirements.</li> <li>Removes audit provision.</li> </ul>		
New	<ul style="list-style-type: none"> <li>Segregates verifying CPA's responsibilities into new section.</li> <li>Incorporates board policy into rule by expanding the responsibilities of the CPA verifying an applicant's experience.</li> </ul>	4-30-072	Individual experience and verification
4-25-735	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Recognizes on-line services' impact on procedures.</li> <li>Uses language that is consistent through the chapter.</li> <li>Clarifies that the applicant must meet the good character requirements of the Public Accountancy Act.</li> </ul>	4-30-082	Washington resident individual licensing
4-25-745	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Moves ethics exam requirement from WAC 4-25-710 regarding the uniform CPA exam and allows for use of an ethics exam provided by a vendor other than the AICPA.</li> <li>Recognizes on-line services' impact on procedures.</li> <li>Uses language that is consistent through the chapter.</li> </ul>	4-30-080	Washington resident individual licensing
4-25-746	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Recognizes on-line services' impact on procedures.</li> <li>Uses language that is consistent through the chapter.</li> <li>Corrects reference to decodified sections.</li> </ul>	4-30-092	Individual licensing by interstate reciprocity
4-25-747	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Corrects reference to decodified sections.</li> </ul>	4-30-090	Individual licensing by interstate reciprocity
4-25-750	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Consolidates subsections (3)(e), (f) and (g) into (3)(e).</li> <li>Verbiage improvements for clarity.</li> <li>Segregates firm licensing requirements into a new section - WAC 4-30-114.</li> <li>Corrects reference to decodified sections.</li> </ul>	4-30-110	CPA firm organization and ownership
New section	<ul style="list-style-type: none"> <li>Segregates firm licensing requirements into a new section.</li> <li>Recognizes on-line services' impact on procedures.</li> </ul>	4-30-114	Firm licensing requirements
4-25-752	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Allows for use of an ethics exam provided by a vendor other than the AICPA.</li> <li>Recognizes on-line services' impact on procedures.</li> <li>Uses language that is consistent through the chapter.</li> </ul>	4-30-116	Firm licensing requirements
4-25-753	Renumbered to support regrouping into like functions; no changes to language.	4-30-112	Firm licensing requirements
4-25-781	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Specifies that the applicant's experience must meet the requirements of the Public Accountancy Act rather than being specified by board policy.</li> <li>Corrects reference to decodified sections.</li> <li>Allows for use of an ethics exam provided by a vendor other than the AICPA.</li> </ul>	4-30-100	Individual licensing by international reciprocity
4-25-782	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Recognizes on-line services' impact on procedures.</li> <li>Uses language that is consistent through the chapter.</li> </ul>	4-30-102	Individual licensing by international reciprocity
4-25-783	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Recognizes on-line services' impact on procedures.</li> <li>Uses language that is consistent through the chapter.</li> <li>Corrects reference to decodified sections.</li> </ul>	4-30-104	Individual licensing by international reciprocity

<b>Current (Old) WAC Section:</b>	<b>The Suggested Revision:</b>	<b>New WAC Section:</b>	<b>Grouping</b>
4-25-790	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Recognizes on-line services' impact on procedures.</li> <li>• Uses language that is consistent through the chapter.</li> <li>• Corrects reference to decodified sections.</li> </ul>	4-30-094	Individual licensing by interstate reciprocity
4-25-791	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Recognizes on-line services' impact on procedures.</li> <li>• Uses language that is consistent through the chapter.</li> <li>• Corrects reference to decodified sections.</li> </ul>	4-30-120	Conversions, retirements and reinstatements
4-25-792	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Recognizes on-line services' impact on procedures.</li> <li>• Uses language that is consistent through the chapter.</li> <li>• Corrects reference to decodified sections.</li> </ul>	4-30-124	Conversions, retirements and reinstatements
4-25-793	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Recognizes on-line services' impact on procedures.</li> <li>• Uses language that is consistent through the chapter.</li> <li>• Corrects reference to decodified sections.</li> </ul>	4-30-122	Conversions, retirements and reinstatements
4-25-795	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Removes requirement that recommendations be made under penalty of perjury.</li> <li>• Aligns good character requirements with the Public Accountancy Act and other board rules.</li> <li>• Recognizes on-line services' impact on procedures.</li> <li>• Uses language that is consistent through the chapter.</li> <li>• Corrects reference to decodified sections.</li> </ul>	4-30-126	Conversions, retirements and reinstatements
4-25-820	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Clarifies that out-of-state firms participating in board approved peer review programs are not required to participate in the board's QAR.</li> <li>• Clarified that the board performs an evaluation of the licensee's work product.</li> <li>• Places exemptions at forefront of rule.</li> <li>• Requires firms issuing audit report on financial statements, performance audit reports, or examination reports on internal controls to participate in a board approved peer review program.</li> </ul>	4-30-130	Continuing competency
4-25-830	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Corrects reference to decodified sections.</li> </ul>	4-30-134	Continuing competency
4-25-831	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Corrects reference to decodified sections.</li> <li>• Clarifies period during which continuing education is allowable.</li> <li>• Clarifies that discussion leaders may obtain continuing education credit for preparation time.</li> <li>• Provides that continuing education credit may not be claimed for CPA exam review courses.</li> </ul>	4-30-132	Continuing competency
4-25-832	<ul style="list-style-type: none"> <li>• Renumbered to support regrouping into like functions.</li> <li>• Corrects reference to decodified sections.</li> <li>• Recognizes on-line services' impact on procedures.</li> </ul>	4-30-136	Continuing competency
4-25-833	Renumbered to support regrouping into like functions; no changes to language.	4-30-138	Continuing competency

Current (Old) WAC Section:	The Suggested Revision:	New WAC Section:	Grouping
New section	<ul style="list-style-type: none"> <li>Recent court rulings necessitate this rule.</li> <li>Incorporates board policy into rule to ensure the regulated person is fully informed.</li> <li>Sets out the board's authority for investigations and sanctions.</li> <li>Sets out the structure and processes for investigations and sanctions.</li> </ul>	4-30-140	Investigations, discipline and enforcement
4-25-910	<ul style="list-style-type: none"> <li>Renumbered to support regrouping into like functions.</li> <li>Corrects reference to decodified sections.</li> </ul>	4-30-142	Investigations, discipline and enforcement
4-25-930	Renumbered to support regrouping into like functions; no changes to language.	4-30-058	Ethics and prohibited practices

Reasons Supporting Proposal: In January 2010, the board of accountancy offered certificate/license renewal on-line for the first time. The board needs to adopt, amend, decodify, and repeal rules to recognize the impact of on-line services on procedures.

The board's goal with all of its rule proposals is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.

Statutory Authority for Adoption:

WAC section:	Statutory authority for adoption:
4-25-400	RCW 18.04.055
4-25-410	RCW 18.04.055, 18.04.025, 18.04.350
4-25-510	RCW 18.04.055, 42.30.070
4-25-520	RCW 18.04.055, 42.56.070
4-25-521	RCW 18.04.055, 42.56.040
4-25-530	RCW 18.04.055, 18.04.065, 18.04.105 (1)(e), (3), and (4)(e), 18.04.195(10), 18.04.205(4), 18.04.215 (3), (4), and (8), 42.56.120
4-25-540	RCW 18.04.055(1), 34.05.220, and 34.05.482
4-25-550	RCW 18.04.055(16)
4-25-551	RCW 18.04.055(16)
4-25-610	RCW 18.04.055(2)
<b>Repeal</b>	
4-25-620	RCW 18.04.055(2)
4-25-622	RCW 18.04.055(2)
4-25-626	RCW 18.04.055(2)
4-25-630	RCW 18.04.055(2)
4-25-631	RCW 18.04.055(2)
4-25-640	RCW 18.04.055(2), 18.04.390 (4)(b), 18.04.405(1)
4-25-650	RCW 18.04.055(2)

WAC section:	Statutory authority for adoption:
4-25-660	RCW 18.04.055(2)
4-25-670	RCW 18.04.195 (13)(b), 18.04.215 (9)(b)
4-25-710	RCW 18.04.055(5), 18.04.105(1)
4-25-720	RCW 18.04.105(2)
4-25-721	RCW 18.04.105(2)
4-25-730	RCW 18.04.055(11), 18.04.105(1)(d)
4-25-735	RCW 18.04.055(12), 18.04.105(4)
4-25-745	RCW 18.04.055, 18.04.105(1), 18.04.215(1)
4-25-746	RCW 18.04.180, 18.04.215(6)
4-25-747	RCW 18.04.350 (2), (3), (4), (5)
4-25-750	RCW 18.04.055(8), 18.04.195, 18.04.205
4-25-752	RCW 18.04.055(13), 18.04.195 (11) and (12)
4-25-753	RCW 18.04.055(8), 18.04.195
4-25-781	RCW 18.04.183
4-25-782	RCW 18.04.183
4-25-783	RCW 18.04.183, 18.04.215(2)
4-25-790	RCW 18.04.215 (2) and (4)
4-25-791	RCW 18.04.215 (2) and (4)
4-25-792	RCW 18.04.215 (2) and (4)
4-25-793	RCW 18.04.215(7)
4-25-795	RCW 18.04.215(2), 18.04.335, 34.05.220
4-25-820	RCW 18.04.055(9)
4-25-830	RCW 18.04.055(7), 18.04.215(5)
4-25-831	RCW 18.04.055(7), 18.04.215(5)
4-25-832	RCW 18.04.055(7), 18.04.215(5)
4-25-833	RCW 18.04.055(7), 18.04.215(5)
4-25-910	RCW 18.04.055(16), 18.04.195 (11)(d), 18.04.295, 18.04.305, 18.04.350(2)
4-25-930	RCW 18.04.350(13)

WAC section:	Statutory authority for adoption:
4-30-030	RCW 18.04.055 (1), (8), (16), 18.04.183, 18.04.195 (13)(b), 18.04.205, 18.04.215 (9)(b), 34.05.220, and 34.05.482
4-30-051	RCW 18.04.055(2), 18.04.390 (4)(b), 18.04.405(1)
4-30-072	RCW 18.04.055(11), 18.04.105 (1)(d)
4-30-114	RCW 18.04.055(8), 18.04.195, 18.04.205
4-30-140	RCW 18.04.045 (7) and (8), 18.04.055, 18.04.295, 18.04.350(6)

Statute Being Implemented:

WAC section:	Statute being implemented:
4-25-400	RCW 18.04.055
4-25-410	RCW 18.04.055, 18.04.025, 18.04.350
4-25-510	RCW 18.04.055, 42.30.070
4-25-520	RCW 18.04.055, 42.56.070
4-25-521	RCW 18.04.055, 42.56.040
4-25-530	RCW 18.04.055, 18.04.065, 18.04.105 (1)(e), (3), and (4)(e), 18.04.195(10), 18.04.205(4), 18.04.215 (3), (4), and (8), 42.56.120
4-25-540	RCW 18.04.055(1), 34.05.220, and 34.05.482
4-25-550	RCW 18.04.055(16)
4-25-551	RCW 18.04.055(16)
4-25-610	RCW 18.04.055(2)
<b>Repeal</b>	
4-25-620	RCW 18.04.055(2)
4-25-622	RCW 18.04.055(2)
4-25-626	RCW 18.04.055(2)
4-25-630	RCW 18.04.055(2)
4-25-631	RCW 18.04.055(2)
4-25-640	RCW 18.04.055(2), 18.04.390 (4)(b), 18.04.405(1)
4-25-650	RCW 18.04.055(2)
4-25-660	RCW 18.04.055(2)
4-25-670	RCW 18.04.195 (13)(b), 18.04.215 (9)(b)
4-25-710	RCW 18.04.055(5), 18.04.105(1)
4-25-720	RCW 18.04.105(2)
4-25-721	RCW 18.04.105(2)
4-25-730	RCW 18.04.055(11), 18.04.105 (1)(d)
4-25-735	RCW 18.04.055(12), 18.04.105(4)
4-25-745	RCW 18.04.055, 18.04.105(1), 18.04.215(1)
4-25-746	RCW 18.04.180, 18.04.215(6)
4-25-747	RCW 18.04.350 (2), (3), (4), (5)

WAC section:	Statute being implemented:
4-25-750	RCW 18.04.055(8), 18.04.195, 18.04.205
4-25-752	RCW 18.04.055(13), 18.04.195 (11) and (12)
4-25-753	RCW 18.04.195
4-25-781	RCW 18.04.183
4-25-782	RCW 18.04.183
4-25-783	RCW 18.04.183, 18.04.215(2)
4-25-790	RCW 18.04.215 (2) and (4)
4-25-791	RCW 18.04.215 (2) and (4)
4-25-792	RCW 18.04.215 (2) and (4)
4-25-793	RCW 18.04.215(7)
4-25-795	RCW 18.04.215(2), 18.04.335, 34.05.220
4-25-820	RCW 18.04.055(9)
4-25-830	RCW 18.04.055(7), 18.04.215(5)
4-25-831	RCW 18.04.055(7), 18.04.215(5)
4-25-832	RCW 18.04.055(7), 18.04.215(5)
4-25-833	RCW 18.04.055(7), 18.04.215(5)
4-25-910	RCW 18.04.055(16), 18.04.195 (11)(d), 18.04.295, 18.04.305, 18.04.350(2)
4-25-930	RCW 18.04.350(13)
4-30-030	RCW 18.04.055 (1), (8), (16), 18.04.183, 18.04.195 (13)(b), 18.04.205, 18.04.215 (9)(b), 34.05.220, and 34.05.482
4-30-051	RCW 18.04.055(2), 18.04.390 (4)(b), 18.04.405(1)
4-30-072	RCW 18.04.055(11), 18.04.105 (1)(d)
4-30-114	RCW 18.04.055(8), 18.04.195, 18.04.205
4-30-140	RCW 18.04.045 (7) and (8), 18.04.055, 18.04.295, 18.04.350(6)

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

Name of Proponent: Primarily the Washington state board [board] of accountancy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard C. Sweeney, CPA, Olympia, Washington, (360) 586-0163.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule(s) will not have more than minor economic impact on business.

A cost-benefit analysis is not required under RCW 34.05.328. The board of accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.-328.

September 1, 2010  
 Richard C. Sweeney, CPA  
 Executive Director



AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-410 Definitions.** For purposes of these rules the following terms have the meanings indicated unless a different meaning is otherwise clearly provided in these rules:

(1) **"Act"** means the Public Accountancy Act codified as chapter 18.04 RCW.

(2) **"Active individual participant"** means an individual whose primary occupation is at the firm or affiliated entity's business. An individual whose primary source of income from the business entity is provided as a result of passive investment is not an active individual participant.

(3) **"Affiliated entity"** means any entity, entities or persons that directly or indirectly through one or more relationships influences or controls, is influenced or controlled by, or is under common influence or control with other entities or persons. This definition includes, but is not limited to, parents, subsidiaries, investors or investees, coinvestors, dual employment or management in joint ventures or brother-sister entities.

(4) **"Applicant"** means an individual who has applied:

(a) To take the national uniform CPA examination;

(b) For an initial individual license, an initial firm license, or initial registration as a resident nonlicensee owner;

(c) To renew an individual license, a CPA-Inactive certificate, a CPA firm license, or registration as a resident nonlicensee firm owner;

(d) To reinstate an individual license, a CPA-Inactive certificate, registration as a resident nonlicensee firm owner, or practice privileges.

(5) **"Attest"** means providing the following financial statement services:

(a) Any audit or other engagement to be performed in accordance with the statements on auditing standards;

(b) Any review of a financial statement to be provided in accordance with the statements on standards for accounting and review services;

(c) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements; and

(d) Any engagement to be performed in accordance with the public company accounting oversight board auditing standards.

(6) **"Audit," "review,"** and **"compilation"** are terms reserved for use by licensees, as defined in subsection (28) of this section.

(7) **"Board"** means the board of accountancy created by RCW 18.04.035.

(8) **"Certificate"** means a certificate as a CPA-Inactive issued in the state of Washington prior to July 1, 2001, as authorized by the act, unless otherwise defined in rule.

(9) **"Certificate holder"** means the holder of a valid CPA-Inactive certificate where the individual is not a licensee and is prohibited from practicing public accounting.

(10) **"Client"** means the person or entity that retains a licensee, as defined in subsection (28) of this section, a CPA-Inactive certificate holder, a nonlicensee firm owner of a licensed firm, or an entity affiliated with a licensed firm to perform professional services through other than an employer/employee relationship.

(11) **"Commissions and referral fees"** are compensation arrangements where(=

~~(a))~~ the primary contractual relationship for the product or service is not between the client and licensee, as defined in subsection (28) of this section, CPA-Inactive certificate holder, nonlicensee firm owner of a licensed firm, or a person affiliated with a licensed firm; and

~~((b))~~ (a) Such persons are not primarily responsible to the client for the performance or reliability of the product or service; or

~~((c))~~ (b) Such persons add no significant value to the product or service; or

~~((d))~~ (c) A third party instead of the client pays the persons for the products or services.

(12) **"Compilation"** means providing a service to be performed in accordance with statements on standards for accounting and review services that is presenting in the form of financial statements, information that is the representation of management (owners) without undertaking to express any assurance on the statements.

(13) **"Contingent fees"** are fees established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

(14) **"CPA"** or **"certified public accountant"** means an individual holding a license to practice public accounting under chapter 18.04 RCW or recognized by the board in the state of Washington, including an individual exercising practice privileges pursuant to RCW 18.04.350(2).

(15) **"CPA-Inactive"** means an individual holding a CPA-Inactive certificate recognized in the state of Washington. An individual holding a CPA-Inactive certificate is prohibited from practicing public accounting and may only use the CPA-Inactive title if they are not offering accounting, tax, tax consulting, management advisory, or similar services to the public.

(16) **"CPE"** means continuing professional education.

(17) **"Firm"** means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company or partnership formed under chapters 25.15 and 18.100 RCW and a professional service corporation formed under chapters 23B.02 and 18.100 RCW.

(18) **"Generally accepted accounting principles"** (GAAP) is an accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting practice at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

(19) **"Generally accepted auditing standards"** (GAAS) are guidelines and procedures, promulgated by the AICPA, for conducting individual audits of historical financial statements.

(20) **"Holding out"** means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person that the person holds a license or practice privileges under the act and that the person offers to perform any professional services to the public. "Holding out"

shall not affect or limit a person not required to hold a license under the act from engaging in practices identified in RCW 18.04.350.

(21) **"Home office"** is the location specified by the client as the address to which a service is directed.

(22) **"Inactive"** means the individual held a valid certificate on June 30, 2001, has not met the current requirements of licensure and has been granted CPA-Inactive certificate holder status through the renewal process established by the board. A CPA-Inactive may not practice public accounting nor may the individual use the CPA-Inactive title if they are offering accounting, tax, tax consulting, management advisory, or similar services to the public.

(23) **"Individual"** means a living, human being.

(24) **"Independence"** means an absence of relationships that impair a licensee's impartiality and objectivity in rendering professional services for which a report expressing assurance is prescribed by professional standards.

(25) **"Interactive self-study program"** means a CPE program that provides feedback throughout the course.

(26) **"IRS"** means Internal Revenue Service.

(27) **"License"** means a license to practice public accounting issued to an individual or a firm under the act or the act of another state.

(28) **"Licensee"** means an individual or firm holding a valid license to practice public accounting issued under the act, including out-of-state individuals (~~(qualifying for)~~) exercising practice privileges in this state under RCW 18.04.350 (2) and out-of-state firms permitted to offer or render certain professional services in this state under the conditions prescribed in RCW 18.04.195 (1)(b).

(29) **"Manager"** means a manager of a limited liability company licensed as a firm under the act.

(30) **"NASBA"** means the National Association of State Boards of Accountancy.

(31) **"Nonlicensee firm owner"** means an individual, not licensed in any state to practice public accounting, who holds an ownership interest in a firm permitted to practice public accounting in this state.

(32) **"PCAOB"** means Public Company Accounting Oversight Board.

(33) **"Peer review"** means a study, appraisal, or review of one or more aspects of the attest or compilation work of a licensee or licensed firm in the practice of public accounting, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under subsection (38) of this section.

(34) **"Person"** means any individual, nongovernmental organization, or business entity regardless of legal form, including a sole proprietorship, firm, partnership, corporation, limited liability company, association, or not-for-profit organization, and including the sole proprietor, partners, members, and, as applied to corporations, the officers.

(35) **"Practice privileges"** are the rights granted by chapter 18.04 RCW to a person who:

(a) Has a principal place of business outside of Washington state;

(b) Is licensed to practice public accounting in another substantially equivalent state;

(c) Meets the statutory criteria for the exercise of privileges as set forth in RCW 18.04.350(2) for individuals or RCW 18.04.195 (1)(b) for firms;

(d) Exercises the right to practice public accounting in this state individually or on behalf of a firm;

(e) Is subject to the personal and subject matter jurisdiction and disciplinary authority of the board in this state;

(f) Must comply with the act and all board rules applicable to Washington state licensees to retain the privilege; and

(g) Consents to the appointment of the issuing state board of another state as agent for the service of process in any action or proceeding by this state's board against the certificate holder or licensee.

(36) **"Principal place of business"** means the office location designated by the licensee for purposes of substantial equivalency and reciprocity.

(37) **"Public practice"** or the **"practice of public accounting"** means performing or offering to perform by a person or firm holding itself out to the public as a licensee, or as an individual (~~(holding)~~) exercising practice privileges, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.-350(~~(6))~~ (10) by persons or firms not required to be licensed under the act.

(38) **"Quality assurance review or QAR"** is the process, established by and conducted at the direction of the board, to study, appraise, or review one or more aspects of the audit, compilation, review, and other professional services for which a report expressing assurance is prescribed by professional standards of a licensee or licensed firm in the practice of public accounting, by a person or persons who hold licenses and who are not affiliated with the person or firm being reviewed.

(39) **"Reciprocity"** means board recognition of licenses, permits, certificates or other public accounting credentials of another jurisdiction that the board will rely upon in full or partial satisfaction of licensing requirements.

(40) **"Referral fees"** see definition of "commissions and referral fees" in subsection (11) of this section.

(41) **"Reports on financial statements"** means any reports or opinions prepared by licensees, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services, as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of an entity, whether public, private, or governmental, conforms with generally accepted accounting principles or an "other comprehensive bases of accounting," or the presentation and disclosure requirements of other professional standards. "Reports on financial statements" does not

include services referenced in RCW 18.04.350(10) provided by persons not holding a license under the act.

(42) **"Representing oneself"** means having a license, practice privilege, certificate or registration that entitles the holder to use the title "CPA," "CPA-Inactive," or be a nonlicensee firm owner.

(43) **"Rules of professional conduct"** means rules adopted by the board to govern the conduct of licensees, as defined in subsection (28) of this section, while representing themselves to others as licensees. These rules also govern the conduct of CPA-Inactive certificate holders, nonlicensee firm owners, and persons exercising practice privileges pursuant to RCW 18.04.350(2).

(44) **"SEC"** means the Securities and Exchange Commission.

(45) **"Sole proprietorship"** means a legal form of organization owned by one person meeting the requirements of RCW 18.04.195.

(46) **"State"** includes the states and territories of the United States, including the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands at such time as the board determines that the Commonwealth of the Northern Mariana Islands is issuing licenses under the substantially equivalent standards of RCW 18.04.350 (2)(a).

(47) **"Statements on auditing standards (SAS)"** are interpretations of the generally accepted auditing standards and are issued by the Auditing Standards Board of the AICPA. Licensees are required to adhere to these standards in the performance of audits of financial statements.

(48) **"Statements on standards for accounting and review services (SSARS)"** are standards, promulgated by the AICPA, to give guidance to licensees who are associated with the financial statements of nonpublic companies and issue compilation or review reports.

(49) **"Statements on standards for attestation engagements (SSAE)"** are guidelines, promulgated by the AICPA, for use by licensees in attesting to assertions involving matters other than historical financial statements and for which no other standards exist.

AMENDATORY SECTION (Amending WSR 07-14-034, filed 6/26/07, effective 7/27/07)

**WAC 4-25-510 What is the board's meeting schedule and how are officers elected?** Regular board meetings begin at 9:00 a.m. on the last Friday of the month in the months of January, April and July or as otherwise determined by the board. The board holds an annual meeting beginning at 9:00 a.m. on the last Friday of October or as otherwise determined by the board.

The board consists of nine members. At the annual meeting the board elects the chair, vice-chair, and secretary from its members. The newly elected officers assume the duties of their offices on January 1 following the annual board meeting. Officers serve a term of one year and can be reelected for one additional term.

Either the chair or a quorum of the board has the authority to call meetings of the board. The chair presides at all meetings. In the event of the chair's absence or inability to

act, the vice-chair presides. The board determines other duties of the officers.

The board's meetings are open public meetings conducted pursuant to chapter 42.30 RCW. WAC ((4-25-521)) 4-30-026 provides information on how to contact the board's office for meeting times and locations or additional information regarding the board's activities.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-520 What public records (~~does the board maintain~~) are available?** (~~The board maintains the following public records:~~

- (1) A data base of licensees and certificate holders;
- (2) A data base of CPA examination candidates;
- (3) A data base of registered resident nonlicensee firm owners;
- (4) Board orders;
- (5) Board meeting minutes;
- (6) Board policies;
- (7) Board rule-making files; and
- (8) Documents dealing with the regulatory, supervisory, and enforcement responsibilities of the board.) All public records of the agency are available for public inspection and copying pursuant to these rules and applicable state law (chapter 42.56 RCW), as follows:

(1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the office of the Washington State Board of Accountancy at 711 Capitol Way S., Suite 400, Olympia, Washington, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the agency's office when the requestor has been notified of the availability of the requested documents and an appointment is made with the public records officer.

(2) Records index. An index of public records, consisting of the retention schedules applicable to those records, is available to members of the public at the agency's office.

(3) Organization of records. The agency maintains its records in a reasonably organized manner. The agency will take reasonable actions to protect records from damage and disorganization. A requestor shall not take original records from the agency's office. A variety of records are also available on the agency's web site at [www.cpaboard.wa.gov](http://www.cpaboard.wa.gov). Requestors are encouraged to view the documents available on the web site prior to submitting a public records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or obtain copies of public records should make the request in writing by letter, fax, or e-mail addressed to the public records officer. **Written requests must include the following information:**

- Date of the request;
- Name of the requestor;
- Address of the requestor and other contact information, including telephone number and any e-mail address;
- Clear identification of the public records requested to permit the public records officer or designee to identify and locate the records.

(b) The public records officer may also accept requests for public records by telephone or in person. If the public records officer or designee accepts an oral or telephone request, he or she will confirm receipt of the request and the details of the records requested, in writing, to the requestor.

(c) If the requests received in (a) or (b) of this subsection are not sufficiently clear to permit the public records officer to identify the specific records requested, the public records officer will request clarification from the requestor in writing.

(d) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should make that preference clear in the request and make arrangements to make payment for the copies of the records prior to delivery or provide a deposit of the estimated copy costs provided by the agency upon request prior to the copies being made. Copies will be made by the agency's public records officer or designee. Costs for copying are fifteen cents per page, except that there is no charge for the first fifty pages of records included in any request by one requestor.

(e) When fulfilling public records requests the agency will perform its public records responsibilities in the most expeditious manner consistent with the agency's need to fulfill its other essential functions.

(f) By law, certain records and/or specific content of any specific record or document may not be subject to public disclosure. Accordingly, a reasonable time period may occur between the date of the request and the ability of the public records officer to identify, locate, retrieve, remove content not subject to disclosure, prepare a redaction log that includes the specific exemption, a brief explanation of how the exemption applies to the records or portion of the records being withheld, and produce the records for inspection and/or copying. The requestor will be kept informed of the expected delivery timetable.

(g) If the request includes a large number of records, the production of the records for the requestor may occur in installments. The requestor will be informed, in writing, of the agency's anticipated installment delivery timetable.

(h) In certain instances the agency may notify affected third parties to whom the record relates. This notice allows the affected third party to seek an injunction within fifteen days from the date of the written notice. The notice further provides that release of the records to the requestor will be honored unless timely injunctive relief is obtained by the affected third party on or before the end of the fifteen-day period.

(i) Requests for lists of credentialed individuals by educational organizations and professional associations:

In order to obtain a list of individuals under the provisions of RCW (~~(42.17.260(9))~~) 42.56.070(9), educational organizations and professional (~~(organizations))~~ associations must (~~(use the form provided by the board and)~~) apply for and receive recognition by the board. The requesting organization must provide sufficient information to satisfy the approving authority that the requested list of individuals is primarily for educational and professionally related uses. Fees (~~(for lists)~~) must be paid in advance before approved requests will be honored.

Board forms are available on the board's web site or upon request for your use.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-521 How can I contact the board?** The board's administrative office, executive director and staff are located in Olympia, Washington. You may utilize the following numbers or addresses to contact the board:

- 711 (~~(South))~~ Capitol Way South, Suite 400, Olympia, WA 98501 (physical address);
  - P.O. Box 9131, Olympia, Washington 98507-9131 (mailing address);
  - 360/753-2586 (telephone);
  - 360/664-9190 (fax);
  - 800/833-6388 (TT service);
  - 800/833-6385 (Telebraille services);
  - customerservice@cpaboard.wa.gov (e-mail address);
- and
- www.cpaboard.wa.gov (web site address).

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-540 What rules govern the proceedings before the board?** Except where they are inconsistent with the rules in this chapter and subject to additional rules that the board may adopt from time to time, practice and procedure in and before the board are governed by the uniform procedural rules codified in the Washington Administrative Code, chapter 10-08 WAC.

For certain types of decisions, the board has adopted an appeal process authorized by RCW 34.05.482 through 34.05.494 which is called a brief adjudicative proceeding. Decisions to which this appeal process will be applied are:

- (1) Staff denials of initial individual license applications, renewals, or applications for reinstatement;
- (2) Staff denials of CPA-Inactive certificate renewals or applications for reinstatement;
- (3) Staff denials of practice privilege reinstatements;
- (4) Staff denials of initial resident nonlicensee firm owner registration applications, renewals, or applications or requests for reinstatement;
- (5) Staff denials of initial firm license applications, renewals, and amendments;
- (6) Staff denials of exam applications; and
- (7) A proposed suspension as a result of a determination by a lending agency of nonpayment or default on a federally or state-guaranteed student loan or service conditional scholarship.

To appeal a decision you must submit your request for a brief adjudicative proceeding, **in writing**, to the board **within thirty days** after the decision by board staff is posted in the U.S. mail. The board chair or the board vice-chair, if the board chair is unavailable, will appoint one member of the board as the presiding officer for (~~(the))~~ brief adjudicative proceedings (~~(is the executive director, or designee))~~. (~~(After consulting with a board member, the executive director, or designee,))~~ The presiding officer renders a decision either upholding or overturning the (~~(decision by board staff))~~ denial. This decision, called an order, (~~(is mailed))~~ will be provided to you at the last address you furnished to the board.

If you are dissatisfied with the order in the brief adjudicative proceeding, you may appeal to the board's vice-chair, or designee. This appeal process is called an administrative review. Your appeal must be received by the board, **orally or in writing, within twenty-one days** after the brief adjudicative proceedings order is posted in the U.S. mail. The vice-chair, or designee, considers your appeal and either upholds or overturns the brief adjudicative proceeding order. The vice-chair's, or designee's, decision, also called an order, ~~((is mailed))~~ will be provided to you at the last address you furnished to the board.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-551 Must I respond to inquiries from the board?** Yes. All licensees, including out-of-state individuals ~~((qualifying for))~~ exercising practice privileges in this state under RCW 18.04.350(2) and out-of-state firms permitted to offer or render certain professional services in this state under the condition prescribed in RCW 18.04.195 (1)(b), CPA-Inactive certificate holders, nonlicensee firm owners, and applicants must respond, **in writing**, to board communications requesting a response. Your response must be made within **twenty days of the date** the board's communication is posted in the U.S. mail. Communications from the board to you are directed to the last address you furnished the board.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-620 What are the requirements concerning integrity and objectivity?** When offering or performing services, licensees, CPA-Inactive certificate holders, nonlicensee firm owners, and employees of such persons must:

- Remain honest and objective;
- Not misrepresent facts;
- Not subordinate their judgment to others; and
- Remain free of conflicts of interest unless such conflicts are specifically permitted by board rule or professional standards listed in WAC ~~((4-25-631))~~ 4-30-048.

If the language of the professional standards listed in WAC ~~((4-25-631))~~ 4-30-048 differ from or conflict with specific board rules, board rules prevail.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-622 When is independence required?** When performing professional services for which a report expressing assurance is prescribed by professional standards, licensees, as defined in WAC ~~((4-25-410))~~ 4-30-010, CPA-Inactive certificate holders, nonlicensee firm owners, and employees of such persons must evaluate and maintain their independence so that opinions, reports, conclusions, and judgments will be impartial and viewed as impartial by parties expected to rely on any report expressing assurance by such persons. Such persons are required:

(1) To comply with all applicable independence rules, regulations, and the AICPA code of conduct as referenced in and required by WAC ~~((4-25-631))~~ 4-30-048; and

(2) To decline engagements for which a report expressing assurance is prescribed by professional standards when such persons have a relationship that could lead a reasonable and foreseeable user to conclude that such persons are not independent.

Independence is not required when performing a compilation engagement provided the report discloses a lack of independence.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-626 What restrictions govern commissions, referral, and contingent fees?** For the purposes of this section, the term "licensed firm" includes any affiliated entity(ies) and the term "firm owner" includes the owner(s) of any affiliated entity(ies).

(1) Licensees and/or their employees must not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when such persons perform compilation, or other professional services for which a report expressing assurance is prescribed by professional standards for that client. This prohibition applies:

(a) During the period in which such persons are engaged to perform professional services for which a report expressing assurance is prescribed by professional standards; and

(b) During the period covered by any information for which a report expressing assurance is prescribed by professional standards and a report was issued by such persons.

(2) Licensees and/or their employees must also not:

(a) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom such persons perform compilation, or other professional services for which a report expressing assurance is prescribed by professional standards; or

(b) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.

(3) The prohibition against contingent fees applies:

(a) During the period in which such persons are engaged to perform professional services for which a report expressing assurance is prescribed by professional standards; and

(b) During the period covered by any information for which a report expressing assurance is prescribed by professional standards and a report was issued by such persons.

(4) Fees are not considered contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. Fees may vary depending, for example, on the complexity of services rendered.

(5) Any person subject to board rules who is not prohibited by this section from performing services for, or receiving a commission, referral or contingent fee and who are paid or expect to be paid accordingly must disclose that fact to any person or entity to whom such persons recommend or refer a product or service to which the commission, referral or contingent fee relates in the manner prescribed below:

(a) Disclose the arrangement in writing and in advance of client acceptance;

(b) Disclose the method of calculating the fee or amount of fee;

(c) Specify the licensee's, CPA-Inactive certificate holder's, or nonlicensee firm owner's role as the client's advisor; and

(d) Obtain the client's consent to the fee arrangement in writing.

(6) Nothing in this rule shall be interpreted to preclude licensees, as defined in WAC ((4-25-410)) 4-30-010, CPA-Inactive certificate holders, or nonlicensee firm owners from purchasing, selling, or merging all or a portion of a licensed firm or affiliated entity or to require disclosure to clients of terms or payments made or received pursuant to the purchase, sale, or merger.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-631 Compliance is required with which rules, regulations and professional standards?** Licensees, including out-of-state individuals ((qualifying for)) exercising practice privileges in this state under RCW 18.04.350(2) and out-of-state firms permitted to offer or render certain professional services in this state under the conditions prescribed in RCW 18.04.195 (1)(b), CPA-Inactive certificate holders, CPA firms, nonlicensee firm owners, and employees of such persons must comply with rules, regulations, and professional standards promulgated by the appropriate bodies for each service undertaken. However, if the requirements found in the professional standards listed in this section differ from the requirements found in specific board rules, board rules prevail.

Authoritative bodies include, but are not limited to, the Securities and Exchange Commission (SEC); the Public Company Accounting Oversight Board (PCAOB); the Financial Accounting Standards Board (FASB); the Governmental Accounting Standards Board (GASB); the Cost Accounting Standards Board (CASB); the Federal Accounting Standards Advisory Board (FASAB); the U.S. Governmental Accountability Office (GAO); the Federal Office of Management and Budget (OMB); the Internal Revenue Service (IRS); the American Institute of Certified Public Accountants (AICPA), and federal, state, and local audit, regulatory and tax agencies.

Such standards include:

(1) Statements on Auditing Standards and related Auditing Interpretations issued by the AICPA;

(2) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA;

(3) Statements on Governmental Accounting and Financial Reporting Standards issued by GASB;

(4) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by AICPA;

(5) Statements of Financial Accounting Standards and Interpretations, and Staff Positions issued by FASB, together with those Accounting Research Bulletins and Accounting Principles Board Opinions which are not superseded by action of the FASB;

(6) Statement on Standards for Consulting Services issued by the AICPA;

(7) Statements on Quality Control Standards issued by the AICPA;

(8) Statements on Standards for Tax Services and Interpretation of Statements on Standards for Tax Services issued by the AICPA;

(9) Statements on Responsibilities in Personal Financial Planning Practice issued by the AICPA;

(10) Statements on Standards for Litigation Services issued by the AICPA;

(11) Professional Code of Conduct issued by the AICPA including interpretations and ethics rulings;

(12) Governmental Auditing Standards issued by the U.S. Governmental Accountability Office;

(13) AICPA Industry Audit and Accounting Guides;

(14) SEC Rules, Concept Releases, Interpretative Releases, and Policy Statements;

(15) Standards issued by the PCAOB; and

(16) IRS Circular 230;

(17) Any additional national or international standards recognized by the AICPA, PCAOB, SEC and/or GAO.

If the professional services are governed by standards not included in subsections (1) through (16) of this section, individuals and firms including persons ((qualifying for)) exercising practice privileges under RCW 18.04.350(2) who offer or render professional services in this state or for clients located in this state and the firms rendering professional services in this state or for clients located in this state through such qualifying individuals must:

(a) Maintain documentation of the justification for the departure from the standards listed in subsections (1) through (16) of this section;

(b) Determine and document what standards are applicable; and

(c) Demonstrate compliance with the applicable standards.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-640 What are the requirements concerning records and clients confidential information?** (1) **Client:** The term "client" as used throughout ((this section)) WAC 4-30-050 and 4-30-051 includes former and current clients. For purposes of this section, a client relationship has been formed when confidential information has been disclosed by a prospective client in an initial interview to obtain or provide professional services.

(2) ~~((Property of the licensee, CPA Inactive certificate holder, and/or nonlicensee firm owner: In the absence of an express agreement between a licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a licensee incident to or in the course of professional service to clients, except reports submitted by a licensee, are the property of the licensee.~~

~~((3))~~ **Sale or transfer of client records:** No statement, record, schedule, working paper, or memorandum, including

electronic records, may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the licensee, partnership, limited liability company, or corporation, or any combined or merged partnership, limited liability company, or corporation, or successor in interest.

~~((4))~~ **(3) Confidential client communication or information:** Licensees, CPA-Inactive certificate holders, nonlicensee firm owners, ~~(or employees of such persons)~~ must not without the consent of the client or the heirs, successors ~~((or personal))~~, authorized representatives or employee of the client disclose any confidential communication or information pertaining to the client obtained in the course of performing professional services.

(4) This rule does not:

(a) Affect in any way the obligation of those persons to comply with a lawfully issued subpoena or summons;

(b) Prohibit disclosures in the course of a quality review of a licensee's attest, compilation, or other reporting services governed by professional standards;

(c) Preclude those persons from responding to any inquiry made by the board or any investigative or disciplinary body established by local, state, or federal law or recognized by the board as a professional association; or

(d) Preclude a review of client information in conjunction with a prospective purchase, sale, or merger of all or part of the professional practice of public accounting of any such persons.

~~((5) Client records:~~ Licensees, CPA-Inactive certificate holders, nonlicensee firm owners, and employees of such persons must furnish to their client or heirs, successors or personal representatives, upon request and reasonable notice:

~~(a) A copy of records, schedules, and electronic documents of those persons, to the extent that such records and schedules would ordinarily constitute part of the client's records and are not otherwise available to the client; and~~

~~(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client, that the licensee, CPA-Inactive certificate holder, or nonlicensee firm owner, or employees of such persons removed from the client's premises or received for the client's account, including electronic documents; but such persons may make and retain copies of such documents of the client when they form the basis for the professional services offered or rendered by those persons.~~

~~(c) Licensees, CPA-Inactive certificate holders, nonlicensee firm owners, and/or employees of such persons must not refuse to return client records, including electronic documents, pending client payment of outstanding fees.~~

**(6) Audit and review record retention requirements:** For a period of seven years after a licensee concludes an audit or review such persons must retain the following records and documents, including electronic records unless hard copies of such exist:

(a) Records forming the basis of the audit or review;

(b) Records documenting audit or review procedures applied;

~~(c) Records documenting evidence obtained including financial data, analyses, conclusions, and opinions related to the audit or review engagement; and~~

~~(d) Records documenting conclusions reached by the licensee in the audit or review engagement.)~~

**AMENDATORY SECTION** (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-670 What enforcement actions must be reported to the board?** (1) A licensee, CPA-Inactive certificate holder, or nonlicensee firm owner must notify the board, of the following matters, in the manner prescribed by the board, within **thirty days** of the issuance of:

(a) A sanction, order, suspension, revocation, or modification of a license, certificate, permit or practice rights by the SEC, PCAOB, IRS, or another state board of accountancy for any cause other than failure to pay a professional license fee by the due date or failure to meet the continuing professional education requirements of another state board of accountancy; or

(b) Charges filed by the SEC, IRS, PCAOB, another state board of accountancy, or a federal or state taxing, insurance or securities regulatory body that the licensee, CPA-Inactive certificate holder, or nonlicensee firm owner committed a prohibited act that would be a violation of board ethical or technical standards.

(2) Individual licensees and sole proprietors are to report action pursuant to subsection (1) of this section taken against the individual's license and/or the license of the sole proprietorship.

(3) Licensed CPA firms with more than one licensed owner are not required to report on action taken against owners, principals, partners, or employees.

(4) If you hold a license or CPA-Inactive certificate issued through the foreign reciprocity provisions of the act, you must notify the board of any investigations undertaken, or sanctions imposed, by a foreign credentialing body against your foreign credential within thirty days of receiving notice that an investigation has begun or a sanction was imposed.

**AMENDATORY SECTION** (Amending WSR 05-01-137, filed 12/16/04, effective 1/31/05)

**WAC 4-25-710 What are the education requirements to qualify to apply for the CPA examination?** (1) **Education requirements:** Effective July 1, 2000, to apply for the CPA examination you must have completed:

(a) At least one hundred fifty semester hours (two hundred twenty-five quarter hours) of college education, including:

(b) A baccalaureate or higher degree; and

(c) An accounting concentration as defined as at least:

(i) Twenty-four semester hours (thirty-six quarter hours) or the equivalent in accounting subjects of which at least fifteen semester hours must be at the upper level or graduate level (an upper level course is defined as a course that frequently carries completion of a lower level course(s) as a prerequisite). For the purposes of meeting this subsection, individuals will be given 1.5 credits for each 1.0 graduate level credit of accounting courses taken; and

(ii) Twenty-four semester hours (thirty-six quarter hours) or the equivalent in business administration subjects at the undergraduate or graduate level.

(d) The board will not recognize accounting concentration credits awarded for "life experience" or similar activities retroactively evaluated and recognized by colleges or universities. This restriction is not intended to apply to internships prospectively approved by colleges or universities.

(2) **One hundred eighty-day provision:** If you expect to meet the education requirements of this section within one hundred eighty days following the examination, you will be eligible to take the CPA examination provided you submit ~~(; on a form provided by the board's designee,)~~ a signed ~~((confirmation))~~ Certificate of Enrollment from the ~~((university that))~~ educational institution in which you are enrolled ~~((in))~~ stating that you will meet the board's education requirements within one hundred eighty days following the day you first sit for any one section of the examination. If you apply for the exam using the one hundred eighty-day provision, then within two hundred ten days of first sitting for any section of the exam, you must provide the ~~((board))~~ examination administrator complete documentation demonstrating that you met the board's education requirements within one hundred eighty days of first sitting for any one section of the exam. If you do not provide such documentation within the required two hundred ten-day time period, your exam score(s) will not be released and you will not be given credit for any section(s) of the examination. Applicants failing to provide such documentation must reapply as a first-time applicant.

(3) **Education obtained outside the United States:** If you obtained all or a portion of your education outside the United States you must have your education evaluated by a board approved foreign education credential evaluation service. The board will establish the criteria for board approval of foreign education credential evaluation services. The board will not provide education credential evaluation services.

(4) **Semester versus quarter hours:** As used in these rules, a "semester hour" means the conventional college semester hour. Your quarter hours will be converted to semester hours by multiplying them by two-thirds.

(5) **Accreditation standards:** For purposes of this rule, the board will recognize colleges and universities which are accredited in accordance with (a) through (c) of this subsection.

(a) The accredited college or university must be accredited at the time your education was earned by virtue of membership in one of the following accrediting agencies:

- (i) Middle States Association of College and Secondary Schools;
- (ii) New England Association of Schools and Colleges;
- (iii) North Central Association of Colleges and ~~((Secondary))~~ Schools, Higher Learning Commission;
- (iv) Northwest Commission on Colleges and Universities (formerly the Northwest Association of Schools and Colleges);
- (v) Southern Association of Colleges and Schools;
- (vi) Western Association of Schools and Colleges; and

(vii) Accrediting Commission for Independent Colleges and Schools, or its predecessor, the Accrediting Commission of the Association of Independent Colleges and Schools.

(b) If an institution was not accredited at the time your education was earned but is so accredited at the time your application is filed with the board, the institution will be deemed to be accredited for the purpose of (a) of this subsection provided that it:

(i) Certifies that your total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and

(ii) Furnishes the board satisfactory proof, including college catalogue course numbers and descriptions, that the pre-accrediting courses used to qualify you for a concentration in accounting are substantially equivalent to postaccrediting courses.

(c) If your degree was received at an accredited college or university as defined by (a) or (b) of this subsection, but the educational program which was used to qualify you for a concentration in accounting included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which your degree was received, provided the accredited institution either:

(i) Has accepted such courses by including them in its official transcript; or

(ii) Certifies to the board that it will accept such courses for credit toward graduation.

(6) **Alternative to accreditation:** If you graduated from a four-year degree-granting institution that was not accredited at the time your degree was received or at the time your application was filed, you will be deemed to be a graduate of a four-year accredited college or university if a credentials evaluation service approved by the board certifies that your degree is equivalent to a degree from an accredited college or university as defined in subsection (5) of this section. The board does not provide education credential evaluation services.

AMENDATORY SECTION (Amending WSR 05-01-137, filed 12/16/04, effective 1/31/05)

**WAC 4-25-720 How do I apply to take the CPA examination?** (1) **Application ~~((form))~~ process and due dates:** Your application to take the CPA examination must be ~~((made on a form provided by the board's designee and filed with the board's designee by the due date specified by the board on the application form))~~ submitted to the board's examination administrator. Applicants must submit all required information, documents, and fees to complete their application within sixty days of the date their application is ~~((received by))~~ submitted to the board's ~~((designee. Applicants are responsible for submitting all required documentation, application forms, and fees))~~ examination administrator. Your application is not considered complete until all of the following are ~~((received by the board's designee))~~ provided:

- ~~((A fully completed))~~ Complete application ~~((form))~~
- information and requested documents;
- Fee(s)~~((;))~~



- ~~Proof that you have met the education requirements;~~
- ~~Your proof of identity as determined by the board and specified on the application form;~~
- ~~Other required supporting documents; and~~
- ~~Proof from NASBA's National Candidate Data Base that you have not previously taken, or applied to take, the same section(s) of the exam during the current examination window).~~

(2) **Fee refund and forfeiture:** Upon submission of your application to the ~~((board's designee))~~ examination administrator, no portion of the board's administrative fee is refundable. Upon the ~~((board's submission of your))~~ examination administrator's authorization to test ~~((to the National Association of State Boards of Accountancy))~~, no portion of the total exam fee (both administrative fee and section fee(s)) is refundable. If you fail to meet the board's scheduling or admission requirements, you forfeit all of the exam fee(s) and you must reapply to take the section(s) of the exam.

(3) **Notice of admittance to the examination or denial of your application:** ~~((Notice of the denial of your application, or notice of your eligibility to take the examination will be sent to you by the board's designee.))~~ You ~~((will))~~ must contact the approved test ~~((site))~~ provider to schedule the time and location for your examination. The notice of eligibility to take the examination is called a Notice to Schedule (NTS), the NTS will be valid for one taking of the examination within the six months following the date of the NTS.

Notice of a denial of your application, or notice of your eligibility to take the examination will be sent to you by the examination administrator.

(4) **Examination content and grading:** The CPA examination shall test the knowledge and skills required for performance as an entry-level certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills as the board may require. The examination will consist of the following four sections: Auditing and attestation; financial, accounting and reporting; regulation; and business environment and concepts. The board may accept the advisory grading services of the American Institute of Certified Public Accountants.

(5) **Examination~~((, grading and conditioning))~~ process:**

(a) **Conditions for examinations held prior to January 1, 2004:** ~~((The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants. Seventy-five or better is a passing grade for each section of the examination. Each time you sit for the examination you must take all sections you have not previously passed. You are required to pass all sections of the examination in order to qualify for a license. If at a given sitting of the examination you pass two or more, but not all sections of the examination, then you will receive credit for those sections that you pass and you will not be required to take those sections again provided:~~

- (i) You took all unpassed sections of the examination at that sitting;
- (ii) You attained a minimum grade of fifty on each section of the examination not passed at that sitting;

(iii) You pass the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(iv) At each subsequent sitting you take all sections not yet passed and you attain a minimum grade of fifty on those sections taken but not passed at that sitting; and

(v) In order to receive credit for passing additional sections in a subsequent sitting you attain a minimum grade of fifty on sections taken but not passed at that sitting.) Contact a customer service representative at customerservice@cpaboard.wa.gov or by phone at 360-753-2586.

(b) **For examinations ~~((held))~~ taken after December 31, 2003:** The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants.

(i) To ~~((qualify to apply))~~ satisfy the examination requirement for a license you must ~~((attain))~~ have achieved a score of seventy-five on all four sections of the examination within a rolling eighteen-month period.

(ii) You may take the required four sections individually and in any order. Credit for any section(s) taken and passed after December 31, 2003, will be valid for eighteen months from the actual date you ~~((took the))~~ successfully passed any particular section~~((, without having to attain a minimum score on any failed section(s) and without regard to whether you have taken other sections))~~ of the examination.

(iii) You must pass all four sections of the examination within a rolling eighteen-month period, which begins on the date that the first section(s) is passed. ~~((When determining the date that))~~ A section is considered passed on the date that is used is the date that you took the exam section and not the date that your grade(s) is released.

(iv) You may not retake a failed section(s) in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the ~~((item bank))~~ examination is refreshed).

(v) In the event you do not pass all four sections of the examination within the rolling eighteen-month period, credit for any section(s) passed prior to the eighteen-month period will expire and you must retake ~~((that))~~ any expired section~~((s))~~.

~~((c) **Transitioning for candidates obtaining conditional credits under the provisions of (a) of this subsection:**~~

(i) ~~If you earned conditional credit(s) under the provisions of (a) of this subsection and as of February 15, 2004, those conditional credits remained valid under the provisions of (a) of this subsection, you will retain conditional credit for the corresponding sections of the examination as follows:~~

Examination section taken prior to January 1, 2004	Examination section taken after December 31, 2003
Auditing	Auditing and Attestation
Financial Accounting and Reporting (FARE)	Financial Accounting and Reporting

Examination section taken prior to January 1, 2004	Examination section taken after December 31, 2003
Accounting and Reporting (ARE)	Regulation
Business Law and Professional Responsibilities (LPR)	Business Environment and Concepts

(ii) If you qualify for conditional credit(s) for a section of the examination under (c)(i) of this subsection, you will lose the conditional credit(s) for the section unless you complete all remaining section(s) of the examination within the transition period which is the lesser of:

- The maximum number of testing opportunities that you had remaining to complete all sections of the examination under the provisions of (a) of this subsection; or
- The number of remaining testing opportunities you had remaining to complete all sections of the examination under the provisions of (a) of this subsection multiplied by six months.

(iii) If you do not pass all remaining sections during the transition period, the conditional credit for the section(s) you passed under the provision of (a) of this subsection will become invalid. Any section you pass after December 31, 2003, will be subject to the provisions of (b) of this subsection with the following exception:

- You will not lose conditional credit for any section passed during the transition period, even though more than eighteen months may have elapsed from the date the section is passed, until the end of your transition period.

(iv) You will retain credit for any and all sections of an examination passed in another state if credit would have been given under the Washington state requirements in effect on the date you took the examination.

(v) If you pass a section of the examination, the date you took the section of the examination is the date you receive credit for passing the section.

(6) **Ethics exam:** Upon passing the CPA examination, applicants for licensure are required to attain and demonstrate a passing grade of ninety percent or better on the AICPA professional code of conduct examination.)

AMENDATORY SECTION (Amending WSR 05-01-137, filed 12/16/04, effective 1/31/05)

**WAC 4-25-721 What does the board consider to be cheating on the CPA examination, what ~~((actions may the))~~ testing consequences or board ~~((take))~~ actions can result if cheating is suspected~~((, and what sanctions may the board impose if cheating occurs))~~ or observed? (1) Cheating includes, but is not limited to:**

- (a) Unauthorized communication with others inside or outside of the examination room while the examination is in progress;
- (b) Substitution by a candidate of another person to sit in the test site and take the examination on behalf of the candidate;
- (c) Referencing crib sheets, text books, or other unauthorized material or electronic media inside or outside the examination room while the examination is in progress;

(d) Copying or attempting to copy another candidate's answers;

(e) Disclosing or attempting to disclose examination questions and/or answers to others;

(f) Bringing unauthorized prohibited items into the examination site or possessing unauthorized prohibited items in the examination site;

(g) Retaking or attempting to retake a section by an individual who holds a license or who has unexpired credit for passing the section, unless the individual has been expressly authorized by the board to participate in a "secret shopper" program.

(2) Cheating on the CPA examination is dishonesty directly related to the professional responsibilities of a CPA and demonstrates a lack of good character. When determining appropriate sanctions for cheating, the board may impose one or more of the following penalties:

- (a) Enter a failing grade for any or all parts of the candidate's examination;
- (b) Bar a candidate from taking future examinations;
- (c) Notify other jurisdictions of the board's conclusions and order;
- (d) Fine up to thirty thousand dollars;
- (e) Recovery of investigative and legal costs; or
- (f) Referral to the appropriate law enforcement agency(ies) for prosecution.

(3) If a candidate is suspected of cheating, the board or its representative(s) may expel the candidate from the examination or move the candidate suspected of cheating to a position in the test center that is away from other examinees or where the candidate may be more closely observed. The board or its representatives may require a candidate suspected of cheating, or a candidate who may have observed cheating, to respond to board inquiry. The board may schedule a hearing to determine the validity of the charge of cheating.

AMENDATORY SECTION (Amending WSR 05-01-137, filed 12/16/04, effective 1/31/05)

**WAC 4-25-730 What are the experience requirements in order to obtain a CPA license? (1) Qualifying experience may be obtained through the practice of public accounting and/or employment in industry~~((, academia,))~~ or government. ~~((Your))~~ In certain situations, employment in academia may also provide experience to obtain some or all of the competency requirements. Qualifying experience may be obtained through one or more employers, with or without compensation, and may consist of a combination of full-time and part-time employment.**

~~((1) Your))~~ **(2) Employment experience ~~((must support the attainment of))~~ should demonstrate that it occurred in a work environment and included tasks sufficient to have provided an opportunity to obtain the competencies defined by subsection ~~((2))~~ (3) of this section and:**

- (a) ~~((Cover))~~ Covered a minimum twelve-month period (this time period does not need to be consecutive);
- (b) ~~((Consist))~~ Consisted of a minimum of two thousand hours;

(c) ~~((Be obtained through the use of))~~ Provided the opportunity to utilize the skills generally used in business and accounting ~~((, attest, management advisory, financial advisory, tax, tax advisory or consulting skills))~~ and auditing including, but not limited to, accounting for transactions, budgeting, data analysis, internal auditing, preparation of reports to taxing authorities, controllership functions, financial analysis, performance auditing and similar skills;

(d) Be verified by a licensed CPA as meeting the requirements identified in subsection ~~((3))~~ (5) of this section; and

(e) ~~((Unless you meet the requirements of subsection (4) of this section,))~~ Be obtained no more than eight years prior to the date the board receives your complete license application.

~~((2))~~ (3) **Competencies:** The experience ~~((must support the attainment of))~~ should demonstrate that the work environment and tasks performed provided the applicant an opportunity to obtain the following competencies:

(a) ~~((Understand the rules of professional conduct contained in chapter 4-25 WAC;))~~ Knowledge of the Public Accountancy Act and related board rules applicable to licensed persons in the state of Washington;

(b) Assess the achievement of an entity's objectives;

(c) Develop documentation and sufficient data to support analysis and conclusions;

(d) Understand transaction streams and information systems;

(e) Assess risk and design appropriate procedures;

(f) Make decisions, solve problems, and think critically in the context of analysis; and

(g) Communicate scope of work, findings and conclusions effectively.

~~((3))~~ (4) **The applicant's responsibilities:** The applicant for a license requesting verification is responsible for:

(a) Providing information and evidence to support the applicant's assertion that their job experience could have reasonably provided the opportunity to obtain the specific competencies, included on the applicant's Experience Affidavit form presented for the verifying CPA's evaluation;

(b) Producing that documentation and the completed Experience Affidavit form to a qualified verifying CPA of their choice;

(c) Determining that the verifying CPA meets the requirements of subsection (5) of this section; and

(d) Maintaining this documentation for a minimum of three years.

(5) **Qualification of a verifying CPA:** ~~((To verify a candidate's experience you))~~ A verifying CPA must have held a valid CPA license to practice public accounting in the state of Washington or ((another jurisdiction on the date that you verified the candidate's experience and also)) be qualified for practice privileges as defined in RCW 18.04.350(2) for a minimum of five years prior to verifying the candidate's experience, including the date that the applicant's experience is verified. The five years do not need to be consecutive.

~~((4))~~ **CPA Inactive certificate holders applying for a license:** If you held a Washington state certificate on June 30, 2001, and you submit your application for a license by June 30, 2006, you may include experience obtained at any time during your lifetime.

(5) **Experience affidavit:** The applicant must verify that they have met the experience requirements of this section on the appropriate form(s) provided by the board. The verifying CPA must certify that the applicant's experience meets subsection (2) of this section.

(6) **Records retention:** Candidates must maintain documentation supporting the representations made on their experience affidavit for a minimum of three years after the date the candidate's initial license is issued by the board.

(7) **Audit:** The board may audit compliance with these experience requirements at any time during the three-year period following the date the candidate's initial license is issued.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-735 How does a CPA-Inactive certificate holder apply for licensure?** CPA-Inactive certificate holders are individuals who held a valid certificate on June 30, 2001, but did not hold a valid Washington state license to practice public accounting on that date. Individuals who did not hold a valid certificate on June 30, 2001 and current licensees are not eligible for CPA-Inactive certificate holder status.

(1) ~~((If you are a CPA Inactive certificate holder you:~~

(a) May not "practice public accounting" as that term is defined in WAC 4-25-410;

(b) Must meet the CPE requirements of WAC 4-25-830(1) and supporting documentation requirements of WAC 4-25-833;

(c) Must comply with the act and board rules;

(d) Must meet the renewal requirements of WAC 4-25-790; and

(e) Must use the title CPA Inactive and print or display the word "Inactive" immediately following the initials CPA or certified public accountant whenever the initials CPA or certified public accountant is printed on a business card, letterhead, or other document including documents published or transmitted through electronic media, in exactly the same font and font size as the initials CPA or certified public accountant.

~~((2) If you are a CPA Inactive certificate holder,))~~ To qualify for licensure ((you)) a CPA-Inactive certificate holder must meet the:

(a) ~~((Meet the))~~ Good character requirements of RCW 18.04.105 (1)(a);

(b) Experience requirements of WAC ((4-25-730 or have had an approved experience affidavit on file with the board on or before June 30, 2001)) 4-30-070 within the eight-year period immediately preceding your application; and

~~((b) Meet the))~~ (c) CPE requirements of WAC ((4-25-830)) 4-30-134(5).

~~((3))~~ (2) To apply for a license, you must also submit to the board a certification that you meet the requirements of subsection ((2)) (1) of this section and:

(a) Have not held out in public practice during the time in which you were a CPA-Inactive certificate holder; and

(b) Other required documentation or information deemed necessary by the board.

~~((Board forms are available on the board's web site or upon request for your use-))~~ (3) You must provide the required information, documents, and fees (if applicable) to the board either by making application through the board's on-line application system or on a form provided upon request.

~~((An initial application is not complete and cannot be processed until))~~ You must submit all ~~((fees, required))~~ requested information, ~~((required documentation, or other documentation or information the board may deem necessary is received by the board))~~ documents, and fees (if applicable) to the board before the application will be evaluated.

~~((When your application is approved))~~ (5) Upon assessment of your qualifications and approval of your application, your license ~~((will be mailed to your address of record))~~ status will be posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your credential can be provided upon request.

~~((5))~~ (6) Your CPE reporting period and your renewal cycle will remain the same.

~~((6))~~ (7) You may not use the title "CPA" or "Certified Public Accountant" until the date the approval of your license is posted in the board's licensee data base and, therefore, made publicly available for confirmation.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-745 How do I apply for an initial individual CPA license?** (1) To qualify to apply for an initial license you must meet the:

(a) Good character requirements of RCW 18.04.105 (1)(a);

(b) Education requirements of WAC ~~((4-25-710))~~ 4-30-060;

(c) Examination requirements of WAC ~~((4-25-720))~~ 4-30-062;

(d) Ethics course requirements by achieving and documenting a passing grade of ninety percent or better on a course covering the complete content of the AICPA Code of Professional Conduct;

(e) Experience requirements of WAC ~~((4-25-730))~~ 4-30-070; and

~~((e))~~ (f) If more than four years have lapsed since you passed the examination, you must meet the CPE requirements of WAC ~~((4-25-830))~~ 4-30-134 (1)(a) within the thirty-six month period immediately preceding submission of your license application ~~((and))~~. That CPE must include ~~((four))~~ CPE hours in ethics and regulation applicable to the practice of public accounting in Washington state meeting the requirements of WAC ~~((4-25-830(3) which))~~ 4-30-134(3). The regulatory ethics portion of the combined one hundred twenty-hour CPE requirement must be completed within the six month period immediately preceding submission of your license application.

(2) ~~((To apply for an initial license))~~ You must ~~((fully))~~ provide the required information ~~((above))~~.

~~Board form(s) are available on the board's web site or upon request for your use.~~

(3) Processing of your application cannot begin until all the required information, applicable fees, and required documentation or other documentation or information the board may deem necessary is received by the board. When the processing), documents, and fees to the board either by making application through the board's on-line application system or on a form provided upon request. You must provide all requested information, documents and fees to the board before the application will be evaluated.

(3) Upon assessment of your qualifications and approval of your application ~~((is complete))~~, your ~~((license))~~ licensed status will be ~~((mailed to your address of record with the board))~~ posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your license can be provided upon request.

(4) Your initial license will expire on June 30 of the third calendar year following initial licensure.

(5) You may not use the title CPA until the date the approval of your license is posted in the board's licensee data base and, therefore, made publicly available for confirmation.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-746 How do I apply for a Washington state CPA license if I hold a valid CPA license in another state?** ~~((Pursuant to RCW 18.04.180 and 18.04.215(6) the board may issue an individual license through interstate reciprocity if you hold a CPA license to practice public accounting issued by another state provided your state of licensure makes similar provisions for granting reciprocity to holders of a valid certificate or license in this state-))~~

(1) To qualify to apply for an individual Washington state license ~~((entitling you to use the title CPA and/or offer or render compilation, or other professional services for which a report expressing assurance is prescribed by professional standards in Washington state under the interstate reciprocity provisions))~~ by reciprocity you must:

(a) Hold a license to practice public accounting issued by a state that makes a similar provision for holders of a license issued by this state;

(b) Meet the good character requirements of RCW 18.04.105 (1)(a);

~~((b))~~ (c) Meet the CPE requirements in WAC ~~((4-25-830))~~ 4-30-134; and

~~((e))~~ (d) You must have:

(i) Passed the examination required for issuance of your certificate or license in the other state with grades that would have been passing grades at that time in this state and;

(ii) Met all current requirements for licensure at the time you apply; or

(iii) Met, at the time of the issuance of your license in the other state, all the requirements applicable at that time to obtain a license in this state; or

(iv) Had five years of experience in the practice of public accounting within the ten years immediately preceding your filing an application for licensure in this state; or

(v) Had three years of experience in the practice of public accounting within the five years immediately preceding your filing an application for licensure in this state; or

(2) The board may accept NASBA's designation of the applicant as substantially equivalent to national standards as meeting the requirements of subsection (1)~~((e))~~ (d) of this section.

~~(3) ((To apply for a license under the reciprocity provisions you must submit to the board's office information that you are qualified for reciprocity as outlined in subsections (1) and (2) of this section.)) You must provide all required information, documents, and fees to the board either by making application through the board's on-line application system or on a form provided by the board upon request. You must provide all requested information, documents, and fees to the board before the application will be evaluated, including a certification that you~~:(

~~(a))~~ have not held out in public practice during any time prior to submitting your application unless expressly permitted by then existing board rule ~~((then existing; and~~

~~(b) Have met the CPE requirements in WAC 4-25-830.~~

~~Board form(s) are available on the board's web site or upon request for your use.~~

~~(4) An initial application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation or information the board may deem necessary is received by the board.~~

~~(5) At date of approval of your application, it will be posted in the board's licensee data base and, therefore, made publicly available for confirmation.~~

~~(6) Your license will be mailed to the address of record with the board provided at the time of your application, or subsequently changed by formal notice to the board).~~

~~((7))~~ (4) Provided no sanctions or investigations by other jurisdictions are in process and you have met the requirements for applying for licensure through interstate reciprocity, ((upon filing a completed application with the board.)) you may use the CPA title in Washington state upon submission of a complete application to the board.

(5) Upon evaluation of your qualifications and approval of your application your licensed status will be posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your license can be provided upon request.

~~((8))~~ (6) Your ((initial)) reciprocal license will expire on June 30 of the third calendar year following ((initial)) the date of licensure.

~~((9))~~ (7) You must notify the board within thirty days if your license or certificate issued by the other jurisdiction has lapsed or otherwise become invalid.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-747 Must an out-of-state individual holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?** No. Out-of-state individuals holding valid licenses to practice public accounting issued by a substantially equivalent state, may hold out and practice within

Washington state and/or provide public accounting services in person, by mail, telephone, or electronic means to clients residing in Washington state without notice or payment of a fee.

As a condition of this privilege, the out-of-state individual is deemed to have consented to:

(1) The personal and subject matter jurisdiction and disciplinary authority of this state's board;

(2) Comply with the Public Accountancy Act of this state, chapter 18.04 RCW, and this board's rules, chapter 4-25 WAC;

(3) The appointment of the state board which issued the certificate or license as their agent upon whom process may be served in any action or proceeding by this state's board against the certificate holder or licensee;

(4) Render the following services for a client with a home office in this state only through a firm that has obtained a license from this state (RCW 18.04.195, 18.04.205 and WAC ~~((4-25-750))~~ 4-30-110):

(a) Any audit or other engagement to be performed in accordance with the statements on auditing standards;

(b) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements; and

(c) Any engagement to be performed in accordance with the public company accounting oversight board auditing standards.

(5) Not render any professional services in this state unless the out-of-state individual is licensed to render such services in the state of licensure upon which the privilege is contingent;

(6) Cease offering or performing professional services in this state, individually and/or on behalf of a firm, if the license from the state of the out-of-state individual's principal place of business is no longer valid; and

(7) Cease offering or performing specific professional services in this state, individually and/or on behalf of a firm, if the license from the state of the out-of-state individual's principal place of business is restricted from offering or performing such specific professional services.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-750 What are the ((CPA firm licensing)) allowable legal forms of organization and ownership requirements for a CPA firm?** (1) ~~((How may a CPA firm be organized?))~~ **Permitted forms of organization.** A CPA firm may be organized as:

(a) A proprietorship;

(b) A partnership;

(c) A professional corporation (PC) or professional service corporation (PS);

(d) A limited liability company (LLC);

(e) A limited liability partnership (LLP); or

(f) Any other form of legal entity authorized by Washington state statute for use by a CPA firm.

(2) **What happens when a CPA firm alters its legal form?** A mere change in the legal form of ~~((a))~~ an existing firm constitutes a new firm for licensing purposes. Accord-

ingly, the new entity must first obtain a CPA firm license from the board and then dissolve the former firm unless the owners desire to maintain more than one licensed firm. Affiliated entities using a restricted title or offering or performing restricted services are subject to board rules.

**(3) What are the ownership requirements for a CPA firm?**

- (a) All owners of a licensed CPA firm are required to:
  - (i) Fully comply with the provisions of chapter 18.04 RCW; and
  - (ii) Be subject to discipline by the board for violations of chapter 18.04 RCW or 4-25 WAC;
- (b) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners, owners, or shareholders must be:
  - (i) Licensees in this state or holders of a valid license to practice public accountancy issued by another state;
  - (ii) Entitled to practice public accounting in Washington state; and
  - (iii) Principally employed by the ~~((corporation))~~ firm or actively engaged in its business.
- (c) At least one general partner of a partnership, one shareholder of a corporation, and one member of a limited liability company must be a licensee.
- (d) Each CPA proprietor, partner, shareholder or member who is either a resident or is entering the state and practicing public accountancy in this state must hold a valid Washington state license or practice privileges.
- (e) ~~((The))~~ A principal ~~((partner of the partnership))~~ owner and any ~~((partner))~~ individual having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accounting in this state.
- (f) ~~((The principal officer of the corporation and any officer or director having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accountancy in this state.~~
- (g) ~~The managing member of a limited liability company and any member having authority over issuing reports on financial statements must be a licensee under the act or holder of a valid license to practice public accountancy issued by another state and must be entitled to practice public accountancy in this state.~~
- (h) A nonresident CPA owner must be licensed to practice public accountancy in at least one state.
- (i) A nonlicensee owner must:
  - (i) Be an individual;
  - (ii) Meet the good character requirements of RCW 18.04.105 (1)(a);
  - (iii) Comply with the act and board rules; and
  - (iv) Be an active individual participant in the licensed firm or affiliated entities as these terms are defined in WAC ~~((4-25-410))~~ 4-30-010; and
- (j) A resident nonlicensee firm owner must meet the requirements of WAC ~~((4-25-752))~~ 4-30-116 and register with the board concurrent with submission of the firm license

application, or submission of an amendment to the firm license status, to the board.

**(4) What are the requirements for the firm's main office and a branch office?** A firm's main office located in this state must be under the direct supervision of a resident licensee.

A branch office is an office of a licensed CPA firm which is physically separated from the main office. A branch office operates under the license of the main office.

~~(((5) How does a firm apply for an initial firm license? To apply for an initial firm license an owner, or designee, must submit or, in the case of an out-of-state firm required to be licensed under RCW 18.04.195 (1)(a), an individual qualified for practice privileges in this state under RCW 18.04.350(2) who has been authorized by the applicant firm to make the application must submit the following information, all applicable fees, and such other information the board deems necessary to the board's office:~~

- ~~(a) The firm name;~~
- ~~(b) Address and telephone number of the main office and any branch offices of the firm;~~
- ~~(c) Name of the managing licensee of the main office located and maintained in this state;~~
- ~~(d) Resident licensee owners' names;~~
- ~~(e) Name(s) of all nonlicensee owners; and~~
- ~~(f) Type of legal organization under which the firm operates.~~

~~Board form(s) are available from the board's web site or upon request for your use.~~

~~An initial application is not complete and cannot be processed until all fees, required information described in subsection (5) of this section, or other documentation or information the board may deem necessary is received by the board. On the date the application is approved, the firm's license will be included in the board's licensee data base and, therefore, made publicly available for confirmation. Confirmation of the approval of the firm's license will be mailed to the address of record with the board provided at the time of the application, or subsequently changed by formal notice to the board.~~

~~The initial CPA firm license will expire on June 30 of the third calendar year following initial licensure.~~

~~**(6) How do I renew a CPA firm license?** To renew a CPA firm license an owner or designee or, in the case of an out-of-state firm required to be licensed under RCW 18.04.195 (1)(a), an individual qualified for practice privileges in this state under RCW 18.04.350(2) who has been authorized by the applicant firm to make the application, must submit the information described in subsection (5) of this section that is current at the date the renewal application is submitted to the board. A renewal application is not complete and cannot be processed until all fees, required information, and required documentation, and other documentation deemed necessary by the board are received by the board.~~

~~Board form(s) are available from the board's web site or upon request for your use. Failure to file a complete application for renewal of a firm license by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on reasonable cause including, but not limited to,~~

financial hardship, critical illness, or active military deployment.

On the date the renewal application is approved, the firm's license will be included in the board's licensee data base and, therefore, made publicly available for confirmation. Confirmation of the validity of the renewed firm's license status will be mailed to the address of record with the board provided at the time of the application, or subsequently changed by formal notice to the board.

The CPA firm license will expire on June 30 of the third calendar year following the date of renewal.

**~~(7) When and how must the firm notify the board of changes in the licensed firm?~~** An individual authorized by the firm must provide the board written notification and other documentation deemed necessary by the board within ninety days of any or all of the following occurrences:

- (a) Dissolution of the firm;
- (b) The occurrence of any event that would cause the firm to be in violation of RCW 18.04.195 or this rule; or
- (c) An event that requires an amendment to a firm license.

**~~(8) What events require a firm amendment?~~** An individual authorized by the firm must provide written notification to the board, by submitting the following information and the appropriate amendment fee, within ninety days of the following:

- (a) Admission or departure of an owner;
- (b) Any change in the name of the firm; or
- (c) Change in the resident managing licensee of the main office in this state.

**~~(9) How long do I have to correct noncompliance with licensure requirements due to a change in ownership or an owner's credentials?~~** An individual authorized by the firm must notify the board within ninety days of any change in ownership or lapse of an owner's license, certificate, registration or practice privilege that has caused the firm's license to be out of compliance with licensure requirements and must correct the noncompliance within ninety days of the lapse, unless the board grants a longer time period due to reasonable cause including, but not limited to, financial hardship, critical illness, or active military deployment.))

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-752 How do I initially register to be a resident nonlicensee owner of a licensed firm and with which rules must a nonlicensee firm owner comply?** To qualify as a nonlicensee owner of a licensed firm, you must:

- (1) Be an individual;
- (2) Meet the good character requirements of RCW 18.04.105 (1)(a);
- (3) ~~((Comply with the act and board rules;~~
- ~~(4))~~ Be an active individual participant in the licensed firm or affiliated entities as these terms are defined in WAC ~~((4-25-410))~~ 4-30-010; and

~~((5))~~ (4) If you are a resident of Washington state, you must:

- (a) ~~((File a complete registration with the board))~~ Provide all required information, documents, and fees to the

board either by registering through the board's on-line application system or on a form provided upon request; and

(b) ~~((Demonstrate))~~ Achieve and document a passing grade of ninety percent or better on ((the AICPA professional ethics examination)) a course covering the complete content of the AICPA Code of Professional Conduct.

~~((You must))~~ (c) Submit your registration concurrent with or prior to submission of the firm license application or firm license amendment((, pursuant to WAC 4-25-750)) by the firm with which you are associated.

An initial registration is not complete and cannot be processed until all ~~((fees, required documentation,))~~ required information, ~~((and other information deemed necessary by the board are received by))~~ documents, and fees are submitted to the board.

If you are a Washington state resident, you may not hold ownership interest in a CPA firm licensed in Washington state until you receive written notice from the board of your Washington state registration number. On the date the registration is approved, your registration number will be included in the board's licensee data base and, therefore, made publicly available for confirmation. ~~((Confirmation of the approval of your initial registration will be mailed to the address of record with the board provided at the time of the application, or subsequently changed by formal notice to the board.))~~ A hard copy of your registration can be provided upon request.

Your initial registration will expire on June 30 of the third calendar year following initial issuance of the registration.

If you withdraw as a nonlicensee owner of a CPA firm, the firm must notify the board. Your registration as a nonlicensee firm owner will lapse and be subject to reinstatement.

All nonlicensee firm owners are subject to discipline for violation of the act or board rules.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-753 Must a firm holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?** (1) A firm license must be obtained from the board if any of the following criteria apply:

(a) The firm has an office in this state and performs attest or compilation services for clients in this state;

(b) The firm has an office in this state and, by any means, represents the firm to the public that the firm is a firm of certified public accountants; or

(c) The firm is licensed in another state and performs the following services for clients with a home office in this state:

(i) Any audit or other engagement to be performed in accordance with the statements on auditing standards;

(ii) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements; and

(iii) Any engagement to be performed in accordance with the public company accounting oversight board auditing standards.

(2) A firm license is not required to perform other professional services in this state, including compilation, review

and other services for which reporting requirements are provided in professional standards, if the firm complies with the following:

(a) The firm performs such services through individuals with practice privileges under RCW 18.04.350(2) and WAC ((4-25-747)) 4-30-090 or reciprocal license under RCW 18.04.180 and 18.04.183 and board rules;

(b) The firm is licensed to perform such services in the state in which the individuals with practice privileges have their principal place of business; and

(c) The firm meets the board's quality assurance program requirements, when applicable.

(3) As a condition of this privilege, the nonresident firm is deemed to have consented to:

(a) The personal and subject matter jurisdiction and disciplinary authority of this state's board;

(b) Comply with the Public Accountancy Act of this state, chapter 18.04 RCW, and this board's rules, chapter 4-25 WAC;

(c) Cease offering or rendering professional services in this state through a specific individual or individuals if the license(s) of the individual(s) through whom the services are offered or rendered becomes invalid;

(d) Cease offering or rendering specific professional services in this state through an individual or individuals if the license(s) from the state(s) of the principal place of business of such individual(s) is restricted from offering or performing such specific professional services;

(e) The appointment of the state board which issued the firm license as their agent upon whom process may be served in any action or proceeding by this state's board against firm licensee;

(f) Not render those services described in subsection (1)(c) of this section for a client with a home office in this state unless the firm that has obtained a license from this state (RCW 18.04.195 and 18.04.295) and this section; and

(g) Not render any professional services in this state through out-of-state individual(s) who are not licensed to render such services by the state(s) in which the principal place of business of such individual(s) is (are) located.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

**WAC 4-25-781 What are the rules governing reciprocity for accountants from foreign countries?** (1) Under the authority provided by RCW 18.04.183, the board may rely on the National Association of State Boards of Accountancy, the American Institute of Certified Public Accountants, or other professional bodies for evaluation of foreign accounting credential equivalency.

(2) Your foreign accounting credential may be accepted in partial satisfaction of licensing requirements if:

(a) You met the foreign issuing body's education, examination, and ethical requirements used to qualify its domestic candidates;

(b) Your foreign accounting credential is valid and in good standing at the time you apply for a Washington state license; and

(c) The foreign issuing body granting your foreign accounting credential permits Washington CPAs an equivalent opportunity to receive the foreign accounting credential by reciprocity.

(d) You demonstrate satisfactory experience within the eight years prior to submitting your application in ~~((a foreign or domestic professional accounting firm. The board will, by policy, specify experience standards for each foreign accounting credential accepted by the board))~~ public accounting or other experience meeting the requirements of RCW 18.04.105 (1)(d).

The board will, by policy, identify acceptable foreign accounting credentials and acknowledge reciprocal agreements with bodies granting foreign accounting credentials.

(3) The board may require a qualifying examination(s) to determine if you possess adequate knowledge of U.S. practice standards and the board's regulations. The board will, by policy, specify the form of qualifying examination(s) and passing grade(s).

(4) You must:

(a) Meet the CPE requirements of WAC ((4-25-830)) 4-30-134 for subsequent renewal of an initial license issued pursuant to the board's authority; and

(b) Achieve and document a passing grade of ninety percent or better on a course covering the complete content of the AICPA Code of Professional Conduct.

(5) If you hold a Washington state CPA license or certificate issued through the foreign reciprocity provisions of the act, you must notify the board of any investigations undertaken, or sanctions imposed, by a foreign credentialing body against your foreign credential within thirty days of your receiving notice that an investigation has begun or a sanction was imposed.

(6) If you hold a Washington state license or certificate issued through the foreign reciprocity provisions of the act, you must notify the board within thirty days if your foreign license, permit, or certificate has lapsed or otherwise becomes invalid.

AMENDATORY SECTION (Amending WSR 09-01-166, filed 12/23/08, effective 1/23/09)

**WAC 4-25-782 How do I apply for an initial Washington state license through foreign reciprocity?** ~~((Pursuant to RCW 18.04.183 the board may issue a license through foreign reciprocity provided you meet the requirements for application through foreign reciprocity established by the act, WAC 4-25-781 and 4-25-830(7).))~~

To apply for an initial Washington state CPA license through foreign reciprocity, you must ~~((use the foreign reciprocity application))~~ provide all required information, documents, and fees to the board either by making application through the board's on-line application system or on a form((s)) provided by the board upon request.

You ~~((need to fully complete the form(s), and submit the form(s), all applicable fees, required))~~ must provide all requested information, ((required documentation)) documents, ((or other documentation deemed necessary by)) and fees to the board ((to the board's office)) before the application will be evaluated.



~~((An application is not complete and cannot be processed until all fees, required information, required documentation, or other documentation deemed necessary by the board are received by the board. When the processing of your application is complete;)) Upon assessment of your qualifications and approval of your application, your license status will be ((mailed to the last address you provided to the board)) posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your license can be provided upon request.~~

Your Washington state CPA license will expire on June 30 of the third calendar year following the calendar year of initial licensure.

You may not use the title CPA until ~~((you have received notice from the board that your Washington state license has been approved)) your status has been posted to the board's licensee data base and, therefore, made available to the public.~~

AMENDATORY SECTION (Amending WSR 05-01-137, filed 12/16/04, effective 1/31/05)

**WAC 4-25-783 How do I renew a Washington CPA-Inactive certificate and/or license granted through foreign reciprocity?** ~~((In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board;)) You must provide all required information, documents, and fees to the board either by making application through the board's on-line application system or on a form provided by the board upon request.~~

To renew your individual license or CPA-Inactive certificate originally granted through foreign reciprocity, you must ~~((submit to)) provide the board by April 30th of the year of expiration a renewal application including:~~

(1) ~~((A completed renewal application form including:~~

~~(a)) Your certification that you have complied with the CPE requirements of WAC ((4-25-830)) 4-30-134(1) and the supporting documentation requirements of WAC ((4-25-833; and~~

~~(b)) 4-30-138;~~

~~(2) All requested documentation ((from the foreign issuing body certifying:~~

~~(i) Your foreign credential is in good standing and valid for the practice of public accountancy in the foreign jurisdiction; and~~

~~(ii) You are not currently under disciplinary investigation or action; or~~

~~(iii) If you are currently under disciplinary investigation or action, a statement as to the nature of the allegations; and~~

~~(e) If you no longer hold the foreign credential used to qualify for a Washington state CPA license and/or certificate, you must submit documentation from the foreign issuing body certifying that you were not the subject of any investigations or disciplinary proceedings at the time the foreign credential lapsed.~~

~~(2)); and~~

~~(3) All applicable fees((; and~~

~~(3) All required documentation.~~

~~A renewal application is not complete and cannot be processed until all fees, required)).~~

You must provide all requested information, ((required documentation, or other documentation deemed necessary by the board is received by)) documents, and fees to the board before the application will be evaluated.

~~Upon ((completion of processing, your individual license or confirmation of your CPA-Inactive certificate renewal will be mailed to the last address you provided to the board)) assessment of your continued qualifications and approval of your application, your renewed status will be posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your credential can be provided upon request.~~

An individual license or CPA-Inactive certificate renewal expires on June 30 of the third calendar year following the calendar year of renewal.

Failure to file a complete application for an individual license or CPA-Inactive certificate renewal by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship.

If you fail to file a complete application for individual license or CPA-Inactive certificate renewal by June 30 of the year of expiration, your individual license or CPA-Inactive certificate will lapse.

If you are a CPA-Inactive certificate holder and are renewing your CPA-Inactive certificate, as a CPA-Inactive you are prohibited from using the title CPA or certified public accountant. You are prohibited from practicing public accountancy. You must use the title CPA-Inactive and print or display the word "Inactive" immediately following the title CPA or certified public accountant whenever the initials CPA or certified public accountant is printed on a business card, letterhead, or other document including documents published or transmitted through electronic media, in exactly the same font and font size as the title CPA or certified public accountant.

If your individual license or CPA-Inactive certificate has lapsed, you may not use the title CPA or CPA-Inactive.

AMENDATORY SECTION (Amending WSR 05-01-137, filed 12/16/04, effective 1/31/05)

**WAC 4-25-790 How do I renew my individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?** A licensee may not renew as a CPA-Inactive certificate holder.

To renew your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must ~~((use the)) by April 30th of the year of expiration make application through the board's on-line application system or on a form((+)) provided by the board ((and satisfy CPE requirements in WAC 4-25-830(1). In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board.~~

~~To renew your individual license, CPA Inactive certificate, or registration as a resident nonlicensee firm owner, you must submit to the board by April 30th of the year of expiration)) upon request and provide the board with:~~

(1) ~~((A)) Complete renewal ((form)) information including:~~

(a) Your certification that you have complied with the CPE requirements of WAC ~~((4-25-830))~~ 4-30-134(1) and the supporting documentation requirements of WAC ~~((4-25-833))~~ 4-30-138; and

(b) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, or permit to practice;

(2) All required documentation, required information, and other documentation deemed necessary by the board; and

(3) All applicable fees; and

~~(3) All required documentation, required information, and other documentation deemed necessary by the board.~~

~~A licensee may not renew as a CPA-Inactive certificate holder).~~

A renewal ~~((form))~~ application is not complete and cannot be processed until all ~~((fees,))~~ required information, ((required documentation, and other documentation deemed necessary by the board)) documents, and all applicable fees are ~~((received by))~~ submitted to the board. ((Upon completion of processing, confirmation of your individual license, CPA-Inactive certificate renewal, or registration as a resident nonlicensee firm owner will be mailed to the last address you provided to the board.))

Upon assessment of your continued qualifications and approval of your application, your status will be posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your credential can be provided upon request.

An individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner renewal expires on June 30 of the third calendar year following the calendar year of renewal.

**Late renewal application:** Failure to file a complete application for renewal ((form for)) of an individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

**Failure to file a renewal application:** If you fail to file a complete application for renewal ((form for)) of an individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner by June 30 of the year of ~~((expiration))~~ renewal, your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner will lapse.

**Failure to Complete CPE:** If you did not complete the credit hours of continuing professional education (CPE) required to renew your credential or did not submit a timely extension request and/or was not granted an extension of time for reasonable cause within which to complete the deficiency, your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner will lapse on June 30th of the year of renewal.

**Lapsed credentials:** A lapsed credential is subject to reinstatement.

If your individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner has lapsed, you may not use the restricted title(s) ((CPA)) or exercise

other privileges that are dependent upon the renewal of ~~((the license))~~ your credential.

~~((If your CPA-Inactive certificate has lapsed, you may not use the title CPA-Inactive or exercise other privileges that are dependent upon the renewal of the certificate.))~~

AMENDATORY SECTION (Amending WSR 09-01-166, filed 12/23/08, effective 1/23/09)

**WAC 4-25-791 I am a CPA-Inactive certificate holder—Prior to July 1, 2001, I held a license—How do I apply to return to my previous status as a licensee?** CPA-Inactive certificate holders who held a license at any time prior to July 1, 2001, may apply to return to their previous status as a licensee. If you are a CPA-Inactive certificate holder, you may not use the title "CPA" or "Certified Public Accountant" until you return to your previous status as a licensee.

If you hold a valid CPA-Inactive certificate, ~~((to apply to return to your previously held status as a licensee, you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(5)))~~ you must provide certain information to the board either by making application through the board's on-line application system or on a form provided by the board upon request. An application is not complete and cannot be processed until all required information, required documentation, fees, and other documentation deemed necessary by the board are ~~((received by))~~ submitted to the board.

To apply to return to your previous status as a licensee you must submit to the board:

(1) ~~((A))~~ Complete application ((form for)) information including your certification((, under the penalty of perjury.)) that you have:

(a) Not held out in public practice during the time in which you were a CPA-Inactive certificate holder; and

(b) Met the CPE requirements of WAC ~~((4-25-830))~~ 4-30-134(5);

(2) All other required ((documentation, required)) information, ((and other documentation deemed necessary by the board)) documents, and all fees.

Upon ((approval of your application, your license will be mailed to the last address you provided to the board)) assessment of your continued qualifications and approval of your application, your status will be posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your license can be provided upon request.

You may not use the title CPA until ~~((you receive notice from))~~ your status as a licensee is posted in the ((board that your CPA license has been approved)) board's licensee data base.

AMENDATORY SECTION (Amending WSR 09-01-166, filed 12/23/08, effective 1/23/09)

**WAC 4-25-792 How do I reinstate a lapsed individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?** If your individual license ~~((or)),~~ CPA-Inactive certificate, or registration as a resident nonlicensee firm owner has lapsed, you may not use the

~~restricted title(s) ((CPA or CPA-Inactive)) until your individual ((license or CPA-Inactive certificate is)) credential has been reinstated by the board.~~

Individuals who held a valid license on June 30, 2001, and individuals obtaining a license after June 30, 2001, are not eligible to reinstate as CPA-Inactive certificate holders.

~~((If your registration as a resident nonlicensee firm owner has lapsed, you may not be an owner of a CPA firm until your registration is reinstated by the board.))~~

To reinstate a lapsed individual license, CPA-Inactive certificate, or registration as a nonlicensee firm owner you must ~~((use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(6). An application is not complete and cannot be processed until all fees, required information, required documentation, and other documentation deemed necessary by the board are received by the board))~~ provide certain information to the board either by making application through the board's on-line application system or on a form provided by the board upon request. An application is not complete and cannot be processed until all required information and documents, and fees have been submitted to the board.

To reinstate, you must submit to the board:

(1) ~~((A))~~ Complete reinstatement ((form)) information including your certification~~((, under the penalty of perjury.))~~ that you have:

(a) *For those who wish to reinstate a license or CPA-Inactive certificate:* Not used the title CPA or CPA-Inactive during the time in which your individual license or CPA-Inactive certificate was lapsed; or

(b) *For those who wish to reinstate a registration as a resident nonlicensee firm owner:* Not participated as an owner in a CPA firm during the time in which your registration as a resident nonlicensee firm owner was suspended or revoked; and

(c) Met the CPE requirements for reinstatement in WAC ~~((4-25-830))~~ 4-30-134(6); and

(d) Met the CPE supporting documentation requirements in WAC ~~((4-25-833))~~ 4-30-138;

(2) Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC ~~((4-25-833))~~ 4-30-138;

(3) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, certificate, or practice privileges;

(4) ~~((All applicable fees))~~ Other required documents; and

(5) ~~((Other required documents, required information, and other documentation deemed necessary by the board.))~~ All applicable fees.

Upon approval of your reinstatement~~((, notice that your license, registration as a resident nonlicensee firm owner, or CPA-Inactive certification has been reinstated))~~ application, your status will be ((mailed to the last address you provided to the board)) posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your credential can be provided upon request.

Your license, CPA-Inactive certificate, or registration as a nonlicensee firm owner will expire on June 30th of the third calendar year following approval of the reinstatement. The

CPE reporting period for your next renewal begins on January 1 of the calendar year in which the reinstatement of your license, CPA-Inactive certificate, or registration as a nonlicensee firm owner was approved by the board and ends on December 31 of the second calendar year following approval of the reinstatement. CPE credit hours utilized to qualify for reinstatement cannot be utilized for ~~((this CPE reporting period))~~ subsequent renewal of your reinstated credential.

You may not use the ~~((title CPA or CPA-Inactive))~~ restricted title(s) until your reinstatement application has been approved and posted to the board's data base.

AMENDATORY SECTION (Amending WSR 09-01-166, filed 12/23/08, effective 1/23/09)

**WAC 4-25-793 If I retire my license or CPA-Inactive certificate, how do I apply to ~~((return to my previous status as a licensee))~~ renew my license or a CPA-Inactive certificate ((holder)) out of retirement?** If you ~~((notified))~~ notify the board that you wish to retire your license or CPA-Inactive certificate prior to the end of your renewal cycle, pursuant to RCW 18.04.215~~((7))~~, you may renew your license or CPA-Inactive certificate out of retirement at a later date and are not subject to the requirements of reinstatement; however, you may not use the title CPA or CPA-Inactive or exercise the privileges related to those titles until you ~~((return to your previous status))~~ renew out of retirement.

If you previously held a license and requested that the license be retired, you are not eligible to apply for CPA-Inactive certificate holder status.

To apply to ~~((return to your previously held status as either a licensee))~~ renew a license or a CPA-Inactive certificate ~~((holder))~~ out of retirement, you must ~~((use the form(s) provided by the board and satisfy CPE requirements in WAC 4-25-830(4))~~ provide certain information to the board either by making application through the board's on-line application system or on a form provided by the board upon request. An application is not complete and cannot be processed until all ((fees,)) required information, ((required documentation, or other documentation deemed necessary by the board are received by the board.

If you previously held a license, you are not eligible to apply for CPA-Inactive certificate holder status)) documents, and fees are submitted to the board.

To apply to ~~((return to your previous status))~~ renew out of retirement, you must submit to the board:

(1) ~~((A))~~ Complete application ((form)) information including your certification~~((, under the penalty of perjury.))~~ that you have:

(a) Not used the title CPA or CPA-Inactive during the time in which your license or CPA-Inactive certificate was retired; and

(b) Met the CPE requirements to ~~((return to your previous status))~~ renew out of retirement in WAC ~~((4-25-830))~~ 4-30-134(4); and

(2) All applicable fees~~((, and~~  
(3) ~~Other required documentation, required information, or other documentation deemed necessary by the board))~~.

Upon ~~((approval of your application, your license or notification of))~~ assessment of your continued qualifications

and approval of your application, your status ((as a CPA-Inactive certificate holder)) will be ((mailed to the last address you provided to the board)) posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your credential can be provided upon request.

Your license or CPA-Inactive certificate will expire on June 30th of the third calendar year following ((approval)) the calendar year of the renewal out of retirement. The CPE reporting period for your next renewal begins on January 1 of the calendar year in which the renewal of your retired license or CPA-Inactive certificate was approved by the board and ends on December 31 of the second calendar year following approval of the renewal out of retirement. CPE credit hours utilized to qualify for renewal of a retired license or CPA-Inactive certificate cannot be utilized for ((this CPE reporting period)) subsequent renewal of your credential renewed out of retirement.

You may not use the title CPA or CPA-Inactive until your renewal out of retirement application has been approved.

AMENDATORY SECTION (Amending WSR 09-01-166, filed 12/23/08, effective 1/23/09)

**WAC 4-25-795 How do I reinstate a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?** If your license or CPA-Inactive certificate was revoked or suspended by the board pursuant to the act, you may not use the title CPA or CPA-Inactive until your license or CPA-Inactive certificate is reinstated by the board.

If your registration as a resident nonlicensee firm owner was revoked or suspended by the board pursuant to the act, you may not be a firm owner until your registration is reinstated by the board.

You may request that the board modify the suspension or revocation after three years have elapsed from the effective date of the board's order revoking or suspending your license ((or)), CPA-Inactive certificate, or registration as a resident nonlicensee firm owner unless the board sets some other period by order. However, if you made a previous request with respect to the same order, no additional request will be considered before the lapse of an additional three years following the board's decision on the last such previous application for reinstatement.

To request reinstatement of a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner you must ((use the form provided by the board and satisfy CPE requirements in WAC 4-25-830(6))) provide the board with certain information either by making application through the board's on-line application system or on a form provided by the board upon request. ((A request)) An application is not complete and cannot be processed until all ((fees,)) required information, ((required documentation)) documents, and ((other documentation deemed necessary by the board are received by)) fees are submitted to the board.

To request reinstatement, you must submit to the board:

(1) ~~((A)) Complete ((reinstatement form)) information~~ including your certification ~~((under the penalty of perjury,))~~ that you have:

(a) *For those who wish to reinstate a license or CPA-Inactive certificate:* Not used the title CPA during the time in which your license or CPA-Inactive certificate was suspended or revoked; or

(b) *For those who wish to reinstate a registration as a resident nonlicensee firm owner:* Not participated as an owner in a CPA firm during the time in which your registration as a resident nonlicensee firm owner was suspended or revoked; and

(c) Met the CPE requirements for reinstatement in WAC ~~((4-25-830(6); and~~

~~((d) Met the CPE supporting documentation requirements in WAC 4-25-833)) 4-30-134(6), by submitting the documentation to support the CPE claimed;~~

(2) A listing of all states and foreign jurisdictions in which you hold or have applied for a license, CPA-Inactive certificate, permit, or practice privilege under substantial equivalence;

(3) All applicable fees;

~~((4) ((Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;~~

~~((5)))~~ Written substantiation of the reasons constituting good cause for the reinstatement; and

~~((6)))~~ (5) Two supporting recommendations ~~((, under penalty of perjury,))~~ from licensees who have personal knowledge of your activities since the suspension or revocation was imposed ~~((; and~~

~~((7) Other required documentation, required information, and other documentation deemed necessary by the board)).~~

In considering the reinstatement application, the board may consider all relevant factors, including but not limited to:

(a) The offense for which you were disciplined;

(b) Your activities since the disciplinary penalty was imposed;

(c) Your activities during the time the license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner was in good standing;

(d) Your rehabilitative efforts;

(e) Restitution to damaged parties in the matter for which the penalty was imposed; and

(f) Your general reputation for ~~((truth and professional ethics))~~ integrity, objectivity, and ethical commitment.

If the board decides to consider the merits of your application for reinstatement, in the board's discretion, a hearing may be held following such procedures as the board deems suitable for the particular case. If the board decides that it will not consider the merits of your application for reinstatement, then this constitutes final agency action and there is no further administrative review available to you. As a condition of reinstatement, the board may impose such terms and conditions as it deems suitable.

The board will not consider a request for reinstatement while you are under sentence for any criminal offense, including any period during which you are on court-imposed probation or parole.

~~((Upon approval of))~~ If the board approves your application, your ~~((license, notification of your))~~ status ~~((as a CPA-Inactive certificate holder, or registration as a resident nonlicensee firm owner))~~ will be ~~((mailed to the last address you provided to the board))~~ posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of your reinstated credential can be provided upon request.

Your reinstated license, CPA-Inactive certificate, or registration will expire on June 30th of the third calendar year following approval of the reinstatement. The CPE reporting period for your next renewal begins on January 1 of the calendar year in which the reinstatement of your license, CPA-Inactive certificate, or registration was approved by the board and ends on December 31 of the second calendar year following approval of the reinstatement. CPE credit hours utilized to qualify for reinstatement of a license, CPA-Inactive certificate, or registration cannot be utilized for ~~((this CPE reporting period))~~ subsequent renewal of your credential.

You may not use the title CPA or CPA-Inactive or hold an interest in a licensed CPA firm as a resident nonlicensee firm owner until your reinstatement application has been approved.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-820 What are the requirements for participating in quality assurance review (QAR)?** (1) **Purpose.** The Washington state board of accountancy is charged with protection of the public interest and ensuring the dependability of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental. The purpose of the QAR program is to monitor licensees' compliance with audit, compilation, review, and other attestation standards.

(2) Out-of-state firms otherwise qualified for practice privileges under RCW 18.04.195 (1)(b) are ~~((responsible for compliance with this section. These firms are exempt from the registration requirements set forth in this section))~~ not required to participate in the board's program if the out-of-state firm participates in a board-approved peer review program or similar program approved or sponsored by another state's board of accountancy.

(3) **Structure and implementation.** ~~((a))~~ The board will annually appoint a quality assurance review committee ~~((to perform))~~ co-chaired by a current or former board member and an individual selected by the board from the other committee members. The committee shall direct the following functions:

~~((i))~~ (a) Evaluation of financial statements and the reports of licensees thereon to assess their compliance with applicable professional standards;

~~((ii))~~ (b) Evaluation of licensees' reports and on other information covered by those reports for conformity with applicable professional standards;

~~((iii))~~ (c) Improvement of reporting practices of licensees through education and rehabilitative measures; ~~((and~~

~~((iv))~~ (d) Evaluation of licensees' peer review reports; and

(e) Such other functions as the board may assign to the committee.

~~((b))~~ (4) **Process.**

(a) Once every three years the board requires a licensed firm with an office in this state to participate in the board's quality assurance review program. Participating firms will be required to submit ~~((a))~~ quality assurance review status ~~((form))~~ information, along with the appropriate fee, by the following April 30th.

Failure to timely submit ~~((a))~~ complete quality assurance review status ~~((form))~~ information and the related fee post-marked by the April 30th due date, ~~((will))~~ can result in the assessment of late fees. The board may waive late fees based on individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

~~((e))~~ (b) Participating firms may request exemption from the requirements of (e) of this subsection if within the three years immediately preceding the date of board request:

(i) The firm has not issued any attestation or compilation reports; or

(ii) The firm has participated in a board-approved peer review program. The board has approved:

(A) The inspection processes of the Public Company Accounting Oversight Board (PCAOB);

(B) Peer review programs administered by the American Institute of CPAs (AICPA); and

(C) Peer review programs administered by the Washington Society of CPAs (WSCPA).

(c) Participating firms requesting exemption based on peer review must submit a copy of the peer review report, response to the peer review report, if applicable, and letter of acceptance from the reviewing organization. Firms that fail a peer review may request exemption, but must submit a copy of the peer review report and related correspondence, at the discretion of the board, for consideration on an individual basis.

(d) Each participating firm shall submit, for each of its offices, one licensee report and the information covered by that report, for each of the following types of service or any other service the board determines:

(i) Compilation report on historical financial statements;

(ii) Review report on historical financial statements;

(iii) ~~((Audit report on historical financial statements;~~

~~((iv))~~ Agreed-upon procedures;

~~((v))~~ (iv) Forecasts;

~~((vi))~~ Internal controls;

~~((vii))~~ Performance audits;)) and

~~((viii))~~ (v) Projections.

~~((d))~~ (e) Firms issuing audit reports on financial statements, performance audit reports, or examination reports on internal controls for nonpublic enterprises must participate in a board-approved peer review program administered by the American Institute of CPAs (AICPA) or the Washington Society of CPAs (WSCPA).

(f) A participating firm shall select these reports from all reports prepared during the twelve months preceding the date of board request or, if no reports have been issued within the

last twelve months, from all reports during the preceding three years.

~~((e))~~ (g) If reports issued by all offices of a firm are reviewed and issued in a controlled, centralized process, only one each of the type of licensee reports, including the information covered by the reports, specified above need be submitted by the firm as a whole.

~~((f))~~ The board may exempt from the requirement of (e) of this subsection any firm that has participated in a board-approved peer review program within the three years immediately preceding the date of board request.

~~(g)~~ Firms requesting exemption must submit a copy of an unmodified report, letter of comments, response to letter of comments, if applicable, and letter of acceptance from the reviewing organization. Firms that receive modified peer review reports may request exemption, but must submit copies of such reports and related correspondence, at the discretion of the board, for consideration on an individual basis.

(h) Any documents submitted in accordance with ~~((e))~~ (d) of this subsection may have the name of the client, the client's address, and other identifying factors omitted, provided that the omission does not render the type or nature of the entity undeterminable. Dates may not be omitted.

(i) Reports submitted to the committee pursuant to ~~((e))~~ (d) of this subsection and comments of reviewers, the committee and the board on such reports or workpapers relating thereto, shall also be preserved in confidence except to the extent that they are communicated by the board to the licensees who issued the reports or disclosure is required under administrative procedure rules or by direction of a court of law.

(j) The committee's ~~(review)~~ evaluation of the licensee reports and other information covered by those reports shall be directed toward the following:

(i) Presentation of the financial statements covered by the licensee reports and/or other information covered by those reports in conformity with applicable professional standards for presentation and disclosure;

(ii) Compliance by licensees with applicable reporting standards; and

(iii) Compliance by licensees with the rules of the board and other regulations relating to the practice of public accounting.

~~((4))~~ (5) **Remedies.** If the board determines that a report and/or other information covered by the report referred to the board by the committee is substandard or seriously questionable with respect to applicable professional standards, the board may take one or more of the following actions:

(a) Send the licensee a letter of comment detailing the perceived deficiencies and require the licensee to develop quality control procedures to ensure that similar occurrences will not occur in the future;

(b) Require any licensee who had responsibility for issuance of a report, or who substantially participated in preparation of the report and/or related workpapers, to successfully complete specific courses or types of continuing education as specified by the board;

(c) Require that the licensee responsible for a substandard report submit all or specified categories of its reports to

a preissuance review in a manner and for a duration prescribed by the board. The cost of the preissuance review will be at the firm's expense;

(d) Require the licensee responsible for a substandard report to submit to a peer review conducted in accordance with standards acceptable to the board. The cost of the peer review will be at the licensee's expense;

(e) Require the licensee responsible for substandard work to submit to on-site field review or other investigative procedures of work product and practices by board representatives in order to assess the degree or pervasiveness of substandard work. The board may assess the costs of such field review or procedures to the licensee if the results of such investigative efforts substantiate the existence of substandard work product;

(f) Initiate an investigation pursuant to RCW 18.04.295, 18.04.305, and/or 18.04.320.

~~((5))~~ (6) The board may solicit and review licensee reports and/or other information covered by the reports from clients, public agencies, banks, and other users of such information.

**AMENDATORY SECTION** (Amending WSR 09-17-044, filed 8/11/09, effective 9/11/09)

**WAC 4-25-830 What are the CPE requirements for individuals?** (1) The following CPE is required for individuals during the three calendar year period prior to renewal:

(a) An individual licensed to practice in this state must complete a total of 120 CPE hours, including 4 CPE credit hours in an approved Washington ethics and regulations course meeting the requirements of subsection (3) of this section. The total 120 CPE hours requirement is limited to no more than 24 CPE credit hours in nontechnical subject areas. All qualifying CPE hours must be taken after the date your initial CPA license was issued;

(b) A CPA-Inactive certificate holder or a resident nonlicensee firm owner must complete 4 CPE credit hours in ethics meeting the requirements of subsection (3) of this section; and

(c) Individuals holding practice privileges are exempt from the CPE requirements of this section.

(2) **CPE requirements for renewal of a license that was issued less than three years before the end of a CPA-Inactive certificate renewal cycle:** When you convert your status from a CPA-Inactive certificate holder to a licensee, your CPE reporting period (the three calendar year period prior to renewal) and renewal cycle will remain the same. The CPE requirements for renewal are as follows:

(a) If your license was issued during the first calendar year of your CPE reporting period, you must have completed 80 CPE credit hours which is limited to 16 CPE credit hours in nontechnical subject areas and must include 4 CPE credit hours in ethics meeting the requirements of subsection (3) of this section.

(b) If your license was issued during the second calendar year of your CPE reporting period, you must have completed 40 CPE credit hours which is limited to 8 CPE credit hours in nontechnical subject areas and must include 4 CPE credit

hours in ethics meeting the requirements of subsection (3) of this section.

(c) If your license was issued during the third calendar year of your CPE reporting period, you must have completed 4 CPE credit hours in ethics meeting the requirements of subsection (3) of this section.

**(3) Ethics and regulations applicable to practice in Washington state:** During each CPE reporting period all individuals licensed in this state, individual CPA-Inactive certificate holders in this state, and resident nonlicensee firm owners are required to complete 4 CPE credit hours in approved ethics and regulations with specific application to the practice of public accounting in Washington state. In order to be approved by the board, the CPE sponsor or instructor must submit documentation associated with the ethics and regulations CPE to the board for approval and the sponsor or instructor must obtain written approval from the board. The ethics and regulations CPE must cover all of the following topics, and the ethics and regulations CPE must substantially address these topics:

(a) Chapter 18.04 RCW and chapter 4-25 WAC. The CPE must include general level information on the Public Accountancy Act, the board's rules, policies, and the rule-making process.

(b) WAC (~~(4-25-521)~~) 4-30-026 How can I contact the board?

(c) WAC (~~(4-25-550)~~) 4-30-032 Do I need to notify the board if I change my address?

(d) WAC (~~(4-25-551)~~) 4-30-034 Must I respond to inquiries from the board?

(e) WAC (~~(4-25-600 Series—)~~) 4-30-040 through 4-30-048 Ethics and prohibited practices. The CPE must include detailed information on each rule and all related board policies.

(f) WAC (~~(4-25-800)~~) 4-30-103 Series—Continuing competency. The CPE must include detailed information on each rule and all related board policies.

(g) WAC (~~(4-25-910)~~) 4-30-142 What are the bases for the board to impose discipline?

(h) AICPA Code of Conduct: The CPE must include general level information on the AICPA Code of Conduct.

(i) Variances or key differences between Washington state law (chapter 18.04 RCW and chapter 4-25 WAC) and the AICPA Code of Conduct.

(j) Other topics or information as defined by board policy.

**(4) CPE requirements to renew a (~~retired~~) license or CPA-Inactive certificate out of retirement:**

(a) In order to renew a (~~retired~~) license out of retirement, you must meet the CPE requirements of subsection (1)(a) of this section within the thirty-six month period immediately preceding the date the renewal application (~~is received by~~) is submitted to the board; however, the four CPE hours in ethics meeting the requirements of subsection (3) of this section must be completed within the six-month period immediately preceding the date your renewal application (~~was received by~~) is submitted to the board.

(b) In order to renew a (~~retired~~) CPA-Inactive certificate out of retirement, you must meet the CPE requirements of subsection (1)(b) of this section within the six-month

period immediately preceding the date your renewal application (~~was received by~~) is submitted to the board.

**(5) CPE requirements for a CPA-Inactive certificate holder to either qualify to apply for a license or return to their previously held status as a licensee:** If you hold a valid CPA-Inactive certificate and you wish to apply for a license or you want to return to your previously held status as a licensee, you must meet the CPE requirements of subsection (1)(a) of this section within the thirty-six month period immediately preceding the date your application is (~~received by~~) is submitted to the board.

**(6) Reinstatement of a lapsed, suspended, or revoked license, certificate, or registration as resident nonlicensee firm owner:**

(a) If you seek to reinstate a lapsed, suspended, or revoked license, you must satisfy the requirements of subsection (1)(a) of this section within the thirty-six month period immediately preceding the date the application for reinstatement (~~was received by~~) is submitted to the board; however, the four CPE hours in ethics meeting the requirements of subsection (3) of this section must be completed within the six-month period immediately preceding the date your application for reinstatement (~~was received by~~) is submitted to the board.

(b) If you seek to reinstate a lapsed, suspended, or revoked CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must satisfy the requirements of subsection (1)(b) of this section within the six-month period immediately preceding the date your application for reinstatement (~~was received by~~) is submitted to the board.

**(7) Reciprocity:** If you are applying for an initial Washington state CPA license under the reciprocity provisions of the act, you must satisfy the requirements in subsection (1)(a) of this section, after you were licensed as a CPA and within the thirty-six month period immediately preceding the date your application (~~was received by~~) is submitted to the board. For purposes of initial licensure, you do not need to satisfy the ethics requirements of subsection (1)(a) of this section. Thereafter, in order to renew your Washington state license, you must comply with all the renewal requirements in subsection (1)(a) of this section.

**(8) CPE extension request:** In order to renew your license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner, you must complete the required CPE by the end of the CPE reporting period preceding your renewal unless you can demonstrate your failure to meet the CPE requirements was due to reasonable cause. The board may provide limited extensions to the CPE requirements for reasons of individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment. You must request such an extension in writing by the end of the CPE reporting period. The request must include justification for the request and identify the specific CPE you plan to obtain to correct your CPE deficiency.

A form useful for this purpose is available from the board's web site or will be provided to you upon request.

AMENDATORY SECTION (Amending WSR 09-17-044, filed 8/11/09, effective 9/11/09)

**WAC 4-25-831 What are the program standards for CPE?** (1) **Qualifying program:** A program qualifies as acceptable CPE for purposes of RCW 18.04.215(5) if it is a formal program of learning which contributes to the CPA's professional knowledge and competence. A formal program means:

- The program is at least fifty minutes in length;
- Attendance is recorded;
- Participants sign in to confirm attendance and, if the program is greater than four credit hours, participants sign out during the last hour of the program; and
- Attendees are provided a certificate of completion.

(2) **Undergraduate and graduate courses:** A graduate or undergraduate course qualifies for CPE credit if it meets the standards in subsections (1) and (5) of this section. For both undergraduate and graduate courses one quarter credit equals 10 CPE credit hours and one semester credit equals 15 CPE credit hours.

(3) **Committee meetings:** Generally, CPE credit is not allowed for attending committee meetings. A meeting qualifies for CPE credit only if it meets the standards in subsections (1) and (5) of this section.

(4) **CPE credit hours for volunteer service on the board and its committees and volunteer service on board approved peer review committees:** You may receive up to thirty-two hours of technical CPE credit each calendar year for actual time spent on board, board committee, or board approved peer review committee activities.

(5) **Subject areas:** Programs dealing with the following general subject areas are acceptable so long as they meet the standards in subsection (1) of this section:

- (a) **Technical subjects include:**
- (i) Auditing standards or procedures;
  - (ii) Compilation and review of financial statements;
  - (iii) Financial statement preparation and disclosures;
  - (iv) Attestation standards and procedures;
  - (v) Projection and forecast standards or procedures;
  - (vi) Accounting and auditing;
  - (vii) Management advisory services;
  - (viii) Personal financial planning;
  - (ix) Taxation;
  - (x) Management information services;
  - (xi) Budgeting and cost analysis;
  - (xii) Asset management;
  - (xiii) Professional ethics (other than those programs used to satisfy the requirements of WAC (~~4-25-830~~) 4-30-134(3));
  - (xiv) Specialized areas of industry;
  - (xv) Human resource management;
  - (xvi) Economics;
  - (xvii) Business law;
  - (xviii) Mathematics, statistics, and quantitative applications in business;
  - (xix) Business management and organization;
  - (xx) General computer skills, computer software training, information technology planning and management; and
  - (xxi) Negotiation or dispute resolution courses;

(b) **Nontechnical subjects include:**

- (i) Communication skills;
- (ii) Interpersonal management skills;
- (iii) Leadership and personal development skills;
- (iv) Client and public relations;
- (v) Practice development;
- (vi) Motivational and behavioral courses; and
- (vii) Speed reading and memory building.

Subjects other than those listed above may be acceptable provided you can demonstrate they contribute to your professional competence. You are solely responsible for demonstrating that a particular program (~~is acceptable~~) contributes to your professional competency.

(6) **Group programs:** You may claim CPE credit for group programs such as the following so long as the program meets the standards in subsections (1) and (5) of this section:

- (a) Professional education and development programs of national, state, and local accounting organizations;
- (b) Technical sessions at meetings of national, state, and local accounting organizations and their chapters;
- (c) Formal in-firm education programs;
- (d) Programs of other organizations (accounting, industrial, professional, etc.);
- (e) Dinner, luncheon, and breakfast meetings which are structured as formal educational programs;
- (f) Firm meetings for staff and/or management groups structured as formal education programs. Portions of such meetings devoted to communication and application of general professional policy or procedure may qualify, but portions devoted to firm administrative, financial and operating matters generally will not qualify.

(7) **CPE credit:** CPE credit is allowable only for those programs taken in time periods after the (~~issuance of the~~) first CPA license is issued pursuant to the authority of the board under chapter 18.04 RCW. Credit is not allowed for programs taken to prepare an applicant for the ethics examination as a requirement for initial licensure. CPE credit is given in half-hour increments only after the first full CPE credit hour has been earned. A minimum of fifty minutes constitutes one CPE credit hour and, after the first fifty-minute segment has been earned, twenty-five minutes constitutes one-half CPE credit hour. For example:

- Twenty-five minutes of continuous instruction counts as zero CPE credit hour if that instruction is the first CPE course taken;
- Fifty minutes of continuous instruction counts as one CPE credit hour; and
- Seventy-five minutes of continuous instruction counts as one and one-half CPE credit hours.

Attendees obtain CPE credit only for time spent in instruction; no credit is allowed for preparation time unless the attendee is the discussion leader for the particular CPE segment or program.

(8) **Self-study programs:** Credit for self-study programs is allowed for reporting purposes on the date you completed the program as established by the evidence of completion provided by the program sponsor.

(a) **Interactive self-study programs:** The amount of credit allowed for interactive self-study is that which is recommended by the program sponsor on the basis of the aver-



age completion time under appropriate "field tests." In order to claim CPE credit for interactive self-study programs, you must obtain evidence of satisfactory completion of the course from the program sponsor.

(b) **Noninteractive self-study programs:** The amount of credit allowed for noninteractive self-study is one-half the average completion time as determined by the program sponsor on the basis of appropriate "field tests." To claim CPE credit for noninteractive self-study programs, you must obtain evidence of satisfactory completion of the course from the program sponsor.

(9) **Instructor, discussion leader, or speaker:** If you serve as an instructor, discussion leader or speaker at a program which meets the standards in subsections (1) and (5) of this section, the first time you present the program you may claim CPE credit for both preparation and presentation time. One hour of credit is allowed for each fifty minutes of instruction. Additionally, you may claim credit for actual preparation time up to two times the presentation hours. No credit is allowed for subsequent presentations. A maximum of seventy-two CPE credit hours are allowed for preparation and presentation during each CPE reporting period.

(10) **Published articles, books:** You may claim CPE credit for published articles and books, provided they contribute to your professional competence. Credit for preparation of such publications may be claimed on a self-declaration basis for up to thirty hours in a CPE reporting period. In exceptional circumstances, you may request additional credit by submitting the article(s) or book(s) to the board with an explanation of the circumstances that justify a greater credit. The amount of credit awarded for a given publication will be determined by the board.

(11) **Carry-forward:** CPE credit hours you complete during one CPE reporting period cannot be carried forward to the next period.

(12) **Carry-back:** As specified in WAC ~~((4-25-830))~~ 4-30-134(8), CPE credit hours you complete during one CPE reporting period can be carried back to the previous reporting period only after the board has approved your extension request or has required the carry-back as part of sanctions for failure to complete required CPE.

(13) **Credential examination:** CPE credit may not be claimed for CPA examination review courses. You may not claim CPE credit for preparing for or taking a credential examination unless you complete a formal review course and receive a certificate of completion meeting the requirements of WAC ~~((4-25-833))~~ 4-30-138. CPE credit may not be claimed for CPA examination review courses.

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

**WAC 4-25-832 How do I report my CPE to the board?** In order to apply for renewal of your license, certificate, or registration as a resident nonlicensee firm owner, you must satisfy the board's CPE and supporting documentation requirements.

The reporting of compliance with CPE requirements is concurrent with filing your renewal application. When you complete your application for renewal ~~((form))~~, you are

required to ~~((sign a statement certifying under the penalty of perjury))~~ certify that you complied with the board's CPE requirements as defined in WAC ~~((4-25-830))~~ 4-30-134 and supporting documentation requirements as defined in WAC ~~((4-25-833))~~ 4-30-138.

The board audits, on a test basis, compliance with CPE and supporting documentation requirements as certified ~~((on))~~ during the renewal ~~((form))~~ application process. As part of this audit the board may require additional information to demonstrate your compliance with the board's rules.

AMENDATORY SECTION (Amending WSR 08-18-016, filed 8/25/08, effective 9/25/08)

**WAC 4-25-910 What are the bases for the board to impose discipline?** RCW 18.04.055, 18.04.295, 18.04.305, and 18.04.350 authorize the board to revoke, suspend, refuse to issue, renew, or reinstate an individual or firm license, CPA-Inactive certificate, the right to exercise practice privileges in this state, or registration as a resident nonlicensee firm owner; impose a fine not to exceed thirty thousand dollars; recover investigative and legal costs; impose full restitution to injured parties; impose remedial sanctions; impose conditions precedent to renew; or prohibit a resident nonlicensee from holding an ownership interest in a firm licensed in this state for the specific acts listed below.

The following are specific examples of prohibited acts that constitute grounds for discipline under RCW 18.04.295, 18.04.305, and 18.04.350. The board does not intend this listing to be all inclusive.

- (1) Fraud or deceit in applying for the CPA examination, obtaining a license, registering as a resident nonlicensee firm owner, or in any filings with the board.
- (2) Fraud or deceit in renewing or requesting reinstatement of a license, CPA-Inactive certificate, registration as a resident nonlicensee firm owner.
- (3) Cheating on the CPA exam.
- (4) Making a false or misleading statement in support of another person's application or request to:
  - (a) Take the national uniform CPA examination;
  - (b) Obtain a license or registration required by the act or board;
  - (c) Reinstate or modify the terms of a revoked or suspended license, certificate, or registration as a resident nonlicensee firm owner in this state;
  - (d) Reinstate revoked or suspended practice privileges of an individual or firm licensed in another state.
  - (5) Dishonesty, fraud, or negligence while representing oneself as a licensee, CPA-Inactive certificate holder, or a resident nonlicensee firm owner including but not limited to:
    - (a) Practicing public accounting in Washington state prior to obtaining a license required by RCW 18.04.215 or 18.04.195;
    - (b) Offering or rendering public accounting services in this state by an out-of-state individual or firm not qualified for practice privileges under RCW 18.04.195 or 18.04.350 (2);
    - (c) Making misleading, deceptive, or untrue representations;
    - (d) Engaging in acts of fiscal dishonesty;

(e) Purposefully, knowingly, or negligently failing to file a report or record, or filing a false report or record, required by local, state, or federal law;

(f) Unlawfully selling unregistered securities;

(g) Unlawfully acting as an unregistered securities salesperson or broker-dealer;

(h) Discharging a trustee's duties in a negligent manner or breaching one's fiduciary duties; or

(i) Withdrawing or liquidating, as fees earned, funds received by a licensee, CPA-Inactive certificate holder, or a resident nonlicensee firm owner from a client as a deposit or retainer when the client contests the amount of fees earned, until such time as the dispute is resolved.

(6) The following shall be prima facie evidence that a licensee, as defined in WAC ((4-25-410)) 4-30-010, CPA-Inactive certificate holder, a nonlicensee firm owner, or the employees of such persons has engaged in dishonesty, fraud, or negligence while representing oneself as a licensee, as defined in WAC ((4-25-410)) 4-30-010, CPA-Inactive certificate holder, a nonlicensee firm owner, or an employee of such persons:

(a) An order of a court of competent jurisdiction finding that the person or persons committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on the person's fitness to represent himself, herself, or itself as a licensee, as defined in WAC ((4-25-410)) 4-30-010, CPA-Inactive certificate holder, or a nonlicensee firm owner;

(b) An order of a federal, state, local or foreign jurisdiction regulatory body, or a PCAOB, finding that the licensee, as defined in WAC ((4-25-410)) 4-30-010, CPA-Inactive certificate holder, or nonlicensee firm owner, or employee of such persons committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on the person's fitness to represent himself, herself, or itself as a licensee, as defined in WAC ((4-25-410)) 4-30-010, a CPA-Inactive certificate holder, or a nonlicensee firm owner;

(c) Cancellation, revocation, suspension, or refusal to renew the right to practice as a licensee, certificate holder, or a nonlicensee firm owner by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state; or

(d) Suspension or revocation of the right to practice before any state agency, federal agency, or the PCAOB.

(7) Sanctions and orders entered by a nongovernmental professionally related standard-setting body for violation of ethical or technical standards in the practice of public accounting by a licensee, CPA-Inactive certificate holder, or nonlicensee firm owner;

(8) Any state or federal criminal conviction or commission of any act constituting a crime under the laws of this state, or of another state, or of the United States.

(9) A conflict of interest such as:

(a) Self dealing as a trustee, including, but not limited to:

(i) Investing trust funds in entities controlled by or related to the trustee;

(ii) Borrowing from trust funds, with or without disclosure; and

(iii) Employing persons related to the trustee or entities in which the trust has a beneficial interest to provide services

to the trust (unless specifically authorized by the trust creation document).

(b) Borrowing funds from a client unless the client is in the business of making loans of the type obtained by the licensee, as defined in WAC ((4-25-410)) 4-30-010, CPA-Inactive certificate holder, or nonlicensee firm owner and the loan terms are not more favorable than loans extended to other persons of similar credit worthiness.

(10) A violation of the Public Accountancy Act or failure to comply with a board rule contained in chapter 4-25 WAC, by a licensee, defined in WAC ((4-25-410)) 4-30-010, CPA-Inactive certificate holder, or employees of such persons of this state or a licensee of another substantially equivalent state qualified for practice privileges, including but not limited to:

(a) An out-of-state individual exercising the practice privileges authorized by RCW 18.04.350(2) when not qualified;

(b) Submission of an application for firm license on behalf of a firm licensed in another state and required to obtain a license under RCW 18.04.195 (1)(a)(iii) by an out-of-state individual not qualified under RCW 18.04.350(2) or authorized by the firm to make such application;

(c) Failure of an out-of-state individual exercising the practice privileges authorized under RCW 18.04.350(2) to cease offering or performing professional services in this state, individually or on behalf of a firm, when the license from the state of the out-of-state individual's principal place of business is no longer valid;

(d) Failure of an out-of-state individual exercising the practice privileges authorized under RCW 18.04.350(2) to cease offering or performing specific professional services in this state, individually or on behalf of a firm, when the license from the state of the out-of-state individual's principal place of business has been restricted from performing those specific services;

(e) Failure of a firm not licensed in this state to cease offering or performing professional services in this state through one or more out-of-state individuals whose license from the state of those individuals' principal place(s) of business is (are) no longer valid or is (are) otherwise restricted from performing the specific engagement services;

(f) Failure of a licensed firm to comply with the ownership requirements of RCW 18.04.195 within a reasonable time period, as determined by the board;

(g) Failure of a firm licensed in this state or another state to comply with the board's quality assurance program requirements, when applicable.

(11) Violation of one or more of the rules of professional conduct included in chapter 4-25 WAC.

(12) Concealing another's violation of the Public Accountancy Act or board rules.

(13) Failure to cooperate with the board by failing to:

(a) Furnish any papers or documents requested or ordered to produce by the board;

(b) Furnish in writing a full and complete explanation related to a complaint as requested by the board;

(c) Respond to an inquiry of the board;

(d) Respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

(14) Failure to comply with an order of the board.

(15) Adjudication of a licensee, as defined by WAC ((~~4-25-410~~) 4-30-010), CPA-Inactive certificate holder, or a nonlicensee firm owner as mentally incompetent is prima facie evidence that the person lacks the professional competence required by the rules of professional conduct.

(16) Failure of a licensee, as defined by WAC ((~~4-25-410~~) 4-30-010), CPA-Inactive certificate holder, nonlicensee firm owner, or out-of-state person exercising practice privileges authorized by RCW 18.04.195 and 18.04.350 to timely notify the board, in the manner prescribed by the board, of any of the following:

(a) A sanction, order, suspension, revocation, or modification of a license, certificate, permit or practice rights by the SEC, PCAOB, IRS, or another state board of accountancy for any cause other than failure to pay a professional license fee by the due date or failure to meet the continuing professional education requirements of another state board of accountancy;

(b) Charges filed by the SEC, IRS, PCAOB, another state board of accountancy, or a federal or state taxing, insurance or securities regulatory body that the licensee, CPA-Inactive certificate holder, or nonlicensee firm owner committed a prohibited act that would be a violation of board ethical or technical standards;

(c) Sanctions or orders entered against such persons by a nongovernmental professionally related standard-setting body for violation of ethical or technical standards in the practice of public accounting by a licensee, CPA-Inactive certificate holder, or nonlicensee firm owner.

NEW SECTION

The following sections of the Washington Administrative Code are decodified as follows:

Old WAC Number	New WAC Number
4-25-400	4-30-020
4-25-410	4-30-010
4-25-510	4-30-022
4-25-520	4-30-024
4-25-521	4-30-026
4-25-530	4-30-038
4-25-540	4-30-028
4-25-550	4-30-032
4-25-551	4-30-034
4-25-620	4-30-040
4-25-622	4-30-042
4-25-626	4-30-044
4-25-630	4-30-046
4-25-631	4-30-048
4-25-640	4-30-050
4-25-650	4-30-052

Old WAC Number	New WAC Number
4-25-660	4-30-054
4-25-661	4-30-056
4-25-670	4-30-036
4-25-710	4-30-060
4-25-720	4-30-062
4-25-721	4-30-064
4-25-730	4-30-070
4-25-735	4-30-082
4-25-745	4-30-080
4-25-746	4-30-092
4-25-747	4-30-090
4-25-750	4-30-110
4-25-752	4-30-116
4-25-753	4-30-112
4-25-781	4-30-100
4-25-782	4-30-102
4-25-783	4-30-104
4-25-790	4-30-094
4-25-791	4-30-120
4-25-792	4-30-124
4-25-793	4-30-122
4-25-795	4-30-126
4-25-820	4-30-130
4-25-830	4-30-134
4-25-831	4-30-132
4-25-832	4-30-136
4-25-833	4-30-138
4-25-910	4-30-142
4-25-930	4-30-058

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 4-25-610	Which rules govern the conduct of CPAs, CPA-Inactive certificate holders, CPA firms, and firm owners?
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**Chapter 4-30 WAC**  
**GENERAL PROVISIONS**  
**DEFINITIONS**  
**BOARD ADMINISTRATION**  
**ETHICS AND PROHIBITED PRACTICES**

NEW SECTION

**WAC 4-30-030 What are the requirements for communicating with the board and staff?** Individuals and firms must communicate with the board as follows:

- Note: (1) Failure to timely inform the board of matters required by WAC 4-30-032, 4-30-036, 4-30-100, and 4-30-110 can result in late fees and/or board discipline.  
(2) Failure to timely respond to board requests for information may result in board discipline.

<b>Condition</b>	<b>Time Period</b>	<b>Preferred Form of Contact</b>	<b>WAC</b>
Complete and/or submitted applications, including requested information, documents, and fees.	Prior to holding out as a credentialed person.	On-line system, board form, letter, or e-mail with required information.	Various
Request for brief adjudicative proceeding (BAP).	Within 30 days after the staff decision is posted in U.S. mail.	E-mail or written correspondence.	4-30-028
Request for appeal of brief adjudicative proceeding (BAP).	Within 21 days after the BAP decision is posted in U.S. mail.	Oral, e-mail or written correspondence.	4-30-028
1. Change of individual physical address; or 2. Change in the physical address of a firm's main office or branch office(s).	Within 30 days of any change of address.	On-line system, board form, letter, or e-mail with required information.	4-30-32
Board requests for information or documents from licensees, certificate holders, nonlicensee firm owners, or applicants.	Within 20 days after the date of the request.	E-mail or written correspondence with requested information.	4-30-34
1. Notification of orders or sanctions imposed by the SEC, PCAOB, IRS, or another state board of accountancy for reasons other than payment of a license fee or failure to meet the CPE requirements of another state board of accountancy. 2. Charges filed by the SEC, IRS, PCAOB, another state board of accountancy or a federal or state taxing, insurance or securities regulatory body.	Within 30 days of receipt of an initial notice.	Board form, letter, PDF, or e-mail with required information.	4-30-036

Condition	Time Period	Preferred Form of Contact	WAC
Licensees or certificate holders granted issued through foreign reciprocity.  Any investigations undertaken or sanctions imposed by a foreign credentialing body against a foreign credential.	Within 30 days of receiving notice that an investigation has begun or a sanction was imposed.	Board form, letter, PDF, or e-mail with required information.	4-30-036
Reporting firm changes:  <ul style="list-style-type: none"> <li>• Change in legal form;</li> <li>• Dissolution of a firm;</li> <li>• Change in resident manager(s) or owner(s);</li> <li>• Change in branch or main office location(s);</li> <li>• Change in firm name;</li> <li>• Noncompliance with firm ownership requirements.</li> </ul>	Within 90 days after the condition occurs.	Board form, letter, PDF, or e-mail with required information.	4-30-110
A foreign license, permit, or certificate has lapsed or otherwise becomes invalid.	Within 30 days after the credential issued by the other jurisdiction has lapsed or otherwise becomes invalid.	Board form, letter, PDF, or e-mail with required information.	4-30-100

#### NEW SECTION

**WAC 4-30-051 What are the requirements concerning client records, including response to requests by clients and former clients for records?** (1) The following terms are defined below solely for use with this section:

(a) **Client provided records** are accounting or other records belonging to or prepared by the client that were provided to the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner and employees of such persons by or on behalf of the client.

(b) **Client records prepared by the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner** are accounting or other records (for example, tax returns, general ledgers, subsidiary journals, and supporting schedules such as detailed employee payroll records and depreciation schedules) that the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner and employees of such persons was engaged to prepare for the client.

(c) **Supporting records** are information not reflected in the client's books and records that are otherwise not available to the client with the result that the client's financial information is incomplete. For example, supporting records include adjusting journal entries (including computations supporting such entries), depreciation and amortization schedules, schedules supporting general ledger accounts, and other schedules supporting data in a report or tax return produced by the licensee, CPA-Inactive certificate holder, and/or non-

licensee firm owner and employees of such persons during an engagement.

(d) **Licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner working papers** include, but are not limited to, audit programs, analytical review schedules, statistical sampling results, and analyses and other proprietary programs prepared by licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner and employees of such persons.

(2) When a client or former client (client) makes a request for client-provided records, client records prepared by the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner, or supporting records that are in the custody or control of the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner that have not previously been provided to the client, the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner should respond to the client's request as follows:

(a) Client provided records in the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner custody or control should be returned to the client.

(b) Client records prepared by the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner should be provided to the client, except that client records prepared by the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner may be withheld if the preparation of such records is not complete.

(c) Supporting records relating to a completed and issued work product should be provided to the client.

(3) The licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner is not required to convert records that are not in electronic format to electronic format. However, if the client requests records in a specific format and the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner was engaged to prepare the records in that format, the client's request should be honored.

(4) Persons subject to this subsection developing and maintaining such records, or schedules in technologically based electronic formats (or technologically based electronic systems protected by copyright) should make every reasonable effort to provide the required information and data to the client in a technologically based electronic format useable by the client to avoid the cost to the client of duplicate reentry of individual transaction or other information into the client's or successor custodian's recordkeeping system. For purposes of this section, a "reasonable effort" means that any fees associated with a conversion from the custodian's system to an electronic format useable by the client are cost-effective and agreed to in writing by the client.

(5) Licensees, CPA-Inactive certificate holders, nonlicensee firm owners, and/or employees of such persons must not refuse to return or provide client records, including electronic documents, pending client payment of outstanding fees.

(6) In the absence of an express agreement between the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner incident to or in the course of professional service to clients, except reports submitted by a licensee, are the property of the licensee.

(7) Once the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner and employees of such persons has complied with the requirements in subsection (2) of this section, he or she is under no ethical obligation to comply with any subsequent requests to again provide such records or copies of such records. However, if subsequent to complying with a request, a client experiences a loss of records due to a natural disaster or an act of war, the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner should comply with an additional request to provide such records.

(8) Licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner working papers are the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner property and need not be provided to the client under provisions of this section; however, such requirements may be imposed by state and federal statutes and regulations, and contractual agreements.

(9) In connection with any request for client-provided records, client records prepared by the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner and employees of such persons, or supporting records, the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner may:

(a) Charge the client a reasonable fee for the time and expense incurred to retrieve and copy such records and

require that such fee be paid prior to the time such records are provided to the client;

(b) Make and retain copies of any records returned or provided to the client.

(10) Where a licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner is required to return or provide records to the client, the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner should comply with the client's request as soon as practicable but, absent extenuating circumstances, no later than forty-five days after the request is made. The fact that the statutes of the state in which the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner practices grants the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner a lien on certain records in his or her custody or control does not relieve the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner of his or her obligation to comply with this section.

(11) A licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner is under no obligation to retain records for periods that exceed applicable professional standards, state and federal statutes and regulations, and contractual agreements relating to the service(s) performed.

(12) Audit and review record retention requirements: For a period of seven years after a licensee concludes an audit or review such persons must retain the following records and documents, including electronic records unless hard copies of such exist:

(a) Records forming the basis of the audit or review;

(b) Records documenting audit or review procedures applied;

(c) Records documenting evidence obtained including financial data, analyses, conclusions, and opinions related to the audit or review engagement; and

(d) Records documenting conclusions reached by the licensee in the audit or review engagement.

## UNIFORM CPA EXAMINATION

### INDIVIDUAL EXPERIENCE AND VERIFICATION

#### NEW SECTION

**WAC 4-30-072 What are the responsibilities of a verifying CPA?** The verifying CPA is expected to:

(1) Obtain the applicant's completed Experience Affidavit form and supporting documentation to support the jobs the applicant held which provided the experience supporting the applicant's assertion that by performing the specific job functions, she/he was provided the opportunity to obtain each specific competency (this expectation may be met if the applicant is employed by the verifying CPA's firm or organization);

(2) Verify the applicant's relevant employment history;

(3) Interview the candidate or otherwise obtain or possess knowledge sufficient to understand the skill sets applied, tasks performed, and time spent in the applicant's represented job functions;

(4) Assess whether the skill sets applied, tasks performed, and time spent would likely provide an opportunity

to obtain each specific competency, excluding knowledge of the Washington state Public Accountancy Act and related board rules;

(5) Determine, by interview or course completion certificate, etc., that the applicant is knowledgeable of the Public Accountancy Act and related board rules applicable to individuals licensed in the state of Washington;

(6) Document this process and the basis for the conclusions reached by the verifying CPA relative to each specific competency, and maintain this documentation for a minimum of three years.

## WASHINGTON RESIDENT INDIVIDUAL LICENSING

### INDIVIDUAL LICENSING BY INTERSTATE RECIPROCITY

### INDIVIDUAL LICENSING BY INTERNATIONAL RECIPROCITY

### CPA FIRM ORGANIZATION AND OWNERSHIP

## FIRM LICENSING REQUIREMENTS

### NEW SECTION

**WAC 4-30-114 How do I apply for and maintain a firm license?** (1) **How does a firm apply for an initial firm license?** To apply for an initial firm license an owner, or designee, or, in the case of an out-of-state firm required to be licensed under RCW 18.04.195 (1)(a), an individual qualified for practice privileges in this state under RCW 18.04.350(2) who has been authorized by the applicant firm to make the application must submit the following information to the board:

- (a) The firm name;
- (b) Address and telephone number of the main office and any branch offices of the firm;
- (c) Name of the managing licensee of the main office located and maintained in this state;
- (d) Resident licensee owners' names;
- (e) Name(s) of all resident nonlicensee owners; and
- (f) Type of legal organization under which the firm operates.

The required information must be submitted to the board either by making application through the board's on-line application system or on a form provided by the board upon request. All requested information, documents and fees must be submitted to the board before the application will be evaluated.

Upon approval of the firm's application the firm's licensed status will be posted in the board's licensee data base and, therefore, made publicly available for confirmation. A hard copy of the firm license can be provided upon request.

The initial CPA firm license will expire on June 30th of the third calendar year following initial licensure.

(2) **How do I renew a CPA firm license?** To renew a CPA firm license an owner or designee or, in the case of an

out-of-state firm required to be licensed under RCW 18.04.195 (1)(a), an individual qualified for practice privileges in this state under RCW 18.04.350(2) who has been authorized by the applicant firm to make the application, must submit the information described in subsection (1) of this section that is current at the date the renewal application is submitted to the board. A renewal application is not complete and cannot be processed until all required information, requested documents, and all fees are submitted to the board.

An individual authorized by the firm must provide the required information to the board either by making application through the board's on-line application system or on a form provided by the board upon request. All requested information, documents and fees must be submitted to the board before the application will be evaluated.

On the date the renewal application is approved, the firm's license will be included in the board's licensee data base and, therefore, made publicly available for confirmation. Confirmation of the renewed status can be provided upon request.

The CPA firm license will expire on June 30th of the third calendar year following the calendar year of renewal.

(3) **When and how must the firm notify the board of changes in the licensed firm?** An individual authorized by the firm must provide the board written notification and other documentation deemed necessary by the board within ninety days of any or all of the following occurrences:

- (a) Dissolution of the firm;
- (b) The occurrence of any event that would cause the firm to be in violation of RCW 18.04.195 or this section, including the retirement, lapse, revocation or suspension of the license of a sole proprietor or sole owner of another legal form of organization, for example, a limited liability company (LLC) or professional service corporation (PS) owned by a single person, licensed by the board for the practice of public accounting, and holding out to the public for the practice of public accounting and/or offering or performing professional services restricted to licensees; or
- (c) An event that requires an amendment to a firm license.

(4) **What events require a firm amendment?** An individual authorized by the firm must provide written notification to the board, by submitting the following information and the appropriate amendment fee, within ninety days of the following:

- (a) Admission or withdrawal of a resident licensee owner;
- (b) Any change in the name of the firm; or
- (c) Change in the resident managing licensee of the firm's main office in this state; or
- (d) Change in the resident managing licensee of any branch office of the firm.

(5) **How long do I have to correct noncompliance with licensure requirements due to a change in ownership or an owner's credentials?** The board must be notified in writing within ninety days of the first date the firm is not in compliance with the firm's licensure requirements due to changes in firm ownership and propose a time period in which the firm will achieve compliance. The board may grant a reasonable period of time for a firm to become compliant. The

board may revoke, suspend, or impose conditions on the firm's license for failure to bring the firm into compliance within the approved time period.

**CONVERSIONS, RETIREMENTS  
AND REINSTATEMENTS**

**CONTINUING COMPETENCY**

**INVESTIGATIONS, DISCIPLINE  
AND ENFORCEMENT**

NEW SECTION

**WAC 4-30-140 What are the authority, structure, and processes for investigations and sanctions?** Investigations are responsive to formal complaints or indications of a potential violation of chapter 18.04 RCW and in all proceedings under RCW 18.04.295 or chapter 34.05 RCW.

Investigations must be directed and conducted by individuals sufficiently qualified and knowledgeable of the subject matter of an investigation.

The board chair may delegate investigative authority and responsibility for initiating and directing investigations to a designee including the executive director of the board (RCW 18.04.045(7)).

The general responsibilities when directing an investigation are:

- (1) Determine whether the complaint or other source of information is within the authority of the board;
- (2) Determine the most likely sanction the board might impose if the alleged violation is proven;
- (3) Determine the scope and type of evidence needed to reach a conclusion whether a violation occurred;
- (4) Monitor communications to the person(s) affected by the investigative process;
- (5) Monitor the progress of the evidentiary gathering process to ensure that the scope of inquiry and request for records is limited to that necessary to reach a conclusion whether the violation occurred;
- (6) Upon completion of the investigation, evaluate the sufficiency of the evidence to support a conclusion as to whether a violation occurred;
- (7) Develop a recommendation for dismissal or sanction for consideration by a consulting board member based upon the accumulated evidence and the board's "fair and equitable" standard for sanctioning.

The gathering of appropriate evidence should be assigned to staff or contract investigators who have no current or former close relationship to (or with) the complainant or the respondent.

**WSR 10-18-102**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed September 1, 2010, 9:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-08-079.

Title of Rule and Other Identifying Information: The division of behavioral health and recovery (DBHR) is proposing to create a new chapter 388-816 WAC. The new proposed chapter will include WAC 388-816-0001 What is the purpose of this chapter?, 388-816-0005 What definitions are important throughout this chapter?, 388-816-0010 What problem and pathological gambling programs are certified by the department?, 388-816-0015 How do I apply for certification as a problem and pathological gambling treatment program?, 388-816-0020 How do currently certified or licensed agencies apply for added service?, 388-816-0025 What are the requirements for program facilities?, 388-816-0030 How does the department conduct an examination of facilities?, 388-816-0035 How does the department determine disqualification or denial of an application?, 388-816-0040 What happens after I make application for certification?, 388-816-0045 How do I apply for an exemption?, 388-816-0070 What do I need to do to maintain program certification?, 388-816-0075 What do I need to do for a change in ownership?, 388-816-0080 What do I do to relocate or remodel a facility?, 388-816-0085 How does the department assess penalties?, 388-816-0090 How does the department cancel certification?, 388-816-0095 How does the department suspend or revoke certification?, 388-816-0100 What is the prehearing, hearing, and appeal process?, 388-816-0105 What are the requirements for the governing body of the program?, 388-816-0110 What are the key responsibilities required of a program administrator?, 388-816-0115 What must be included in a program administrative manual?, 388-816-0120 What must be included in a program personnel manual?, 388-816-0125 What are program personnel file requirements?, 388-816-0130 What are the minimum qualifications for clinical staff members providing problem and pathological gambling treatment?, 388-816-0135 What must be included in the program clinical manual?, 388-816-0140 What are clients' rights requirements in certified programs?, 388-816-0145 What are the requirements for problem and pathological gambling assessments?, 388-816-0150 What are the requirements for treatment, continuing care, transfer, and discharge plans?, 388-816-0155 What are the requirements for a client record system?, 388-816-0160 What are the requirements for client record content?, 388-816-0165 What are the requirements for reporting client noncompliance?, 388-816-0170 What are the requirements for outcomes evaluation?, 388-816-0175 What are the requirements for outpatient services?, and 388-816-0180 What are the requirements for providing off-site problem and pathological gambling treatment services?

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions>.)



html or by calling (360) 664-6094), on October 26, 2010, at 10 a.m.

Date of Intended Adoption: Not earlier than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by October 6, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department will create a new chapter 388-816 WAC to address agency certification and implementation of the problem and pathological gambling treatment program. Without these rules on July 1, 2010, counselors within DBHR certified agencies would no longer be able to provide problem and pathological treatment services.

Reasons Supporting Proposal: The rules allow a problem and pathological gambling treatment program to hire staff under the department of health agency affiliated credential beginning July 1, 2010. The department of health abolished the registered counselor credential as of June 30, 2010, and will issue seven credentials under chapter 18.19 RCW. Chapter 388-816 WAC will give department of health authority to a grant credential to chemical dependency professionals who practice within an agency by allowing DBHR to certify problem and pathological gambling treatment programs.

RCW 18.19.020 state[s]:

(1) "Agency" means an agency or facility operated, licensed, or certified by the state of Washington.

(2) "Agency affiliated counselor" means a person registered under this chapter who is engaged in counseling and employed by an agency.

Statutory Authority for Adoption: RCW 43.20A.890, 74.08.090.

Statute Being Implemented: RCW 43.20A.890 and chapter 171, Laws of 2010.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: In section 1 (1) and (4), chapter 171, Laws of 2010, the legislature directed that "The department of social and health services to adopt rules establishing standards for the review and certification of treatment facilities under the program and pathological gambling treatment program."

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Deb Cummins, P.O. Box 45330, Olympia, WA 98504, (360) 725-3716; Implementation and Enforcement: Linda Graves, P.O. Box 45330, Olympia, WA 98504, (360) 725-3813.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

## Small Business Economic Impact Statement

**SUMMARY OF PROPOSED RULES:** The department of social and health services, division of behavioral health and recovery (DBHR), is proposing new chapter, chapter 388-816 WAC, Certification requirements for problem and pathological gambling treatment programs.

The purpose of this chapter is to describe the standards and processes necessary for certifying problem and pathological gambling treatment programs.

Essentially, chapter 388-816 WAC:

1. Indicates what problem and pathological gambling treatment programs are certified by the department.
2. Describes the certification process and requirements for problem and pathological gambling treatment programs.
3. Describes the process for suspension, revocation, hearing and appeal rights, penalties and cancellation of certification.
4. Describes the requirements and examinations of problem and pathological gambling treatment program facilities.
5. Describes the management of client records and client record system.
6. Describes the requirements in the administrative, clinical and personnel manuals.
7. Describes the requirements of reporting client non-compliance with court authorities.
8. Describes the requirements of assessment, treatment, continuing care, transfer and discharge planning.
9. Describes the minimum qualifications for clinical staff providing problem and pathological gambling treatment.
10. Identifies client rights for problem and pathological gambling clients.

**SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS) - DETERMINATION OF NEED:** Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses. The statute defines small businesses as those business entities that employ fifty or fewer people and are independently owned and operated.

These proposed rules impact problem and pathological gambling treatment programs. These businesses fall most closely under the North American Industry Classification System (NAICS) codes:

- 621330 - Offices of Mental Health Practitioners (except Physicians).

Preparation of an SBEIS is required when a proposed rule has the potential of placing a disproportionate economic impact on small businesses. The statute outlines information that must be included in an SBEIS.

**INVOLVEMENT OF SMALL BUSINESSES:** Stakeholders were selected from a variety of problem and pathological gambling treatment programs, gambling associations, chemical dependency programs, mental health programs and tribes across the state. Stakeholders participated in the development and feedback about the proposed rules. The stakeholder group had an opportunity to analyze the rules and respond to any potential costs associated with each proposed rule.

DBHR staff and stakeholders determined that no more than minor costs are associated with the proposed rules.

**EVALUATION OF PROBABLE COSTS AND PROBABLE BENEFITS:** Since the proposed amendments "make significant amendments to a policy or regulatory program" under RCW 34.05.328 (5)(c)(iii), DBHR has determined the proposed rules to be "significant" as defined by the Washington state legislature.

As required by RCW 34.05.328 (1)(d), DBHR has analyzed the probable costs and probable benefits of the proposed amendments, taking into account both the qualitative and quantitative benefits and costs. The DBHR analysis shows the costs and benefits of the proposed rules to those impacted by the rules. Impacted groups include:

1. DBHR-certified chemical dependency service programs owned by private nonprofit businesses, private for-profit businesses, public nonprofit providers, and tribal programs providing problem and pathological gambling treatment services.

2. DBHR-licenses mental health service programs owned by private nonprofit businesses and tribal programs providing problem and pathological gambling treatment services.

3. Sole proprietors that choose to become a certified problem and pathological gambling treatment program by the department.

4. Clients who are seeking treatment for problem and pathological gambling.

Problem and pathological gambling treatment encompasses outpatient services. There are currently twenty-two contracted programs in Washington state.

**COSTS:** The DBHR analysis revealed that new costs imposed by the proposed amendments would be minor. A number of proposed amendments are adopted from federal statutes or Washington state statutes [statutes] without material changes, and all other proposed amendments have minor costs:

1. Staff time to apply for certification as a problem and pathological gambling treatment program.

2. Staff time used to develop policies and procedures specific to problem and pathological gambling treatment for existing certified or license agency manuals.

3. Cost for policies and procedures manuals for programs not already certified or licensed by the department.

**BENEFITS:** The benefits to the implementation of these rules: Patient care, programmatic, administrative, and improved cross-systems collaboration. Some of these benefits are:

1. The rule allows for a single source certification between chemical dependency and mental health within DBHR.

2. The rule allows programs already certified by chapter 388-805 WAC or licensed by chapter 388-865 WAC to apply with an abbreviated application process because of their current certification or licensed status with the department.

3. The rule provides standardization to the problem and pathological gambling treatment programs.

4. The rule allows problem and pathological gambling counselors to continue to provide treatment services after July 1, 2010, due to the abolishment of the register counselor credential and the requirements for the new agency affiliated counselor credential.

**COST OF COMPLIANCE:** Under chapter 19.85 RCW, DBHR has considered annual costs to small businesses that are \$50 or more per client. The proposed rule would affect sixteen programs and one sole proprietor.

**GENERAL COSTS:** DBHR analysis revealed that there are costs imposed by the proposed amendments.

**A.** Programs that wish to become DBHR-certified to provide problem and pathological gambling treatment must submit either a new agency or added service application to DBHR. DBHR currently contracts with sixteen programs already certified or licensed by DBHR, four licensed psychologists, one group of licensed psychologists and therapists not certified or licensed by DBHR, and one sole proprietor not certified or licensed by DBHR.

**B.** Proposed implementation of chapter 388-816 WAC will require an agency to modify their policy and procedures manuals to include:

- An organization chart showing the relationship of the problem and pathological gambling treatment service to the main organization, job titles and lines of authority in the administrative manual.
- A policy that problem and pathological gambling treatment counselors must maintain a credential with the department of health as required by WAC 388-816-0110 and 388-816-0125.
- A policy that addresses the minimum qualifications for clinical staff members providing problem and pathological gambling treatment as required by WAC 388-816-0130.
- A policy and procedures for problem and pathological gambling assessments as required by WAC 388-816-0145.
- A policy and procedures for treatment, continuing care, transfer, and discharge plans as required by WAC 388-816-0150.
- A policy and procedures for client record content as required by WAC 388-816-0160.
- A policy and procedures that addresses the requirements of reporting client noncompliance as required by WAC 388-816-0165.
- A policy and procedures that implement an outcome evaluation for the program effectiveness and client satisfaction as required by WAC 388-816-0170.
- A policy and procedures for outpatient services as required by WAC 388-816-0175.
- A policy regarding off-site treatment as required by WAC 388-816-0180 if the program offers off-site services.

The proposed implementation of chapter 388-816 WAC includes the requirements for individual providers that are not already certified or licensed by the department or are licensed professionals with the department of health to obtain and implement policy and procedure manuals to become a problem and pathological gambling treatment program.

DBHR has determined that one individual would currently be affected by this requirement. The estimated cost for the program policies and procedures manual would be approximately \$995.

The graph below outlines the various types of providers and the policy and procedure manual requirements for certification.

Types of Programs	Manual Requirements	Estimated Cost
Certified chemical dependency or licensed mental health programs (16)	Needs program specific policy and procedure manuals updates.	\$100
Licensed psychologist or licensed mental health practitioners (5)	No policy and procedure manuals needed if they do not become a certified program.	\$0
Certified counselor not already certified or licensed by the department (1)	Needs policy and procedure manual for entire chapter to become certified program.	\$995

These costs are a one-time cost to the program.

**Mitigating Costs:** Costs are determined to be minor per chapter 19.85 RCW definition. DBHR will not mitigate the cost for agency policy and procedures to become certified.

**JOBS CREATED OR LOST:** In collecting information from representative small businesses through a stakeholder query, DBHR estimates that no jobs will be created or lost as a result of small businesses complying with these rules. With the change in the department of health rules effective July 1, 2009, the register counselor credential will be abolished by July 1, 2010. Current problem and pathological gambling counselors who are not otherwise licensed held the registered counselor credential. Chapter 388-816 WAC will allow individuals currently providing problem and pathological gambling treatment to continue their counseling practice. Prior to the implementation of chapter 388-816 WAC programs contracted with DBHR to provide problem and pathological gambling treatment service. Once this chapter is implemented, programs will become certified which will allow individuals currently practicing problem and pathological gambling to exchange their registered counselor credential for the agency affiliated counselor registration as defined in RCW 18.19.020.

- "Agency" means an agency or facility operated, licensed, or certified by the state of Washington.
- "Agency affiliated counselor" means a person registered under this chapter who is engaged in counseling and employed by an agency.

**CONCLUSION:** DBHR has given careful consideration to the impact of proposed rules in chapter 388-816 WAC on small businesses. To comply with the Regulatory Fairness Act, chapter 19.85 RCW, DBHR has analyzed impacts on small businesses and proposed ways to mitigate costs. However, DBHR does not determine the costs to be more than minor. It has been determined that the probable benefits outweigh the probable costs.

Please contact Deb Cummins if you have any questions at (360) 725-3813, toll free at 1-877-301-4557, or by e-mail at linda.graves@dshs.wa.gov.

A copy of the statement may be obtained by contacting Linda Graves, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504, phone (360) 725-3813, fax, (360) 586-0343, e-mail linda.graves@dshs.wa.gov.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Linda Graves, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504, phone (360) 725-3813, fax, (360) 586-0343, e-mail linda.graves@dshs.wa.gov.

August 26, 2010  
Katherine I. Vasquez  
Rules Coordinator

**Chapter 388-816 WAC**

**Certification requirements for problem and pathological gambling treatment program**

**SECTION I- PURPOSE AND DEFINITIONS**

NEW SECTION

**WAC 388-816-0001 What is the purpose of this chapter?** These rules describe the standards and processes necessary to be a certified problem and pathological gambling treatment program. The rules have been adopted under the authority and purposes of the following chapters of law.

(1) Chapter 43.20A RCW, department of social and health services.

(2) Chapter 49.60 RCW, Discrimination-Human rights commission.

NEW SECTION

**WAC 388-816-0005 What definitions are important throughout this chapter? "Added service"** means the adding of certification for problem and pathological gambling treatment levels of care to an existing agency certified under chapter 388-805 or 388-865 WAC at an approved location.

**"Administrator"** means the person designated responsible for the operation of the certified treatment program.

**"Adult"** means a person eighteen years of age or older.

**"Assessment"** means the ongoing process of identifying a diagnosis and determining the care needed by the problem gambling client. The assessment includes the requirements described in WAC 388-816-0145 in order to develop a treatment plan.

**"Authenticated"** means written, permanent verification of an entry in a client treatment record by an individual, by means of an original signature including first initial, last name, and professional designation or job title, or initials of the name if the file includes an authentication record, and the date of the entry. If client records are maintained electronically, unique electronic passwords, biophysical or passcard equipment are acceptable methods of authentication.

**"Authentication record"** means a document that is part of a client's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

- (1) Full printed name;
- (2) Signature including the first initial and last name; and
- (3) Initials and abbreviations indicating professional designation or job title.

**"Case management"** means services provided to assist the client in gaining access to needed medical, social, educational, and other services. Services include case planning, case consultation, and referral, and other support services for the purpose of engaging and retaining or maintaining clients in treatment.

**"Certified treatment program"** means a legally operated entity certified by the department to provide problem and pathological gambling treatment services. The components of a treatment program are:

- (1) Legal entity/owner;
- (2) Facility; and
- (3) Staff and services.

**"Change in ownership"** means one of the following conditions:

(1) When the ownership of a certified problem and pathological gambling treatment program changes from one distinct legal owner to another distinct legal owner;

(2) When the type of business changes from one type to another such as, from a sole proprietorship to a corporation; or

(3) When the current ownership takes on a new owner of five percent or more of the organizational assets.

**"Client"** means an individual receiving problem or pathological gambling treatment services from a certified program.

**"Clinical staff member"** means an individual credentialed by the department of health in a counseling profession per chapter 18.19 RCW, chapter 18.83 RCW, or chapter 18.225 RCW.

**"Criminal background check"** means a search by the Washington state patrol for any record of convictions or civil adjudication related to crimes against children or other persons, including developmentally disabled and vulnerable adults, per RCW 43.43.830 through 43.43.842 relating to the Washington state patrol.

**"Critical incident"** includes:

- (1) Death of a client;
- (2) Serious injury;
- (3) Sexual assault of clients, staff members, or public citizens on the facility premises;
- (4) Abuse or neglect of an adolescent or vulnerable adult client by another client or program staff member on facility premises;
- (5) A natural disaster presenting a threat to facility operation or client safety;
- (6) A bomb threat; a break in or theft of client identifying information; and
- (7) Suicide attempt at the facility.

**"Department"** means the Washington state department of social and health services.

**"Disability, a person with"** means a person whom:

- (1) Has a physical or mental impairment that substantially limits one or more major life activities of the person;
- (2) Has a record of such an impairment; or
- (3) Is regarded as having such an impairment.

**"DSM-IV TR"** means diagnostic and statistical manual of mental disorders, fourth edition text revision, published by the American psychiatric association.

**"Essential requirement"** means a critical element of problem and pathological gambling treatment services that must be present in order to provide effective treatment.

**"Financial evaluation"** means the total of a client's monthly financial obligations including gambling debts.

**"Governing body"** means the officers, board of directors or trustees of a corporation or limited liability company who make up the body for the purpose of administering the problem or pathological gambling program.

**"Outcomes evaluation"** means a system for determining the effectiveness of results achieved by clients during or following service delivery, and client satisfaction with those results for the purpose of program improvement.

**"Pathological gambling"** means a mental disorder characterized by loss of control over gambling, progression in and preoccupation with gambling and in obtaining money to gamble and continuation of gambling despite adverse consequences.

**"Problem gambling"** means an earlier stage of pathological gambling which compromises, disrupts, or damages family or personal relationships or vocational pursuits.

**"Progress notes"** are a permanent record of ongoing assessments of a client's participation in and response to treatment, and progress in recovery.

**"Qualified personnel"** means trained, qualified staff who meet appropriate legal, licensing, certification, and registration requirements.

**"Relocation"** means change in location from one office space to a new office space, or moving from one office building to another.

**"Remodeling"** means expansion of existing office space to additional office space at the same address, or remodeling of interior walls and space within existing office space.

**"Summary suspension"** means an immediate suspension of certification, per RCW 34.05.422(4), by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department.

**"Suspend"** means termination of the department's certification of a program's treatment services for a specified period or until specific conditions have been met and the department notifies the program of reinstatement.

**"Treatment plan review"** means a review of active problems on the client's individualized treatment plan, the need to address new problems, and client placement.

**"Vulnerable adult"** means a person who lacks the functional, mental, or physical ability to care for oneself.

**SECTION II—APPLICATION FOR CERTIFICATION**NEW SECTION

**WAC 388-816-0010 What problem and pathological gambling treatment programs are certified by the department?** The department certifies problem and pathological gambling treatment programs which includes diagnostic screening and assessment, individual, group, couples and family counseling and case management.

NEW SECTION

**WAC 388-816-0015 How do I apply for certification as a new problem and pathological gambling treatment program?** (1) A potential new problem and pathological gambling treatment program, referred to as applicant, seeking certification as described under WAC 388-816-0010, must request from the department an application packet of information on how to become a certified problem and pathological gambling treatment program.

(2) The applicant must submit a completed application to the department that includes:

(a) If the applicant is a sole proprietor: The name and address of the applicant, and a statement of sole proprietorship;

(b) If the applicant is a partnership: The name and address of every partner, and a copy of the written partnership agreement;

(c) If the applicant is a limited liability corporation: The name and addresses of its officers and any owner of five percent or more of the organizational assets, and a copy of the certificate of formation issued by the state of Washington, secretary of state;

(d) If the applicant is a corporation: The names and addresses of its officers, board of directors and trustees, and any owner of five percent or more of the organizational assets, and a copy of the corporate articles of incorporation and bylaws;

(e) A copy of the master business license authorizing the organization to do business in Washington state;

(f) The social security number or Federal Employer Identification Number for the governing organization or person;

(g) The name and job description of the individual administrator appointed by the governing body under whose management or supervision the services will be provided;

(h) A copy of the report of findings from a criminal background check of any owner of five percent or more of the organizational assets and the administrator;

(i) Additional disclosure statements or background inquiries if the department has reason to believe that offenses specified under RCW 43.43.830, have occurred since completion of the original application;

(j) The physical location of the facility where services will be provided including, in the case of a location known only by postal route and box numbers, and the street address;

(k) Program facility requirements as set forth in WAC 388-816-0025;

(l) Policy and procedure manuals specific to the program at the proposed site, and meet the manual requirements described later in this regulation, including the:

(i) Administrative manual;

(ii) Personnel manual; and

(iii) Clinical manual.

(m) Sample client records for the treatment service applied for; and

(n) Evidence of sufficient qualified staff to deliver services.

(3) The program owner or legal representative must:

(a) Sign the completed application form and submit the original to the department; and

(b) Report any changes occurring during the certification process.

NEW SECTION

**WAC 388-816-0020 How do currently certified or licensed agencies apply for added service?** Treatment programs certified or licensed by the department through either chapter 388-805 WAC or chapter 388-865 WAC must apply for an added service by submitting an abbreviated application, including:

(1) The name of the individual administrator providing management or supervision of the program;

(2) A written declaration that a current copy of the agency policy and procedure manual will be maintained for the added service and that the manual has been revised to accommodate the differences in business and clinical practices at that site;

(3) An organization chart, showing the relationship of the added service to the main organization, job titles, and lines of authority;

(4) Evidence of sufficient qualified staff to deliver services for the added service; and

(5) Evidence of meeting the requirements of:

(a) WAC 388-816-0015 (2)(h) through (l), (2)(n), and (3);

(b) WAC 388-816-0145;

(c) WAC 388-816-0150;

(d) WAC 388-816-0160;

(e) WAC 388-816-0170; and

(f) WAC 388-816-0175.

NEW SECTION

**WAC 388-816-0025 What are the requirements for treatment program facilities?** (1) For each treatment program facility, the applicant must include a floor plan showing the dimensions and intended use of each room that includes the location of:

(a) Floor to ceiling walls;

(b) Windows and doors;

(c) Restrooms;

(d) Areas serving as confidential counseling rooms;

(e) Confidential client records storage; and

(f) Other therapy and recreation areas and rooms.

(2) The applicant must submit a completed facility accessibility self-evaluation form.

(3) The administrator must ensure the treatment site:

- (a) Is accessible to a person with a disability;
- (b) Has a reception area separate from therapy areas;
- (c) Has adequate private space for personal consultation with a client, staff charting, and therapeutic and social activities, as appropriate;
- (d) Has secure storage of active and closed confidential client records;
- (e) Has current fire inspection approval;
- (f) Has facilities and furnishings that are kept clean and in good repair;
- (g) Has adequate lighting, heating, and ventilation; and
- (h) Has separate and secure storage of toxic substances, which are used only by staff or supervised persons.

#### NEW SECTION

**WAC 388-816-0030 How does the department conduct an examination of facilities?** The department must conduct an on-site examination of each new applicant's facility. The department must determine if the applicant's facility is:

- (1) Substantially as described.
- (2) Suitable for the purposes intended.
- (3) Not a personal residence.
- (4) Approved as meeting all building and safety requirements.

#### NEW SECTION

**WAC 388-816-0035 How does the department determine disqualification or denial of an application?** The department must consider the ability of each person named in the application to operate in accordance with this chapter before the department grants or renews certification of problem and pathological gambling service.

(1) The department must deny an applicant's certification when any of the following conditions occurred and was not satisfactorily resolved, or when any owner or administrator:

- (a) Had a license or certification for a health care agency denied, revoked, or suspended;
- (b) Was convicted of child abuse or adjudicated as a perpetrator of substantiated child abuse;
- (c) Obtained or attempted to obtain a health provider license, certification, or registration by fraudulent means or misrepresentation;
- (d) Committed, permitted, aided, or abetted the commission of an illegal act or unprofessional conduct as defined under RCW 18.130.180;
- (e) Demonstrated cruelty, abuse, negligence, misconduct, or indifference to the welfare of a client or displayed acts of discrimination;
- (f) Misappropriated client property or resources;
- (g) Failed to meet financial obligations or contracted service commitments that affect client care;
- (h) Has a history of noncompliance with state or federal regulations in an agency with which the applicant has been affiliated;
- (i) Knowingly, or with reason to know, made a false statement of fact or failed to submit necessary information in:
  - (i) The application or materials attached; and
  - (ii) Any matter under department investigation.

(j) Refused to allow the department access to records, files, books, or portions of the premises relating to operation of the problem and pathological gambling program service;

(k) Willfully interfered with the preservation of material information or attempted to impede the work of an authorized department representative;

(l) Is in violation of any provision of RCW 43.20A.890; or

(m) Does not meet criminal background check requirements.

(2) The department may deny certification when an applicant:

- (a) Fails to provide satisfactory application materials; or
- (b) Advertises itself as certified when certification has not been granted, or has been revoked or canceled.

(3) The applicant may appeal department decisions in accord with chapter 34.05 RCW, the Washington Administrative Procedure Act and chapter 388-02 WAC.

#### NEW SECTION

**WAC 388-816-0040 What happens after I make application for certification?** (1) The department may grant a treatment program applicant initial certification after a review of application materials and an on-site visit confirms the applicant has the capacity to operate in compliance with this chapter.

(2) A treatment program's failure to meet and maintain conditions of the initial certification may result in suspension of certification.

(3) An initial certificate of approval may be issued for up to one year.

(4) The treatment program must post the certificate in a conspicuous place on the premises.

#### NEW SECTION

**WAC 388-816-0045 How do I apply for an exemption?** (1) The department may grant an exemption from compliance with specific requirements in this WAC chapter if the exemption does not violate:

- (a) An existing federal or state law; or
  - (b) An existing tribal law.
- (2) Treatment programs must submit a signed letter requesting the exemption to the Supervisor, Certification Section, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504-5330. The program must assure the exemption request does not:
- (a) Jeopardize the safety, health, or treatment of clients; or
  - (b) Impede fair competition of another program.
- (3) The department must approve or deny all exemption requests in writing.
- (4) The department and the treatment program must maintain a copy of the decision.

**SECTION III—MAINTAINING CERTIFICATION**NEW SECTION

**WAC 388-816-0070 What do I need to do to maintain program certification?** Certificates are effective for one year from the date of issuance. A service program's continued certification and renewal is contingent upon:

(1) Completion of an annual declaration of certification;  
 (2) Providing the essential requirements for problem and pathological gambling treatment, including the following elements:

(a) Treatment process:

(i) Assessments, as described in WAC 388-816-0145;

(ii) Treatment planning, as described in WAC 388-816-0150 (2)(a) and 388-816-0160(8);

(iii) Documenting client progress, as described in WAC 388-816-0150 (1)(b) and 388-816-0160(10);

(iv) Treatment plan reviews and updates, as described in WAC 388-816-0160(11) and WAC 388-816-0175 (1)(d)(i) and (ii);

(v) Continuing care, and discharge planning, as described in WAC 388-816-0150 (2)(d), 388-816-0150 (6) and (7), and 388-816-0160(14);

(vi) Conducting individual and group counseling, as described in WAC 388-816-0150 (2)(b) and 388-816-0160 (10).

(b) Staffing, to include providing sufficient qualified personnel for the care of clients as described in WAC 388-816-0130.

(c) Facility, to include providing sufficient facilities, equipment, and supplies for the care and safety of clients as described in WAC 388-816-0105 (5) and (6).

(3) Findings during periodic on-site surveys and complaint investigations to determine the program's compliance with this chapter. During on-site surveys and complaint investigations, program representatives must cooperate with department representatives to:

(a) Examine any part of the facility at reasonable times and as needed;

(b) Review and evaluate records, including client clinical records, personnel files, policies, procedures, fiscal records, data, and other documents as the department requires to determine compliance; and

(c) Conduct individual interviews with clients and staff members.

(4) The program must post the notice of a scheduled department on-site survey in a conspicuous place accessible to clients and staff.

(5) The program must correct compliance deficiencies found at such surveys immediately or as agreed by a plan of correction approved by the department.

NEW SECTION

**WAC 388-816-0075 What do I need to do for a change in ownership?** (1) When a certified problem and pathological gambling treatment program plans a change in ownership, the current service program must submit a change

in ownership application form sixty or more days before the proposed effective date of ownership change.

(2) The current program must include the following information with the application:

(a) Name and address of each new prospective owner of five percent or more of the organizational assets as required by WAC 388-816-0015 (2)(a) through (d);

(b) Current and proposed name (if applicable) of the service provider;

(c) Date of the proposed transaction;

(d) A copy of the transfer agreement between the outgoing and incoming owner(s);

(e) If a corporation, the names and addresses of the proposed responsible officers or partners;

(f) A statement regarding the disposition and management of client records, as described under 45 CFR, Part 160 through 164, and WAC 388-816-0155; and

(g) A copy of the report of findings from a criminal background check of any new owner of five percent or more of the organizational assets and new administrator when applicable.

(3) The department must determine which, if any, WAC 388-816-0015 or 388-816-0020 requirements apply to the potential new program, depending on the extent of ownership and operational changes.

(4) The department may grant certification to the new owner when the new owner:

(a) Successfully completes the application process; and

(b) Ensures continuation of compliance with rules of this chapter and implementation of plans of correction for deficiencies relating to this chapter, when applicable.

NEW SECTION

**WAC 388-816-0080 What do I do to relocate or remodel a facility?** (1) When a certified problem or pathological gambling treatment program plans to relocate or change the physical structure of a facility in a manner that affects client care, the program must:

(a) Submit a completed program relocation approval request form, or a request for approval in writing if remodeling, sixty or more days before the proposed date of relocation or change.

(b) Submit a sample floor plan that includes information identified in WAC 388-816-0025.

(c) Submit a completed facility accessibility self-evaluation form.

(d) Provide for department examination of the premises before approval, as described under WAC 388-816-0030.

NEW SECTION

**WAC 388-816-0085 How does the department assess penalties?** When the department determines that a treatment program fails to comply with requirements of this chapter, the department may cease referrals of new clients who are recipients of services funded by state or federal funds.

NEW SECTION

**WAC 388-816-0090 How does the department cancel certification?** The department may cancel certification if the treatment program:

- (1) Stops providing the certified service.
- (2) Voluntarily cancels certification.
- (3) Changes ownership without prior notification and approval.
- (4) Relocates without prior notification and approval.

NEW SECTION

**WAC 388-816-0095 How does the department suspend or revoke certification?** (1) The department must suspend or revoke a treatment program's certification when a disqualifying situation described under WAC 388-816-0035 applies to a current program.

(2) The department may suspend or revoke a program's certification when any of the following deficiencies or circumstances occur:

(a) A program fails to provide the essential requirements of problem or pathological gambling treatment as described in WAC 388-816-0070(2), and one or more of the following conditions occur:

- (i) Violation of a rule threatens or results in harm to a client;
- (ii) A reasonably prudent program should have been aware of a condition resulting in significant violation of a law or rule;
- (iii) A program failed to investigate or take corrective or preventive action to deal with a suspected or identified client care problem;
- (iv) Noncompliance occurs repeatedly in the same or similar areas; or
- (v) There is an inability to attain compliance with laws or rules within a reasonable period of time.

(b) The program fails to submit an acceptable and timely plan of correction for cited deficiencies; or

- (c) The program fails to correct cited deficiencies.
- (3) The department may suspend certification upon receipt of a written request from the program. Programs requesting voluntary suspension must submit a written request for reinstatement of certification within one year from the effective date of the suspension. The department will review the request for reinstatement, determine if the program is able to operate in compliance with certification requirements, and notify the program of the results of the review for reinstatement.

NEW SECTION

**WAC 388-816-0100 What is the prehearing, hearing and appeal process?** (1) In case of involuntary certification cancellation, suspension, or revocation of the certification, or a penalty for noncompliance, the department must:

- (a) Notify the treatment program of any action to be taken; and
- (b) Inform the program of prehearing and dispute conferences, hearing, and appeal rights under chapter 388-02 WAC.

(2) The department may order a summary suspension of the program's certification pending completion of the appeal process when the preservation of public health, safety, or welfare requires emergency action.

**SECTION IV—ORGANIZATIONAL STANDARDS**NEW SECTION

**WAC 388-816-0105 What are the requirements for the governing body of the program?** In treatment programs not certified or licensed under chapter 388-805 WAC or chapter 388-865 WAC, a governing body, legally responsible for the conduct and quality of services provided, must:

(1) Appoint an administrator responsible for the day-to-day operation of the program.

(2) Maintain a current job description for the administrator including the administrator's authority and duties.

(3) Notify the department within thirty days, of changes of the program administrator.

(4) Provide personnel, facilities, equipment, and supplies necessary for the safety and care of clients.

(5) Ensure:

(a) Safety of clients and staff;

(b) Maintenance and operation of the facility; and

(c) The administration and operation of the program is in compliance with:

(i) Chapter 388-816 WAC requirements;

(ii) Applicable federal, state, tribal, and local laws and rules; and

(iii) Applicable federal, state, tribal, and local licenses, permits, and approvals.

NEW SECTION

**WAC 388-816-0110 What are the key responsibilities required of a program administrator?** In treatment programs not certified or licensed under chapter 388-805 WAC or chapter 388-865 WAC, the administrator must:

(1) Be responsible for the day-to-day operation of the certified treatment service, including:

(a) All administrative matters;

(b) Client care services; and

(c) Meeting all applicable rules and ethical standards.

(2) Delegate the authority and responsibility to act in the administrator's behalf when the administrator is not on duty or on call.

(3) Ensure administrative, personnel, and clinical policy and procedure manuals:

(a) Are developed and adhered to; and

(b) Are reviewed and revised as necessary, and at least annually.

(4) Employ sufficient qualified personnel to provide adequate problem and pathological gambling treatment, facility security, client safety and other special needs of clients.

(5) Ensure all persons providing counseling services are credentialed by the department of health.

(6) Assign the responsibility of TB infection control manager to a program individual in order to assess the program's annual tuberculosis risk according to the center for disease control guidelines.



NEW SECTION

**WAC 388-816-0115 What must be included in a program administrative manual?** Treatment programs not certified or licensed under chapter 388-805 WAC or chapter 388-865 WAC must have and adhere to an administrative manual, which contains policies and procedures that include:

(1) How services will be made sensitive to the needs of each client, including assurance that:

(a) Certified interpreters or other acceptable alternatives are available for persons with limited English-speaking proficiency and persons having a sensory impairment; and

(b) Assistance will be provided to persons with disabilities in case of an emergency.

(2) An organization chart specifying:

(a) The governing body;

(b) Each staff position by job title, including volunteers, students, and persons on contract; and

(c) The number of full or part-time persons for each position.

(3) A delegation of authority policy.

(4) A copy of current fee schedules.

(5) Implementing state and federal regulations on client confidentiality, including provision of a summary of 45 CFR Part 160 and 164 to each client.

(6) Reporting suspected child abuse and neglect.

(7) Reporting the death of a client to the department within one business day when a client dies on the premises.

(8) A client grievance policy and procedures.

(9) Reporting of critical incidents and actions taken to the department within two business days when an unexpected event occurs.

(10) An evacuation plan for use in the event of a disaster or emergency, addressing:

(a) Communication methods for clients, staff, and visitors including persons with a visual or hearing impairment or limitation;

(b) Evacuation of mobility-impaired persons;

(c) Evacuation of children if child care is offered;

(d) Different types of disasters or emergencies;

(e) Placement of posters showing routes of exit; and

(f) The need to mention evacuation routes at public meetings.

(11) A smoking policy consistent with the Washington clean indoor air act, chapter 70.160 RCW.

**SECTION V—HUMAN RESOURCE MANAGEMENT**NEW SECTION

**WAC 388-816-0120 What must be included in a treatment program personnel manual?** Treatment programs not certified or licensed under chapter 388-805 WAC or chapter 388-865 WAC must have and adhere to a personnel manual, which contains policies and procedures that include:

(1) How the program conducts criminal background checks on its employees in order to comply with the rules specified in RCW 43.43.830 through 43.43.842.

(2) How the program provides staff orientation prior to assigning unsupervised duties, including orientation to:

(a) The administrative, personnel and clinical manuals;

(b) Staff ethical standards and conduct, including reporting of unprofessional conduct to appropriate authorities;

(c) Staff and client grievance procedures; and

(d) The facility evacuation plan.

(3) Provision for a drug free work place which includes:

(a) A philosophy of nontolerance of illegal drug-related activity;

(b) Program standards of prohibited conduct; and

(c) Actions to be taken in the event a staff member misuses alcohol or other drugs.

NEW SECTION

**WAC 388-816-0125 What are treatment program personnel file requirements?** In treatment programs not certified or licensed under chapter 388-805 WAC or chapter 388-865 WAC the administrator must:

(1) Ensure that there is a current personnel file for each employee, trainee, student, and volunteer, and for each contract staff person who provides or supervises client care.

(2) Designate a person to be responsible for management of personnel files.

(3) Ensure each person's file contains:

(a) Evidence a criminal background check was completed per WAC 388-816-0120(1);

(b) A copy of the results of an initial tuberculin skin test or evidence the person has completed a course of treatment approved by a physician or local health officer if the results are positive and subsequent annual tuberculosis screening and risk assessment based on the program annual TB risk assessment; and

(c) A record of an orientation to the program as described in WAC 388-816-0120(2).

(4) Ensure that each personnel file for clinical staff members providing client care contains:

(a) Verification of qualifications including, for each person engaged in the treatment of problem or pathological gambling, including counselors, physicians, nurses, and other certified, or licensed health care professionals, evidence they comply with the credentialing requirements of their respective professions;

(b) A copy of a current job description, signed and dated by the employee and supervisor which includes:

(i) Job title;

(ii) Minimum qualifications for the position; and

(iii) Summary of duties and responsibilities.

(c) A written performance evaluation for each year of employment:

(i) Conducted by the immediate supervisor of each staff member; and

(ii) Signed and dated by the employee and supervisor.

NEW SECTION

**WAC 388-816-0130 What are the minimum qualifications for clinical staff members providing problem and pathological gambling treatment?** (1) All clinical staff members and approved clinical supervisors providing problem and pathological gambling treatment must have a credential issued by the department of health in a counseling profes-

sion per chapter 18.19 RCW, chapter 18.83 RCW, or chapter 18.225 RCW.

(2) Each clinical staff member credentialed per chapter 18.19 RCW providing treatment services to a client must provide documentation of at least fifteen hundred hours of professionally supervised post-certification or post-registration experience providing mental health or chemical dependency treatment services.

(3) Each clinical staff member providing treatment services must have at least a bachelor's degree from an accredited college-level institution.

(a) The department will review requests for an exemption to this requirement on a case-by-case basis.

(b) In order to qualify for an exemption, the employee must possess year-for-year professional level experience equivalent to a bachelor's degree. The department determines this equivalency at the discretion of the department program manager responsible for monitoring problem gambling treatment programs.

(4) Each clinical staff member providing treatment services under supervision must:

(a) Complete a minimum of thirty hours of unduplicated gambling specific training including the sixteen-hour basic training, approved by a state, national, or international organization including but not limited to:

(i) Washington state gambling counselor certification committee;

(ii) National gambling counselor certification board;

(iii) International gambling counselor certification board; or

(iv) The department.

(b) Provide documentation of a minimum of one hundred hours of supervised experience working with problem and pathological gamblers and their significant others; and

(c) Receive a passing score on the national gambling counselor examination before providing unsupervised treatment services to program clients.

(5) Each clinical staff member credentialed per chapter 18.19 RCW providing unsupervised treatment services to program clients must:

(a) Be certified as a Washington state certified gambling counselor; or

(b) Be certified as a national certified gambling counselor.

(6) Approved clinical supervisors must:

(a) Hold a valid international gambling counselor certification board approved clinical consultant credential; or

(b) Hold a valid national certified gambling counselor II or Washington state certified gambling counselor II certification credential; and

(c) Complete six hours of training on gambling specific clinical supervision approved by the recognized organizations listed in WAC 388-816-0130 (4)(a)(i) through (iv).

## SECTION VI—PROFESSIONAL PRACTICES

### NEW SECTION

**WAC 388-816-0135 What must be included in the treatment program clinical manual?** Treatment programs

not certified or licensed under chapter 388-805 WAC or chapter 388-865 WAC must have and adhere to a clinical manual, which contains policies and procedures that include:

(1) How the program meets WAC 388-816-0135 through 388-816-0180 requirements.

(2) Identification of resources and referral options so staff can make referrals required by law and as indicated by client needs.

(3) Client admission, continued service, and discharge criteria.

(4) How the program implements the following requirements:

(a) The administrator must not admit or retain a person unless the person's treatment needs can be met.

(b) Clinical staff members must assess and refer each client to the appropriate treatment service.

(5) Tuberculosis (TB) screening for prevention and control of TB in all outpatient programs, including:

(a) Obtaining a history of preventive or curative therapy;

(b) Screening and related procedures for coordinating with the local health department; and

(c) Implementing TB control as provided by the department of health TB control program.

(6) Limitation of group counseling sessions to twelve or fewer clients.

(7) Use of self-help groups.

(8) Client rules and responsibilities.

(9) How the program manages:

(a) Medical emergencies; and

(b) Suicidal, chemically dependent and mentally ill clients.

### NEW SECTION

**WAC 388-816-0140 What are clients' rights requirements in certified treatment programs?** (1) Each certified treatment program must ensure a client:

(a) Is admitted to treatment without regard to race, color, creed, national origin, religion, sex, sexual orientation, age, or disability, except for bona fide program criteria.

(b) Is reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited English proficiency, and cultural differences.

(c) Is treated in a manner sensitive to individual needs and which promotes dignity and self-respect.

(d) Is protected from invasion of privacy except that staff may conduct reasonable searches to detect and prevent possession or use of contraband on the premises.

(e) Has all clinical and personal information treated in accord with state and federal confidentiality regulations.

(f) Has the opportunity to review their own treatment records in the presence of the administrator or designee.

(g) Has the opportunity to have clinical contact with a same gender counselor, if requested and determined appropriate by the supervisor, either at the program or by referral.

(h) Is fully informed regarding fees charged, including fees for copying records to verify treatment and methods of payment available.

(i) Is protected from abuse by staff at all times, or from other clients who are on program premises, including:

- (i) Sexual abuse or harassment;
  - (ii) Sexual or financial exploitation;
  - (iii) Racism or racial harassment; and
  - (iv) Physical abuse or punishment.
- (j) Is fully informed and receives a copy of counselor disclosure requirements established under RCW 18.19.060.
- (k) Receives a copy of client grievance procedures upon request.
- (l) Is, in the event of a program closure or treatment service cancellation:
- (i) Given thirty days notice;
  - (ii) Assisted with relocation;
  - (iii) Given refunds to which the person is entitled; and
  - (iv) Advised how to access records to which the person is entitled.
- (2) A disclosure authorization to a health care provider or health care facility as required by RCW 70.02.030 must:
- (a) Be in writing, dated, and signed by the client;
  - (b) Identify the nature of the information to be disclosed;
  - (c) Identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;
  - (d) Identify the program or person who is to make the disclosure;
  - (e) Identify the client; and
  - (f) Contain an expiration date or an expiration event that relates to the client or the purpose of the use or disclosure.
- (3) A treatment program must notify clients that outside persons or organizations which provide services to the program are required by written agreement to protect client confidentially.
- (4) The administrator must ensure a copy of clients' rights is given at admission to each client receiving services.
- (5) The administrator must post a copy of clients' rights in a conspicuous place in the facility accessible to clients and staff.

#### NEW SECTION

**WAC 388-816-0145 What are the requirements for problem and pathological gambling assessments?** Treatment programs must require all clinical staff members to obtain, review, evaluate and document a face-to-face diagnostic assessment of each client's involvement with problem and pathological gambling. The assessment must include, if not already documented in a chemical dependency or mental health assessment, the following information:

- (1) Legal history describing any involvement with the criminal justice system.
- (2) Medical and health history including all prescribed medications.
- (3) Mental health history and current mental health status.
- (4) Suicidal/homicidal assessment including past suicide attempts, methods, suicide plan, family history of suicide attempts, and suicide intent.
- (5) Substance abuse history and screening describing current use, past use including amounts and duration and treatment history.

- (6) Family history describing family composition and dynamics.
- (7) If client is other than the problem or pathological gambler, a family assessment must be completed.
- (8) Education status and history.
- (9) Vocational or employment status and history describing skills or trades learned, jobs held, duration of employment, and reasons for leaving.
- (10) Peers and friends, indicating interpersonal relationships and interaction with people and groups outside the home.
- (11) A financial evaluation and information, including current financial status, gambling debts, any previous bankruptcy or repayment plans, and insurance coverage.
- (12) Problem gambling screens.
- (13) Documentation of the information collected, including:
  - (a) A diagnostic assessment statement including sufficient data to determine a client diagnosis supported by DSM IV TR criteria or subsequent editions.
  - (b) A written summary of the data gathered in subsections (1) through (12) of this section that supports the treatment recommendation.
- (14) Evidence the client:
  - (a) Was notified of the assessment results; and
  - (b) Documentation of treatment options provided, and the client's choice; or
  - (c) If the client was not notified of the results and advised of referral options, the reason must be documented.

#### NEW SECTION

**WAC 388-816-0150 What are the requirements for treatment, continuing care, transfer, and discharge plans?** (1) Treatment programs must require clinical staff members be responsible for the overall treatment plan for each client, including:

- (a) Client involvement in treatment planning;
  - (b) Documentation of progress toward client attainment of goals; and
  - (c) Completeness of client records.
- (2) A clinical staff member must:
- (a) Develop the individualized treatment plan based upon the assessment and update the treatment plan based upon achievement of goals, or when new problems are identified;
  - (b) Conduct individual or group counseling;
  - (c) Develop the continuing care plan; and
  - (d) Complete the discharge summary.
- (3) A clinical staff member must follow up when a client misses an appointment to:
- (a) Try to motivate the client to stay in treatment; and
  - (b) Report a noncompliant client to the committing authority as appropriate.
- (4) When a client gives written consent, a clinical staff member must involve each client's family or other support persons:
- (a) In the treatment program; and
  - (b) In self-help or support groups.

(5) A clinical staff member must meet with each client at the time of discharge from any treatment program to:

(a) Finalize a continuing care plan to assist in determining appropriate recommendation for care;

(b) Refer the client in making contact with necessary agencies or services; and

(c) Provide the client a copy of the plan.

(6) When transferring a client to another treatment program, the current program must forward copies of the following information to the receiving program when a release of confidential information is signed by the client:

(a) Client's demographic information;

(b) Diagnostic assessment statement and other assessment information, including:

(i) TB screen or test result;

(ii) The reason for the transfer; and

(iii) Court mandated status or program recommended follow-up treatment.

(c) Discharge summary; and

(d) The plan for continuing care or treatment.

(7) A clinical staff member must complete a discharge summary, within seven days of each client's discharge from the program, which includes:

(a) The date of discharge; and

(b) A summary of the client's progress toward each treatment goal.

#### NEW SECTION

**WAC 388-816-0155 What are the requirements for a client record system?** Treatment programs not certified or licensed by either chapter 388-805 WAC or chapter 388-865 WAC must have a comprehensive client record system maintained in accord with recognized principles of health record management. The program must ensure:

(1) A designated individual is responsible for the record system;

(2) A secure storage system which:

(a) Promotes confidentiality of and limits access to both active and inactive records; and

(b) Protects active and inactive files from damage during storage.

(3) Client record policies and procedures on:

(a) Who has access to records;

(b) Content of active and inactive client records;

(c) A systematic method of identifying and filing individual client records so each can be readily retrieved;

(d) Assurance that each client record is complete and authenticated by the person providing the observation, evaluation, or service;

(e) Retention of client records for a minimum of six years after the discharge or transfer of the client; and

(f) Destruction of client records.

(4) In addition to subsections (1) through (3) of this section, that programs maintaining electronic client records:

(a) Make records available in paper form upon request:

(i) For review by the department; and

(ii) To clients requesting record review as authorized by WAC 388-816-0140(6).

(b) Provide secure, limited access through means that prevent modification or deletion after initial preparation;

(c) Provide for back up of records in the event of equipment, media or human error;

(d) Provide for protection from unauthorized access, including network and internet access.

(5) In case of a program closure, the closing treatment program must arrange for the continued management of all client records. The closing program must notify the department in writing of the mailing and street address where records will be stored and specify the person managing the records. The closing program:

(a) May continue to manage the records and give assurance they will respond to authorized requests for copies of client records within a reasonable period of time;

(b) May transfer records of clients who have given written consent to another certified program;

(c) May enter into a business associate agreement with a certified program to store and manage records, when the outgoing program will no longer be a problem and pathological gambling treatment program; or

(d) Must, in the event none of the arrangements listed in (a) through (c) of this subsection can be made, arrange for transfer of client records to the department.

#### NEW SECTION

**WAC 388-816-0160 What are the requirements for client record content?** Treatment programs must ensure client record content includes:

(1) Demographic information;

(2) A problem and pathological gambling assessment;

(3) Documentation the client was informed of the diagnostic assessment and options for referral or the reason not informed;

(4) Documentation the client was informed of federal confidentiality requirements and received a copy of the client notice required under 45 CFR, Part 160 through 164;

(5) Documentation the client was informed of treatment service rules, translated when needed, signed and dated by the client before beginning treatment;

(6) Voluntary consent to treatment signed and dated by the client;

(7) Documentation the client received counselor disclosure information, acknowledged by the program and client by signature and date;

(8) Initial and updated individual treatment plans, including results of the initial assessment and periodic reviews, addressing:

(a) Client biopsychosocial problems;

(b) Treatment goals;

(c) Estimated dates or conditions for completion of each treatment goal;

(d) Approaches to resolve the problems;

(e) Identification of persons responsible for implementing the approaches;

(f) Medical orders, if appropriate.

(9) Documentation of referrals made for specialized care or services;

(10) Progress notes as events occur, which include:

- (a) Date, duration, and content of counseling and other treatment sessions; and
- (b) Ongoing assessments of each client's participation in and response to treatment and other activities.
- (11) Treatment plan reviews as required by WAC 388-816-0175 (1)(d)(i) and (ii);
- (12) Properly completed authorizations for release of information;
- (13) Copies of all correspondence related to the client, including any court orders and reports of noncompliance; and
- (14) A continuing care plan and discharge summary.

#### NEW SECTION

**WAC 388-816-0165 What are the requirements for reporting client noncompliance?** The following standards define client noncompliance behaviors and sets minimum time lines for reporting these behaviors to the appropriate court or court designated authority.

- (1) Reporting client noncompliance is contingent upon obtaining a properly completed authorization to release confidential information form.
- (2) For emergent noncompliance: The following non-compliance is considered emergent noncompliance and must be reported to the appropriate court within three working days from obtaining the information. The client:
  - (a) Fails to follow requirements in court order;
  - (b) Reports a subsequent gambling related arrest; and
  - (c) Leaves a program against program advice or is discharged for rule violation.
- (3) For nonemergent noncompliance: The following noncompliance is considered nonemergent noncompliance and must be reported to the appropriate court as required by subsection (4) and (5) of this section and needs to include the program's recommendations for engaging the client. The client:
  - (a) Has unexcused absences or failure to report. Programs must report all client unexcused absences.
  - (b) Fails to provide program with documentation of attendance at self-help or support groups if required by the treatment plan.
  - (c) Fails to make acceptable progress in any part of the treatment plan.
  - (4) If a court accepts monthly progress reports, nonemergent noncompliance may be reported in monthly progress reports, which must be mailed to the court within ten working days from the end of each reporting period.
  - (5) If a court does not wish to receive monthly reports and only requests notification of noncompliance or other significant changes in client status, the reports should be transmitted as soon as possible, but not longer than ten working days from the date of the noncompliance.

#### **SECTION VII—OUTCOMES EVALUATION**

#### NEW SECTION

**WAC 388-816-0170 What are the requirements for outcomes evaluation?** Each treatment program:

- (1) Must develop and implement policies and procedures for outcomes evaluation; and

- (2) Is responsible to monitor and evaluate program effectiveness and client satisfaction for the purpose of program improvement.

#### **SECTION VIII—PROGRAM SERVICE STANDARDS**

#### NEW SECTION

**WAC 388-816-0175 What are the requirements for outpatient services?** All treatment programs certified by this chapter must meet the following requirements:

- (1) A clinical staff member, must:
  - (a) Complete an assessment prior to admission unless participation in this outpatient treatment service is part of the same program's continuum of care.
  - (b) Complete an initial individualized treatment plan prior to the client's participation in treatment.
  - (c) Conduct group, individual or conjoint problem or pathological gambling counseling sessions for each client, each month, according to an individual treatment plan.
  - (d) Conduct and document a treatment plan review for each client:
    - (i) Once a month for the first three months; and
    - (ii) Quarterly thereafter or sooner if required by other laws.

#### NEW SECTION

**WAC 388-816-0180 What are the requirements for providing off-site problem and pathological gambling treatment services?** If a certified program wishes to offer treatment services, for which the program is certified, at a site where clients are located primarily for purposes other than problem and pathological gambling, the administrator must:

- (1) Ensure off-site treatment services will be provided:
  - (a) In a private, confidential setting that is discrete from other services provided within the off-site location; and
  - (b) By a clinical staff member.
- (2) Include a description in the program policy and procedures manuals of how confidentiality will be maintained at each off-site location, including how confidential information and client records will be transported between the certified facility and the off-site location.

#### **WSR 10-19-009**

#### **PROPOSED RULES**

#### **SECRETARY OF STATE**

[Filed September 3, 2010, 7:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-073.

Title of Rule and Other Identifying Information: Charities program tiered financial reporting and exempt filing requirements; some minor updates to terminology.

Hearing Location(s): Office of the Secretary of State, Dolliver Building, 2nd Floor Conference Room, 801 Capitol Way South, Olympia, WA 98504, on October 26, 2010, at 9:00 a.m.

Date of Intended Adoption: October 27, 2010.

Submit Written Comments to: Pamela Floyd, P.O. Box 40234, Olympia, WA 98504-0234, e-mail Pam.Floyd@sos.wa.gov, fax (360) 586-4989, by October 26, 2010.

Assistance for Persons with Disabilities: Contact Sharon Baker by October 25, 2010, TTY (800) 422-8683.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To remove conflicts with federal guidelines regarding the definition of "review" as it pertains to financial reports required to be filed at the state level. These changes will also remove a fee for charitable organizations that are exempt from filing at the state level, but choose to do so. Some rules were amended to move towards plain talk, and to change confusing terminology from "fiscal" year to "accounting" year.

Reasons Supporting Proposal: These changes will reduce costs for charitable organizations by doing away with a filing fee for exempt organizations and by removing the "review" for the first tier financial reporting.

Statutory Authority for Adoption: RCW 19.09.540, 43.07.125.

Statute Being Implemented: RCW 19.09.540.

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

Name of Proponent: Division of corporations, office of the secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting: Pamela Floyd, 801 Capitol Way South, Olympia, WA 98504, (360) 725-0310; Implementation: Rebecca Sherrell, 801 Capitol Way South, Olympia, WA 98504, (360) 725-0310; and Enforcement: Jeff Even, Office of Attorney General, 1125 Washington Street S.E., Olympia, WA 98504-40100, (360) 586-0728.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules will reduce costs for charitable organizations by not requiring a review of financial reports. The fee for exempt organizations is removed.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are adopting by reference without material change, Washington state statutes and are not required to do a cost-benefit analysis per RCW 34.05.328 (5)[(b)](iii).

September 3, 2010

Steve Excell

Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 09-22-056, filed 10/30/09, effective 11/30/09)

**WAC 434-120-107 Audited financial report—Tiered reporting requirements (effective January 1, 2010).** (1)

Tier one: Charitable organizations (~~(submitting an initial registration, shall)~~) with one million dollars or less in annual gross revenue averaged over the last three accounting years must meet the financial reporting requirements(;) specified in RCW 19.09.075 ((or)) and WAC 434-120-105. ((If an organization does not file a federal form (990, 990PF, 990EZ, 990T), the organization must complete the solicitation report contained in the form prescribed by the secretary.))

(2) Tier two: Charitable organizations with more than one million dollars and up to three million dollars in annual gross revenue averaged over the last three ~~((fiscal))~~ accounting years, ~~((shall have the federal tax reporting form (990, 990EZ, 990PF or 990T) prepared or reviewed by a certified public accountant or other professional, independent third-party who normally prepares or reviews the federal returns in the ordinary course of their business. If the federal tax form is not signed by a preparer who is so qualified, the charitable organization must, using a reporting form provided by the secretary, confirm that the federal tax form was reviewed by an independent third-party who normally prepares or reviews federal returns in the ordinary course of their business))~~) must provide one of the following:

(a) A photocopy of the federal tax reporting form (990, 990EZ, 990 PF) that has been prepared by a certified public accountant or other professional, who normally prepares or reviews federal returns in the ordinary course of their business; or

(b) A photocopy of an audited financial statement prepared by an independent certified public accountant for the preceding accounting year; or

(c) For governmental entities, a photocopy of the most recent audited financial statement prepared by the applicable government auditing agency or other independent certified public accountant.

(3) Tier three: Charitable organizations with more than three million dollars in annual gross revenue averaged over the last three ~~((fiscal))~~ accounting years, ~~((shall))~~ must submit ~~((an audited financial statement prepared by an independent certified public accountant for the year immediately following any year in which the organization achieves a three year average of more than three million dollars. For organizations with more than three million dollars in annual gross revenue averaged over the last three fiscal years, but directly or indirectly receive five hundred thousand dollars or less in cash contributions averaged over the last three fiscal years, the audit requirement is waived. Organizations with five hundred thousand dollars or less in cash contributions averaged over the last three fiscal years shall meet the financial reporting requirements described in subsection (2) of this section. For purposes of meeting the financial requirements in this section, "cash" includes currency, checks, credit card payments, donor advised funds, and electronic fund transfers, but does not include gifts of tangible, real, or personal property or in-kind services))~~) one of the following:

(a) A photocopy of an audited financial statement prepared by an independent certified public accountant for the preceding accounting year; or

(b) For governmental entities, a photocopy of the most recent audited financial statement prepared by the applicable government auditing agency or other independent certified public accountant.

(4) If an organization has been in existence for less than three years, the organization must calculate its average gross revenue based on the number of years the organization has been in existence to determine which tier is applicable.

~~((4))~~ (5) Waiver of audit requirement: The secretary may waive the requirement to file audited financial statements prepared by an independent certified public accountant

~~((when the))~~ for organizations ~~((can demonstrate that they have reached a three year average of))~~ with more than three million dollars in gross revenue ~~((through unusual or nonrecurring revenue received in a single year without which they would have not met the three year annual gross average threshold.~~

~~(5) This rule becomes effective January 1, 2010))~~ averaged over the last three accounting years and that meet one of the following:

(a) Directly or indirectly receive five hundred thousand dollars or less in cash averaged over the last three accounting years. Organizations with five hundred thousand dollars or less in cash averaged over the last three accounting years must meet tier two reporting requirements. For purposes of meeting the financial requirements in this section, "cash" includes currency, checks, credit card payments, donor advised funds, and electronic fund transfers received from all sources including, but not limited to, solicitations, investment income and tuition. "Cash" does not include gifts of tangible, real, or personal property or in-kind services; or

(b) Organizations who can demonstrate that they have reached a three-year average of more than three million dollars in gross revenue through unusual or nonrecurring revenue received in a single year without which they would not have met the three-year annual gross average threshold.

AMENDATORY SECTION (Amending WSR 09-22-056, filed 10/30/09, effective 11/30/09)

**WAC 434-120-110 Organizations exempt from filing requirements—Optional filing.** (1) Charitable organizations exempt from the filing requirements of this chapter under RCW 19.09.076(1) and WAC 434-120-100 (2)(b), (c), or (e) may register with the charities program.

(2) Charitable organizations choosing to register under this section ~~((shall))~~ may register by~~(=~~

~~(a))~~ completing the registration form specified by the secretary~~(= and~~

~~(b) Paying the appropriate registration fee per WAC 434-120-145).~~

(3) Charitable organizations registered under this section may change or update their registration by~~(=~~

~~(a))~~ filing the ~~((update))~~ updated information with the charities program~~(= and~~

~~(b) Paying the appropriate fee per WAC 434-120-145).~~

(4) Expedited processing under WAC 434-112-080 is available for registrations and updates under this section.

(5) The secretary offers this optional registration because some grant making entities and programs require registration with the charities program.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

**WAC 434-120-115 Treatment of appropriated funds.** A government subdivision or publicly supported educational facility that is also a charitable organization ~~((shall))~~ must report government appropriated funds only to the extent such funds are directly expended to support fund raising efforts or to defray costs of administering the organization's fund-raising programs.

AMENDATORY SECTION (Amending WSR 09-01-106, filed 12/17/08, effective 1/17/09)

**WAC 434-120-130 Financial standards.** Upon the request of the attorney general, secretary or the county prosecutor, a charitable organization ~~((shall))~~ must submit a financial statement containing, but not limited to, the following information within thirty days from date of request.

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to commercial fund-raisers or charitable organizations.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same ~~((fiscal))~~ accounting period.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

**WAC 434-120-135 Contributor lists.** All charitable organizations registered under this act ~~((shall))~~ must keep records of all contributors to the organization for three years. If a commercial fund raiser manages a campaign for a charitable organization, either the commercial fund raiser or the charitable organization ~~((shall))~~ must be the entity responsible for maintaining the contributor records for that campaign. These records ~~((shall))~~ must include the names of the following contributors:

(1) Each contributing entity that collects individual donations from an employee or member group or a business, turning them over to the charitable organization as a single sum, such as the United Way;

(2) Each corporation that contributed; and

(3) Each individual who contributed more than twenty-five dollars.

The records must be retrievable and compilable for a period of three years and ~~((shall))~~ must be turned over within ten working days upon written request of the attorney general or the county prosecutor, although the organization is not required to keep the names in a standard list format at all times.

AMENDATORY SECTION (Amending WSR 09-22-056, filed 10/30/09, effective 11/30/09)

**WAC 434-120-140 How and when.** (1) ~~((Original))~~ Initial registration: An entity required to register as a charitable organization ~~((shall))~~ must complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation.

(2) Annual renewal:

(a) An entity ~~((shall))~~ must renew its charitable registration by no later than the fifteenth day of the fifth month after the end of its ~~((fiscal))~~ accounting year.

(b) The renewal ~~((shall))~~ must include the same information required for registration as described in WAC 434-120-

105 and RCW 19.09.075, except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report will be based on the most recent filing with the Internal Revenue Service or if the organization does not file with the Internal Revenue Service, the solicitation report will be based on the most recently completed (~~(fiscal)~~) accounting year. No organization may submit the same (~~(fiscal)~~) financial information for two consecutive years.

(c) No change in an entity's (~~(fiscal)~~) accounting year (~~(shall)~~) may cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of (~~(fiscal)~~) accounting year, threshold levels for registration and financial statement requirements (~~(shall)~~) must be determined on a prorated basis.

(3) An organization (~~(shall)~~) must notify the charities program of a change in organization name, mailing address, organization structure, principal officer, Washington representative, tax status, (~~(fiscal)~~) accounting year, or any other information filed under RCW 19.09.075 or WAC 434-120-105.

(4) The organization (~~(shall)~~) must submit changes using the form available from the charities program within thirty days after the change (~~(and include the appropriate fee per WAC 434-120-145)~~).

**AMENDATORY SECTION** (Amending WSR 10-15-036, filed 7/13/10, effective 8/13/10)

**WAC 434-120-145 Fees.** (1) Original registration: Entities registering as charitable organizations must pay a fee of sixty dollars for the first year of registration; charitable organizations registering as exempt per RCW 19.09.076(1), may do so at no fee.

(2) Annual renewal: Organizations must pay a renewal fee of forty dollars; organizations choosing to register as exempt per WAC 434-120-110, are not required to renew.

(3) Information changes: Organizations filing changes of information described in WAC 434-120-105 will file at no charge.

(4) Photocopy fees: For copy of a charitable organization registration form or letter, including the finance and solicitation reports, the fee is five dollars.

(5) The fee for expedited service is twenty dollars for single on-line transactions within each new or existing charity's program file. The fee for expedited service of paper documents (in-person, mail or fax) is fifty dollars for single or multiple transactions within each new or existing charity's program file. In addition, the filing fee for each transaction will apply.

(6) For service of process on a registered charity, commercial fund-raiser, or charitable trust, the fee is fifty dollars.

**WSR 10-19-046**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Podiatric Medical Board)  
 [Filed September 13, 2010, 11:02 a.m.]

Supplemental Notice to WSR 10-06-020.

Preproposal statement of inquiry was filed as WSR 07-16-139.

Title of Rule and Other Identifying Information: WAC 246-922-650, adding a new section for safe and effective analgesia and anesthesia administration in office-based surgery settings (supplemental).

Hearing Location(s): Washington State Department of Health, Point Plaza East, 310 Israel Road S.E., Room 202, Tumwater, WA 98501, on October 27, 2010, at 9:00 a.m.

Date of Intended Adoption: October 27, 2010.

Submit Written Comments to: Erin Obenland, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2406, by October 13, 2010.

Assistance for Persons with Disabilities: Contact Erin Obenland by October 13, 2010, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed supplemental rule is to establish consistent standards for podiatric physicians who administer sedation in office-based surgery settings. The podiatric medical board (board) is proposing the following amendments to the standards in the original proposal: Definitions of "minimal sedation" and "office-based surgery," exemptions, facility accreditation and certification, delete competency section, separation of surgical and monitoring functions and emergency care and transfer protocols.

Reasons Supporting Proposal: The board made changes to the rules based on comments received by stakeholders and changes made by the medical quality assurance commission to office-based surgery rules for allopathic physicians. Rules are needed to establish enforceable standards to reduce the risk of substandard care, inappropriate anesthesia, and serious complications by podiatric physicians in office-based surgery settings.

Statutory Authority for Adoption: RCW 18.22.015, 18.130.050.

Statute Being Implemented: Chapter 18.22 RCW.

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

Name of Proponent: Department of health, podiatric medical board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Erin Obenland, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4945.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Erin Obenland, Podiatric Medical Board, P.O. Box 47852, Olympia, WA 98504-7852, phone



(360) 236-4945, fax (360) 236-2901, e-mail erin.obenland@doh.wa.gov.

September 13, 2010  
Blake T. Maresh  
Executive Director

## NEW SECTION

**WAC 246-922-650 Safe and effective analgesia and anesthesia administration in office-based settings.** (1) Purpose. The purpose of this rule is to promote and establish consistent standards, continuing competency, and to promote patient safety. The podiatric medical board establishes the following rule for physicians licensed under chapter 18.22 RCW who perform surgical procedures and use analgesia or sedation in office-based settings. This rule does not apply to any office-based procedures performed with the use of general anesthesia.

(2) Definitions. The following terms used in this subsection apply throughout this rule unless the context clearly indicates otherwise:

(a) "Board" means the podiatric medical board.

(b) "Deep sedation" or "analgesia" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

(c) "General anesthesia" means a state of unconsciousness intentionally produced by anesthetic agents, with absence of pain sensation over the entire body, in which the patient is without protective reflexes and is unable to maintain an airway. Sedation that unintentionally progresses to the point at which the patient is without protective reflexes and is unable to maintain an airway is not considered general anesthesia.

(d) "Local infiltration" means the process of infusing a local anesthetic agent into the skin and other tissues to allow painless wound irrigation, exploration and repair, and other procedures.

(e) "Major conduction anesthesia" means the administration of a drug or combination of drugs to interrupt nerve impulses without loss of consciousness, such as epidural, caudal, or spinal anesthesia, lumbar or brachial plexus blocks, and intravenous regional anesthesia. Major conduction anesthesia does not include isolated blockade of small peripheral nerves, such as digital nerves.

(f) "Minimal sedation" or "analgesia" means a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are unaffected. Minimal sedation is limited to oral or intramuscular medications, or both.

(g) "Moderate sedation" or "analgesia" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous venti-

lation is adequate. Cardiovascular function is usually maintained.

(h) "Office-based surgery" means any surgery or invasive medical procedure requiring analgesia or sedation, performed in a location other than a hospital, or hospital-associated surgical center licensed under chapter 70.41 RCW, or an ambulatory surgical facility licensed under chapter 70.230 RCW.

(i) "Physician" means a podiatric physician licensed under chapter 18.22 RCW.

(3) Exemptions. This rule does not apply to physicians when:

(a) Performing surgery and medical procedures that require only minimal sedation (anxiolysis) or analgesia, or infiltration of local anesthetic around peripheral nerves;

(b) Performing surgery in a hospital, or hospital-associated surgical center licensed under chapter 70.41 RCW, or an ambulatory surgical facility licensed under chapter 70.230 RCW;

(c) Performing surgery using general anesthesia. General anesthesia cannot be a planned event in an office-based surgery setting. Facilities in which physicians perform procedures in which general anesthesia is a planned event are regulated by rules related to hospitals, or hospital-associated surgical centers licensed under chapter 70.41 RCW, or ambulatory surgical facilities licensed under chapter 70.230 RCW.

(4) Application of rule. This rule applies to physicians practicing independently or in a group setting who perform office-based surgery employing one or more of the following levels of sedation or anesthesia:

(a) Moderate sedation or analgesia; or

(b) Deep sedation or analgesia; or

(c) Major conduction anesthesia below the ankle.

(5) Accreditation or certification. Within three hundred sixty-five calendar days of the effective date of this rule, a physician who performs a procedure under this rule must ensure that the procedure is performed in a facility that is appropriately equipped and maintained to ensure patient safety through accreditation or certification from one of the following:

(a) The Joint Commission (JC);

(b) The Accreditation Association for Ambulatory Health Care (AAAHC);

(c) The American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF); or

(d) The Centers for Medicare and Medicaid Services (CMS).

(6) Presence of an anesthesiologist or anesthetist. For procedures requiring spinal or major conduction anesthesia above the ankle, a physician authorized under chapter 18.71 or 18.57 RCW or a certified registered nurse anesthetist authorized under chapter 18.79 RCW must administer the anesthesia. Under RCW 18.22.035 (4)(b), podiatrists shall not administer spinal anesthetic or any anesthetic that renders the patient unconscious.

(7) Qualifications for administration of sedation and analgesia shall include:

(a) Completion of a continuing medical education course in conscious sedation; or

(b) Relevant training in a residency training program; or

(c) Having privileges for conscious sedation granted by a hospital medical staff.

(8) At least one licensed health care practitioner currently certified in advanced resuscitative techniques appropriate for the patient age group (e.g., advanced cardiac life support (ACLS), pediatric advanced life support (PALS) or advanced pediatric life support (APLS)) must be present or immediately available with age-size-appropriate resuscitative equipment throughout the procedure and until the patient has met the criteria for discharge from the facility.

(9) Sedation assessment and management.

(a) Sedation is a continuum. Depending on the patient's response to drugs, the drugs administered, and the dose and timing of drug administration, it is possible that a deeper level of sedation will be produced than initially intended.

(b) Licensed health care practitioners intending to produce a given level of sedation should be able to "rescue" patients who enter a deeper level of sedation than intended.

(c) If a patient enters into a deeper level of sedation than planned, the licensed health care practitioner must return the patient to the lighter level of sedation as quickly as possible, while closely monitoring the patient to ensure the airway is patent, the patient is breathing, and that oxygenation, the heart rate and blood pressure are within acceptable values.

(10) Separation of surgical and monitoring functions.

(a) The physician performing the surgical procedure must not provide the anesthesia or monitoring.

(b) The licensed health care practitioner, designated by the physician to administer intravenous medications and monitor the patient who is under moderate sedation, may assist the operating physician with minor, interruptible tasks of short duration once the patient's level of sedation and vital signs have been stabilized, provided that adequate monitoring of the patient's condition is maintained. The licensed health care practitioner who administers intravenous medications and monitors a patient under deep sedation or analgesia must not perform or assist in the surgical procedure.

(11) Emergency care and transfer protocols. A physician performing office-based surgery must ensure that in the event of a complication or emergency:

(a) All office personnel are familiar with a written and documented plan to timely and safely transfer patients to an appropriate hospital.

(b) The plan must include arrangements for emergency medical services and appropriate transfer of the patient to the hospital.

(12) Medical record. The physician performing office-based surgery must maintain a legible, complete, comprehensive and accurate medical record for each patient.

(a) The medical record must include:

- (i) Identity of the patient;
- (ii) History and physical, diagnosis, and plan;
- (iii) Appropriate lab, X-ray, or other diagnostic reports;
- (iv) Appropriate preanesthesia evaluation;
- (v) Narrative description of procedure;
- (vi) Pathology reports, if relevant;
- (vii) Documentation of which, if any, tissues and other specimens have been submitted for histopathologic diagnosis;

(viii) Provision for continuity of post-operative care; and

(ix) Documentation of the outcome and the follow-up plan.

(b) When moderate or deep sedation, or major conduction anesthesia is used, the patient medical record must include a separate anesthesia record that documents:

- (i) Type of sedation or anesthesia used;
- (ii) Drugs (name and dose) and time of administration;
- (iii) Documentation at regular intervals of information obtained from the intraoperative and post-operative monitoring;
- (iv) Fluids administered during the procedure;
- (v) Patient weight;
- (vi) Level of consciousness;
- (vii) Estimated blood loss;
- (viii) Duration of procedure; and
- (ix) Any complication or unusual events related to the procedure or sedation/anesthesia.

#### WSR 10-19-047

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 13, 2010, 12:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-17-052.

Title of Rule and Other Identifying Information: WAC 392-109-120 Vacancies and special elections.

Hearing Location(s): Office of Superintendent of Public Instruction (OSPI), Wanamaker Conference Room, 600 South Washington Street, Olympia, WA 98504 [98504], on October 27, 2010, at 10:00 a.m.

Date of Intended Adoption: October 27, 2010.

Submit Written Comments to: Catherine Slagle, 600 Washington Street, Olympia, WA 98504, e-mail Catherine.slagle@k12.wa.us, fax (360) 753-4201, by October 26, 2010.

Assistance for Persons with Disabilities: Contact Kristin Collins, by October 26, 2010, TTY (360) 664-3631 or (360) 725-6270.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule change will eliminate the need for special elections whenever a vacancy occurs from any cause whatsoever, among members elected by public school boards of directors and private school elected members on the state board of education. This will allow an individual appointed by the remaining state board of education public school board members and private school advisory committee to fill the unexpired term and then the appointed person could decide to run or not once the term expires.

Reasons Supporting Proposal: Fiscal and workload savings.

Statutory Authority for Adoption: Chapter 28A.305 RCW.

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

Name of Proponent: OSPI, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Catherine Slagle, Old Capitol Building, 600 South Washington, Olympia, WA 98504, (360) 725-6136.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not necessary for this rule change.

A cost-benefit analysis is not required under RCW 34.05.328.

September 13, 2010  
Randy Dorn  
State Superintendent

AMENDATORY SECTION (Amending WSR 05-22-007, filed 10/20/05, effective 11/20/05)

**WAC 392-109-120 Vacancies (~~and special elections~~).** (1) Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the remaining members representing public school boards of directors to fill such vacancy by appointment consistent with the appropriate regional position being vacated (~~and~~). The person so appointed shall continue in office until (~~his or her successor has been specially elected~~) the term expires. The appointed person has the option to step down or run for election consistent with RCW 28A.305.021 at the time the term expires.

(2) Whenever a vacancy of the approved private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy by appointment consistent (with qualifications in RCW 28A.305.102 and) RCW 28A.305.011. The person so appointed shall continue in office until (~~his or her successor has been specially elected~~).

~~(3) When a vacancy occurs, the superintendent of public instruction shall include such a position in the call of election the following year; a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose position was vacated.~~

~~(4) Special elections provided for in RCW 28A.305.102 shall be conducted in accordance with this chapter)~~ the term expires. The appointed person has the option to step down or run for election consistent with RCW 28A.305.021 at the time the term expires.

Title of Rule and Other Identifying Information: This proposal will create a rule for required qualifications for licensed home inspector instructors who provide the forty hours of field training to applicants seeking licensure un[der] chapter 18.280 RCW, the law relating to the licensing of home inspectors.

Hearing Location(s): 2000 4th Avenue West, 2nd Floor Conference Room, Olympia, WA 98507, on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: October 26, 2010.

Submit Written Comments to: Rhonda Myers, 2000 4th Avenue West, Olympia, WA 98507, e-mail rmyers@dol.wa.gov, fax (360) 586-0998, by October 25, 2010.

Assistance for Persons with Disabilities: Contact Sally Adams by October 9, 2010, TTY (360) 664-0116 or (360) 664-6526.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This will ensure home inspectors providing the required forty hours of field training are licensed in the state of Washington, have completed a minimum of five hundred fee-paid home inspections, and have a minimum of five years of experience in the home inspection profession. Field training shall not exceed a maximum of five students per instructor and may not exceed one student per instructor if the training is performed on fee-paid standard home inspection.

Reasons Supporting Proposal: Home inspectors providing field training will now be required to be licensed, and have the additional experience and time in the business necessary to provide a higher level of training to new home inspector candidates.

Statutory Authority for Adoption: RCW 18.280.050(1).

Statute Being Implemented: Chapter 18.280 RCW.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rhonda Myers, 2000 4th Avenue West, Olympia, WA 98507, (360) 664-6497.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule is for individual licensees, and not small business enterprises.

A cost-benefit analysis is not required under RCW 34.05.328. The department of licensing is not one of the named agencies under this RCW.

September 14, 2010  
Walt Fahrer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-13-001, filed 6/3/09)]

**WAC 308-408-010 Words and terms.** Words and terms used in these rules shall have the same meaning as each has under chapter 18.280 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

## WSR 10-19-058

### PROPOSED RULES

### DEPARTMENT OF LICENSING

[Filed September 14, 2010, 2:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-054.

(1) "Classroom" means training that takes place in a setting where individuals receiving training are assembled together and learn through lectures, study papers, class discussion, textbook study, or other means of organized formal education techniques, such as video, closed circuit, or other forms of electronic means.

(2) "Comment" means the act of stating one's observations clearly in the report.

(3) "Describe" means the act of stating one's observations clearly in the report.

(4) "Distance education" means a delivery method in which instruction takes place in other than a live classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods such as video-based instruction, computer conferencing, video conferencing, interactive audio, interactive computer software, correspondence or internet-based instruction are used.

(5) "Enter" means to physically go into an attic, crawlspace, or other area. Simply sticking one's head and shoulders into these areas is not entering.

(6) "Field training" is in addition to the one hundred twenty hours of classroom instruction and shall be done on actual inspection sites. Field training must include forty hours of instruction with a minimum of five actual complete home inspections done to the standards of practice under the supervision of an experienced inspector. The applicant will be required to complete written reports for each inspection and the supervisor will review the reports and certify that they are in full compliance with the standards of practice. The forty hours of supervised instruction will not include travel time to and from inspection, meals, and report writing time. Instructors providing the 40 hours of field training must meet the following requirements:

1. Be a Washington State Licensed Home Inspector

2. Have completed a minimum of 500 fee-paid home inspections

3. Have a minimum of five years experience in the home inspection profession

Field training shall not exceed a maximum of five students per instructor and may no exceed one student per instructor if the training is performed on a fee-paid standard home inspection.

(7) "Interactive" means the course structure and technologies promote active student involvement with the course content, including the ability to:

(a) Access or bypass optional content, if applicable;

(b) Submit questions or answer test items, and receive direct feedback; and

(c) Communicate with the instructor and/or other students on an immediate or reasonably delayed basis.

Interactive instruction specifically excludes courses that only provide passive delivery of instructional content.

(8) "Passive" means there is no required or actual interaction or feedback between the student and instructor.

(9) "Preinspection agreement" is a written contract signed by the client that outlines the standards and work to be performed by the home inspector.

(10) "Preoffer consultation" is a verbal report that is limited in scope performed by a licensed home inspector. A preinspection agreement must be signed by the client and

describe the limited scope of the consultation. This preoffer consultation is conducted only prior to mutual acceptance.

(11) "Readily accessible" means available for visual inspection without requiring moving personal property, dismantling, destructive measures, or any action that likely will involve risk to persons or property.

(12) "Record" means the act of stating one's observations clearly in the report.

(13) "Report" means the act of stating one's observations clearly in the report.

(14) "Standard home inspection" is a prelisting or presale written report that contains all or most of the components listed in the standards of practice. The components must be listed in the preinspection agreement. This standard home inspection report cannot be delivered verbally and must be in writing.

(15) "Technically exhaustive" is an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations or other means.

(16) "Traverse" means the act of physically moving through a crawlspace or attic or over the surface of a roof during an inspection when it is safe to do so.

[Statutory Authority: RCW 18.280.050 and 18.280. [18.280.060](6). 09-13-001, § 308-408-010, filed 6/3/09, effective 7/4/09.]

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**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.

## WSR 10-19-060

### PROPOSED RULES

### DEPARTMENT OF AGRICULTURE

[Filed September 14, 2010, 2:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-13-168.

Title of Rule and Other Identifying Information: WAC 16-302-685 Small grains standards for seed certification.

Hearing Location(s): Marcus Whitman Hotel and Conference Center, 6 West Rose Street, Walla Walla, WA 99362, on November 15, 2010, at 10:30 a.m.

Date of Intended Adoption: December 1, 2010.

Submit Written Comments to: Teresa Norman, P.O. Box 42560, Olympia, WA 98504-2560, e-mail wsdarules.comments@agr.wa.gov, fax (360) 902-2043, by 5 p.m. on November 16, 2010.

Assistance for Persons with Disabilities: Contact the agency receptionist by calling TTY (360) 902-1996 or (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal modifies the seed certification standards to allow triticale as an acceptable contaminant in certified grain seed. The proposed rate is the equivalent of 1/2 seed per pound. This proposal also sets criteria for the guidelines for reinspection of

foundation seed fields when triticale is found as a contaminant.

Reasons Supporting Proposal: As requested by the Washington State Crop Improvement Association, this rule proposal will treat triticale as another crop instead of an undesirable contaminant. Triticale seed production is higher than barley seed production, indicating that triticale is an important seed and agricultural crop in Washington. With increased production, the possibility of triticale contaminating another grain seed lot becomes a greater possibility. The newer triticale varieties do not have the detrimental impact of the original hybrid, thus the harm of minimal contamination simply does not exist as it once did. A minimal amount of contamination does not negatively economically impact the value of the resulting grain crop. This proposal will allow for triticale seed production by Washington companies that is currently done in Oregon and Idaho to be done in Washington. This will provide increased opportunities for Washington seed producers and will decrease production costs by reducing shipping and traveling costs. Additionally this proposal will preserve the premium value of a wheat seed lot that has a minimal amount of triticale contamination.

Statutory Authority for Adoption: Chapters 15.49, 34.05 RCW.

Statute Being Implemented: Chapter 15.49 RCW.

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

Name of Proponent: Washington State Crop Improvement Association, private.

Name of Agency Personnel Responsible for Drafting and Implementation: Victor Shaul, Operations Manager, Yakima, (509) 225-2630; and Enforcement: Fawad Shah, Program Manager, Yakima, (509) 225-2636.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule amendment proposal does not impose any additional costs upon the seed industry. There are no new inspection procedures or laboratory testing associated with this proposed rule making. The Washington state department of agriculture (WSDA) concludes that this rule making does not impose any new costs upon the seed industry therefore a small business economic impact statement is not required according to RCW 19.85.-030 (1)(a).

A cost-benefit analysis is not required under RCW 34.05.328. WSDA is not a listed agency in RCW 34.05.328 (5)(a)(i).

September 14, 2010

Brad J. Avy

Assistant Director

AMENDATORY SECTION (Amending WSR 10-08-028, filed 3/31/10, effective 5/1/10)

**WAC 16-302-685 Small grains standards for seed certification.** (1) Land, isolation, and field standards for small grains (barley, oat, rye, triticale, and wheat) seed certification are:

land, isolation, and field standards

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	OFF-TYPE MAXIMUM HEAD RATIO	((FIELD STANDARDS))		WILD OAT MAXIMUM PLANTS/ACRE
				OTHER CROP MAXIMUM HEAD RATIO	TRITICALE PLANTS PER ACRE <u>IN BARLEY, WHEAT, AND OAT</u>	
Foundation	2((*) <sup>a</sup> )	90 same genus((**) <sup>b</sup> ) 3 different genus	None found	None found((***) <sup>c</sup> )	None found <sup>d</sup>	None found
Registered	1((*) <sup>a</sup> )	10 same genus 3 different genus((**) <sup>b</sup> )	1/148,000	1/148,000((***) <sup>c</sup> )	None found <sup>d</sup>	5
Certified	1((*) <sup>a</sup> )	10 same genus 3 different genus((**) <sup>b</sup> )	1/49,000	1/49,000((***) <sup>c</sup> )	None found <sup>d</sup>	5

((\*)<sup>a</sup>) Waived if the previous crop is grown from an equal or higher certified class of seed of the same variety.

((\*\*)<sup>b</sup>) Each rye field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by six hundred sixty feet from other rye fields. Each triticale field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by three hundred feet from other triticale, rye and wheat fields for foundation and registered class, and ten feet for certified class, unless otherwise stated by the plant breeder.

((\*\*\*)<sup>c</sup>) Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; and no vetch is permitted in barley, oat, rye, triticale, or wheat.

<sup>d</sup> Only one reinspection is allowed for foundation fields when triticale is found in the first inspection. Additional inspections are allowed if the field is downgraded to the registered or certified class.

(2) Small grains - seed standards:

For CLEARFIELD varieties: For all classes - each lot must pass the CLEARFIELD Confirm test by bioassay or PCR as defined by the trait owner. The CLEARFIELD Confirm test verifies that the seed is resistant to the Imazamox herbicide.

Class	Foundation	Registered	Certified
Pure seed (min.)	98%	98%	98%
Inert (max.)	2%	2%	2%
off-type(((**))) <sup>a</sup> (max.)	None found	2/lb	4/lb

Class	Foundation	Registered	Certified
Other small grain(((**))) <u>excluding triticale</u> <sup>a</sup> (max.)	None found	1/lb	2/lb
<u>Triticale allowed in wheat</u> <sup>f</sup>	<u>None found</u>	<u>None found</u>	<u>1/1000 grams</u>
<u>Triticale allowed in oats and barley</u>	<u>None found</u>	<u>None found</u>	<u>1/lb</u>
Other crop(((**))) <sup>b</sup> (max.)	None found	0.03%	0.05%
Weed seed (max.)	0.01%	0.01%	0.03%
Objectionable weed seed(((***))) <sup>c</sup> (max.)	None found	None found	1/lb
Wild oat (max.)	None found	None found	None found (((****))) <sup>d</sup>
Viability(((****))) <sup>e</sup> (min.)	85%	85%	85%

(((\*\*))) <sup>a</sup> The combination of other small grain and off-type must not exceed 2/lb for registered class, and 4/lb for certified class. The tolerance for rye (~~(or triticale)~~) is none found in barley, oat, or wheat. The tolerance for rye is none found in triticale. The tolerance for triticale is none found in rye.

(((\*\*))) <sup>b</sup> Excluding off-type and other small grain. No vetch is allowed in small grain seed.

(((\*\*\*))) <sup>c</sup> Excluding wild oat.

(((\*\*\*\*))) <sup>d</sup> 1/lb for certified class oat.

(((\*\*\*\*))) <sup>e</sup> A certification certificate is issued upon receipt of either an official AOSA tetrazolium or germination test which meets minimum Washington viability standards. NOTE: State and federal seed laws require seed be labeled based on a germination test.

<sup>f</sup> In wheat, the foundation standard is based on a 1000 gram crop exam. The registered standard is based on a 500 gram crop exam. The certified standard is based on a 500 gram crop exam. If one triticale seed is found in 500 grams, a second 500 gram crop exam is required for a total 1000 gram crop exam. No triticale is allowed in the second 500 grams with the total standard of 1 triticale seed per 1000 grams allowed.

Note: For all classes the purity analysis is based on 100 grams examined. For registered and certified classes, noxious weed, vetch, off-type, and other small grain determinations are based on 500 grams examined except as allowed in footnote <sup>f</sup> of this subsection. For foundation class, noxious weed, vetch, off-type, and other small grain determinations are based on 1000 grams examined.

**WSR 10-19-070  
PROPOSED RULES  
WASHINGTON STATE PATROL**

[Filed September 16, 2010, 9:31 a.m.]

Supplemental Notice to WSR 10-16-079.

Preproposal statement of inquiry was filed as WSR 10-10-091.

Title of Rule and Other Identifying Information: Chapter 448-16 WAC, Administration of breath test program.

Hearing Location(s): General Administration Building Auditorium, 210 11th Avenue, Olympia, WA 98504, on October 27, 2010, at 11:45 a.m.

Date of Intended Adoption: October 28, 2010.

Submit Written Comments to: Dr. Fiona Couper, 2203 Airport Way South, Suite 360, Seattle, WA 98134, e-mail Fiona.couper@wsp.wa.gov, fax (206) 262-6145, by October 26, 2010.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by October 26, 2010, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Updating current language to coincide with amendments made to RCW 46.61..506 [46.61.506]. The language changes will include the approval of new evidentiary breath test instrument (Alcotest 9510) and amendments to the current "definitions," "test defined," and "solution changers" sections under chapter

448-16 WAC to allow for the use of either certified dry gas or simulator solutions.

The proposed changes will also remove the redundant language within the chapter and provide clean up to some of the existing language. WAC 448-16-140 requires that all documents and records produced by the state toxicologist and personnel involved in breath testing for the state of Washington are available on request. In addition, the agency must maintain all records to meet accreditation requirements. Therefore, there does not seem to be a need to outline under each section that documentation will be on file and available upon request as the requirement is outlined under WAC 446-16-140 for all documentation.

Reasons Supporting Proposal: Updates rule to coincide with amendments made to RCW 46.61.506. Provides clarifying language and clean up to existing language.

Statutory Authority for Adoption: RCW 46.61.506.

Statute Being Implemented: RCW 46.61.506.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Dr. Fiona Couper, 2203 Airport Way South, Suite 360, Seattle, WA 98134, (206) 262-6100; and Enforcement: Washington State Patrol, 2203 Airport Way South, Suite 360, Seattle, WA 98134, (206) 262-6100.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The language being proposed is to implement changes to RCW 46.61.506 and clean up existing language.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

September 16, 2010

John R. Batiste  
Chief

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-020 Approval of breath test equipment.**

(1) Pursuant to RCW 46.61.506, the following instruments are approved for the quantitative measurement of alcohol in a person's breath:

- (a) The DataMaster((-));
- (b) The DataMaster CDM; and
- (c) The Drager Alcotest 9510.

(2) Pursuant to RCW 46.61.506, the following thermometers are approved:

(a) Mercury in glass thermometers with a scale graduated in tenths of a degree measuring a range between 33.5 and 34.5 degrees centigrade.

(b) Digital thermometer system contained within the Guth 2100 wet bath simulator.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-030 Definitions.** (1) "Accuracy" means the proximity of a measured value to a reference value.

(2) "Alcohol" means the unique chemical compound ethyl alcohol.

(3) "Blank test" means the testing of an instrument to ensure that no alcohol from a previous test can interfere with a person's breath test.

(4) "Concentration" means the weight amount of alcohol, expressed in grams, contained in two hundred ten liters of breath or alcohol/water vapor.

(5) "Data entry" means the process of providing information (~~(through a keyboard)~~) to the instrument for the purposes of ~~((a))~~ identifying a breath test document to an individual ~~((and (b) statistical analysis))~~.

(6) "Interference" means a test result whose infrared absorbance or electrochemical analysis properties are not consistent with ~~((ethanol))~~ ethyl alcohol.

(7) "End expiratory air" means the last portion of breath to be delivered to the instrument once the appropriate sample acceptance criteria have been met.

(8) "External standard test" means the ~~((use of))~~ process by which the accuracy of the instrument is verified, using a simulator containing a certified simulator solution ~~((, to provide a known alcohol vapor concentration to test the accuracy and proper working order of the instrument. This test of the function of the instrument is performed with every breath~~

~~test. The external standard test does not calibrate the instrument)) or a compressed gas standard containing a known alcohol concentration.~~

(9) "Internal standard test" means the ~~((use of a quartz filter to provide a check that the instrument has maintained calibration since the last time calibration was performed and is in proper working order at the time of the test))~~ process by which the instrument calibration is verified.

(10) "Precision" means the ability of a technique to perform a measurement in a reproducible manner.

(11) "Simulator" means a device which when filled with a certified simulator solution, maintained at a known temperature, provides a vapor sample of known alcohol concentration.

(12) "Valid breath sample" means a sample of a person's breath provided in such a manner to be accepted for analysis by the instrument.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-040 Foreign substances, interference, and invalid samples.** (1) A determination as to whether a subject has a foreign substance in his or her mouth ~~((shall))~~ will be made by either an examination of the mouth or a denial by the person that he or she has any foreign substances in their mouth. A test mouthpiece is not considered a foreign substance for purposes of RCW 46.61.506.

(2) If a subject is wearing jewelry or ornamentation pierced through their tongue, lips, cheek, or other soft tissues in the oral cavity, they will be required to remove this prior to conducting the breath test. If the subject declines to remove the jewelry or ornamentation, they will be deemed to have a physical limitation rendering them incapable of providing a valid breath sample and will be required to provide a blood sample under the implied consent statute, RCW 46.20.308.

(3) If during a breath test, interference is detected, this will invalidate the test. The subject will be required to repeat the test. A subject whose breath registers the presence of interference on two or more successive breaths shall be deemed to have a physical limitation rendering them incapable of providing a valid breath sample and will be required to provide a blood sample under the implied consent statute, RCW 46.20.308.

(4) In the event that the instrument records an "invalid sample" result at any point during the subject's test, that subject's test should be readministered, after again determining that the subject has no foreign substance in their mouth as outlined in WAC 448-16-040(1), and repeating the fifteen minute observation period.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-050 Test defined.** A test of a person's breath for alcohol concentration ~~((shall))~~ will consist of the person ~~((insufflating))~~ exhaling end-expiratory air samples at least twice into the instrument, sufficient to allow two separate measurements. There will be sufficient time between the provision of each sample to permit the instrument to measure

each sample individually. Two valid breath samples, provided consecutively, will constitute one test.

The instrument will perform this test according to the following protocol when being employed to quantitatively measure an individual's breath alcohol concentration. Successful compliance with each step of this protocol is determined from an inspection of the printout of results. These steps are necessary to ensure accuracy, precision, and confidence in each test.

- Step 1. Data entry.
- Step 2. Blank test with a result of .000.
- Step 3. Internal standard verified.
- Step 4. First breath sample provided by subject.
- Step 5. Blank test with a result of .000.
- Step 6. External standard (~~(simulator solution)~~) test. The result of this test must be between .072 and .088<sub>2</sub> inclusive.
- Step 7. Blank test with a result of .000.
- Step 8. Second breath sample provided by subject.
- Step 9. Blank test with a result of .000.
- Step 10. Printout of results.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-060 Determining agreement of duplicate breath samples.** Pursuant to RCW 46.61.506 the following method is approved for determining whether two breath samples agree to within plus or minus ten percent of their mean.

(1) The breath test results (~~(shall)~~ will) be reported, truncated to three decimal places.

(2) For the DataMaster instruments, the mean of the two breath test results (~~(shall)~~ will) be calculated and rounded to four decimal places. For the Drager instrument, the mean of all four results will be calculated and rounded to four decimal places.

(3) The lower acceptable limit (~~(shall)~~ will) be determined by multiplying the above mean by 0.9, and truncating to three decimal places.

(4) The upper acceptable limit (~~(shall)~~ will) be determined by multiplying the mean by 1.1 and truncating to three decimal places.

(5) If the individual results fall within and inclusive of the upper and lower acceptable limits, the two breath samples are valid.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-070 Review, approval, and authorization of protocols of procedures and methods by the state toxicologist.** The state toxicologist (~~(shall)~~ will) review, approve, and authorize such protocols of procedures and methods (of the toxicologist's own promulgation or submitted by outside agencies or individuals for consideration) required in the administration of the breath test program. (~~(Such review, approval, and authorization will be so signified by a signed statement attached to each protocol, and kept on file by the Washington State Patrol.)~~) These protocols will be updated as necessary to maintain the quality of the breath test program.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-080 Instructors.** The state toxicologist (~~(shall)~~ will) certify persons found to be competent and qualified, as "instructors." Instructors are authorized to administer breath tests for alcohol concentration using approved instruments and are further authorized to train and certify as operators, according to outlines approved by the state toxicologist, those persons the instructor finds qualified to administer the breath test utilizing approved instruments. Instructors who are also certified as PBT technicians may instruct other individuals as PBT technicians according to the approved outlines. (~~(Details of persons certified as instructors shall be maintained by the state toxicologist and available upon request.)~~)

If an instructor fails or refuses to demonstrate to the state toxicologist (~~(or to his representative)~~), that they have the ability to adequately perform their responsibilities as an instructor, then the state toxicologist will suspend their permit.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-090 Operators.** The state toxicologist, or certified instructors (~~(shall)~~ will) certify as "operators" persons found by them to be competent and qualified to administer breath tests for alcohol concentration using approved breath testing instruments. (~~(Persons who have attended courses in the operation of approved breath testing instruments taught by an instructor qualified by the state toxicologist, upon certification of attendance and qualification, shall be designated as "operators." Details of persons so certified shall be maintained by the state toxicologist and available upon request.)~~)

If an operator fails or refuses to demonstrate to the state toxicologist or to a certified instructor, that he or she has the ability to adequately perform his or her responsibilities as an operator, then the state toxicologist will suspend their permit.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-100 ((~~Solution~~) External standard changers).** The state toxicologist, or certified instructors, (~~(shall)~~ will) certify as "~~(solution)~~ external standard changers" operators found by them to be competent and qualified. In addition to being qualified as "operators" these persons must receive approved instruction covering the changing of simulator external standard solutions and compressed gas cylinders for approved breath test instruments, taught by (~~(an)~~ a certified) instructor (~~(qualified by the state toxicologist. Details of persons so certified shall be maintained by the state toxicologist and available upon request).~~)

If (~~(a solution)~~) an external standard changer fails or refuses to demonstrate to the state toxicologist or to a certified instructor, that he or she has the ability to adequately perform his or her responsibilities as (~~(a solution)~~) an external standard changer, then the state toxicologist will suspend their permit.



AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-110 Technicians.** The state toxicologist ~~((shall))~~ will certify as "technicians" such persons found to be competent and qualified to maintain the proper working order of breath test instruments through adjustment, repair, and regular service. ~~((Details of persons so certified shall be maintained by the state toxicologist and available upon request.))~~

Technicians are authorized to perform maintenance, calibration and instruction in the use of the portable breath test devices. Technicians are also authorized to instruct persons otherwise qualified as "technicians," "instructors," "operators," and "~~((solution))~~ external standard changers" according to training outlines approved by the state toxicologist. Certified technicians are themselves authorized to perform the duties of "instructors," "operators," and "~~((solution))~~ external standard changers."

If a technician fails or refuses to demonstrate to the state toxicologist ~~((or his representative)),~~ that he or she has the ability to adequately perform his or her responsibilities as a technician, then the state toxicologist will suspend their permit.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-120 Permit cards.** Pursuant to RCW 46.61.506, the state toxicologist ~~((shall))~~ will authorize the issuance to persons deemed qualified as "instructors," "operators," "solution changers" or "technicians," a wallet-sized card bearing his or her name and designation. Permit cards ~~((shall))~~ will bear the signature or facsimile signature of the state toxicologist. Such permit cards ~~((shall))~~ will expire three years after the date on the card, unless renewed for a like three-year period. Operators whose authorization expires may take recertification training within ninety days following expiration of their prior certification, but are not certified to perform any evidential breath tests during that period. Once ninety days have elapsed after the expiration of authorization, the operator must repeat the basic certification training.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-130 Review, approval, and authorization by the state toxicologist of training courses and outlines.** The state toxicologist ~~((shall))~~ will approve and authorize such courses and course outlines (of ~~((his))~~ the toxicologist's own promulgation or submitted for consideration by outside agencies or individuals) required in the training of breath test program personnel. ~~((Such review, approval, and authorization will be so signified by a signed statement attached to each course outline. These course outlines may be reviewed and updated as necessary to maintain the quality of the breath test program.))~~ Instructors are directed to use only approved outlines in conducting the training of operators. ~~((Information concerning currently approved course outlines~~

~~can be obtained on application to the office of the state toxicologist.))~~

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-140 Information concerning technical aspects of the breath test program.** All documents ~~((used))~~ and records produced by the state toxicologist and personnel involved in breath testing for the state of Washington ~~((; which))~~ are available on request ~~((include: The simulator solution preparation protocol, alcohol analysis protocol, certification document for simulator solution, affidavit from analyst of simulator solution, data base, quality assurance protocol, quality assurance procedure report, operator course outline, operator refresher course outline, and operator training record. A fee may be charged to cover the cost of providing these copies.))~~ Copies of most of these records are available at no charge on a web site maintained by the Washington state patrol at <http://breathtest.wsp.wa.gov/welcome.htm>.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-150 Address for correspondence.** Information regarding instrument records, or the certification of operators, instructors, solution changers, and technicians should be obtained from the Washington State Patrol, Breath Test ~~((Section))~~ Program, 811 E. Roanoke, Seattle, WA 98102.

Persons seeking information regarding other aspects of the breath alcohol testing program ~~((shall))~~ will direct their request initially to the State Toxicologist, Washington State Toxicology Laboratory, Forensic Laboratory Services Bureau, Washington State Patrol, 2203 Airport Way S., Seattle, WA 98134.

AMENDATORY SECTION (Amending WSR 04-19-144, filed 9/22/04, effective 10/23/04)

**WAC 448-16-160 Severability.** If any part or provision of these rules or regulations or the application thereof is held invalid, such invalidity ~~((shall))~~ will not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end any section, paragraph or sentence, is declared to be severable.

## WSR 10-19-093

### PROPOSED RULES

#### WASHINGTON STATE PATROL

[Filed September 20, 2010, 8:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-16-081.

Title of Rule and Other Identifying Information:  
Description of fire marshal's office.

Hearing Location(s): General Administration Building Auditorium, 210 11th Avenue, Olympia, WA 98504-2600, on October 27, 2010, at 1:00 p.m.

Date of Intended Adoption: October 28, 2010.

Submit Written Comments to: State Fire Marshal's Office, C/O Anjela St. John, P.O. Box 42600, Olympia, WA 98504-2600, e-mail Anjela.stjohn@wsp.wa.gov, fax (360) 596-3939, by October 26, 2010.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by October 25, 2010, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC chapter was developed in the early 1970s to provide a description and organization overview of the state fire marshal's office. Since its adoption, the state fire marshal's office has changed agencies three times and the WAC no longer is based on current statutory authority. The proposal is to repeal this WAC chapter.

Reasons Supporting Proposal: Removes outdated language from WAC.

Statutory Authority for Adoption: Not applicable.

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Anjela St. John, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-3903; Implementation and Enforcement: State Fire Marshal's Office, P.O. Box 42600, Olympia, WA 98504-2600, (360) 596-3900.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is to repeal an outdated rule.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal is to repeal an outdated rule.

September 16, 2010

John R. Batiste  
Chief

**WSR 10-19-094**

**PROPOSED RULES**

**WASHINGTON STATE PATROL**

[Filed September 20, 2010, 8:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-16-080.

Title of Rule and Other Identifying Information: Blood alcohol analysis.

Hearing Location(s): General Administration Building Auditorium, 210 11th Avenue, Olympia, WA 98504-2600, on October 27, 2010, at 11:30 a.m.

Date of Intended Adoption: October 28, 2010.

Submit Written Comments to: Dr. Fiona Couper, WSP Toxicology Lab, 2203 Airport Way South, Suite 360, Seattle, WA 98134, e-mail Fiona.couper@wsp.wa.gov, fax (206) 262-6145, by October 26, 2010.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by October 25, 2010, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Language changes to reflect current laboratory procedures for analyzing and reporting blood alcohol concentrations, and provide clean-up language.

Reasons Supporting Proposal: Updates to reflect current procedures and clean up existing language.

Statutory Authority for Adoption: RCW 46.61.506.

Statute Being Implemented: RCW 46.61.506.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Dr. Fiona Couper, 2203 Airport Way South, Suite 360, Seattle, WA 98134, (206) 262-6100; and Enforcement: Washington State Patrol, 2203 Airport Way South, Suite 360, Seattle, WA 98134, (206) 262-6100.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The language being proposed is to implement existing processes.

A cost-benefit analysis is not required under RCW 34.05.328.

September 16, 2010

John R. Batiste  
Chief

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 212-02-010      General authority, duties and goals of the fire marshal.
- WAC 212-02-020      Organization and operations.
- WAC 212-02-030      Functions.
- WAC 212-02-040      Publications and information available.
- WAC 212-02-050      Hearings of the state fire marshal.

AMENDATORY SECTION (Amending Order 4, filed 7/9/70)

**WAC 448-14-010 Criteria for approved methods of quantitative analysis of blood samples for alcohol.** Any quantitative blood alcohol analysis method which meets the following criteria is approved by the state toxicologist and may be used in the state of Washington. Analysis of urine for estimation of blood alcohol concentrations is not approved by the state toxicologist in the state of Washington.

The blood analysis procedure should have the following capabilities:

(1) Precision and accuracy.

(a) The method (~~shall~~) will be capable of replicate analyses by an analyst under identical test conditions so that consecutive test results on the same date agree with a difference

which is not more than 3% of the mean value of the tests. This criterion is to be applied to blood alcohol levels of 0.08(~~(%)~~) grams of alcohol per 100 mL and higher.

(b) Except for gas chromatography, the method should be calibrated with water solutions of ethyl alcohol, the strength of which should be determined by an oxidimetric method which employs a primary standard, such as United States National Bureau of Standards potassium dichromate.

(c) The method (~~(shall)~~) will give a test result which is always less than 0.005(~~(%)~~) grams of alcohol per 100 mL when alcohol-free living subjects are tested.

(2) Specificity.

(a) On living subjects, the method should be free from interferences native to the sample, such as therapeutics and preservatives; or the oxidizable material which is being measured by the reaction should be identified by qualitative test.

(b) Blood alcohol results on post-mortem samples should not be reported unless the oxidizable substance is identified as ethanol by qualitative test.

AMENDATORY SECTION (Amending Order 4, filed 7/9/70)

**WAC 448-14-020 Operational discipline of blood samples for alcohol.** (1) Analytical procedure.

(a) The analytical procedure should include:

(i) A control test

(ii) A blank test

(iii) Duplicate analyses that (~~(should)~~) agree to within (~~(0.01% blood alcohol deviation from the)~~) plus or minus ten percent of their mean.

(b) All sample remaining after analysis should be retained for at least three months under suitable storage conditions for further analysis if required.

(c) Each analyst (~~(shall)~~) will engage in a proficiency test program in which some blood samples containing alcohol are exchanged with other laboratories and tested (~~(on a blind basis)~~) so that the proficiency of each analyst and the precision and accuracy of the test method can be evaluated no less than one time per year.

(2) Reporting procedure.

(a) The results should be expressed as grams of alcohol per 100 (~~(ml)~~) mL of whole blood sample.

(b) The analysis results should be reported to two significant figures(~~(, using the mathematical rule of rounding)~~).

(c) Blood alcohol results on living subjects (~~(0.0009%)~~) of 0.009 grams of alcohol per 100 mL or lower (~~(shall)~~) will be reported as negative. Blood alcohol results on post-mortem samples of 0.019(~~(%)~~) grams of alcohol per 100 mL or less (~~(shall)~~) will be reported as negative. (See WAC 448-14-010 (2)(b))

(3) Sample container and preservative.

(a) A chemically clean dry container consistent with the size of the sample with an inert leak-proof stopper (~~(shall)~~) will be used.

(b) Blood samples for alcohol analysis (~~(shall)~~) must be preserved with an anticoagulant and an enzyme poison sufficient in amount to prevent clotting and stabilize the alcohol concentration. Suitable preservatives and anticoagulants

include the combination of sodium fluoride and potassium oxalate.

AMENDATORY SECTION (Amending Order 4, filed 7/9/70)

**WAC 448-14-030 Qualifications for a blood alcohol analyst.** (1) Minimum qualifications for the issuance by the state toxicologist of a blood alcohol analyst permit (~~(shall)~~) will include college level training in fundamental analytical chemistry with a minimum of five quarter hours of quantitative chemistry laboratory or equivalent, with a passing grade.

(2) The state toxicologist (~~(shall)~~) will issue a blood alcohol analyst permit to each person (~~(he finds)~~) found to be properly qualified, and (~~(he shall)~~) will hold written, oral or practical examinations to aid (~~(him)~~) the state toxicologist in judging qualifications of applicants. Such permits (~~(shall)~~) will bear the signature or facsimile signature of the state toxicologist and be dated.

(3) The blood alcohol analyst permits are subject to cancellation by the state toxicologist if the permittee refuses or fails to obtain satisfactory results on samples periodically distributed to the permittees by the state toxicologist.

## WSR 10-19-095

### PROPOSED RULES

#### WASHINGTON STATE PATROL

[Filed September 20, 2010, 8:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-16-113.

Title of Rule and Other Identifying Information: Towing businesses, chapter 204-91A WAC.

Hearing Location(s): General Administration Building Auditorium, 210 11th Avenue S.W., Olympia, WA 98504, on October 27, 2010, at 1:30 p.m.

Date of Intended Adoption: October 28, 2010.

Submit Written Comments to: Sergeant Devyn Derrick, 2715 Rudkin Road, Union Gap, WA 98903, e-mail devyn.derrick@wsp.wa.gov, fax (509) 249-6769, by October 26, 2010.

Assistance for Persons with Disabilities: Contact Melissa VanGorkom by October 26, 2010, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: There is a need for updates to some of the tow standards to update language regarding the requirements for the application for letter of appointment and minimum tow truck equipment standards.

Reasons Supporting Proposal: Provides clarifying language.

Statutory Authority for Adoption: RCW 46.37.005, 46.55.050, and 46.55.115.

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

Name of Agency Personnel Responsible for Drafting: Sergeant Devyn Derrick, 2715 Rudkin Road, Union Gap, WA 98903, (509) 249-6769; Implementation and Enforce-

ment: WSP Tow Program, 2715 Rudkin Road, Union Gap, WA 98903, (509) 249-6769.

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

September 16, 2010  
John R. Batiste  
Chief

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

**WAC 204-91A-060 Application and qualifications for letter of appointment.** (1) An application must be approved and a letter of appointment issued by the patrol before an operator is authorized to provide towing services for the patrol pursuant to this chapter. However, nothing herein prohibits the patrol from calling ~~((the))~~ a towing business upon the specific request of a person responsible for a vehicle or his/her agent.

~~((1) Who must complete the application?))~~ (2) An application for letter of appointment must be completed by:

Type of business	Who must complete the application
Tow company	<del>((Operator/owner))</del> Owner/operator
Partnership	Each partner
Corporation	The patrol may require each of the present and subsequent officers, managers, and stakeholders holding 10% or more of the total issued stock to complete an application.

~~((2) What is required on the application?))~~

~~((a) In order))~~ (3) To be issued a letter of appointment, the applicant(s) must:

~~((i) Fill out))~~ (a) Complete the application form provided by the patrol;

~~((ii))~~; and

(b) Attach to the application a signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls; and

(c) Satisfy the requirements contained in WAC 204-91A-070; and

(d) Demonstrate through a letter included with the application that they have at least two years of experience within the towing industry, ~~((including which of the following requirement(s) apply))~~ or be granted a waiver if the owner/operator does not have the required two years experience.

(i) The two years of experience must have been acquired within five years of the date of application. The two years of experience may be satisfied by demonstrating any of the following:

(A) He or she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck, additional trucks are optional, and has a working knowledge of the paperwork requirements for impounds; or

(B) He or she has worked as an employee of a tow company on the state patrol's rotational tow list and gained experience within the towing industry including, but not limited

to, the operation of vehicles, complying with the state and federal standards and regulations, and processing of paperwork for auditing and other purposes; or

(C) He or she will keep in place the existing management team/employees for a minimum of one year upon purchasing the business.

~~((iii) Be granted a waiver.))~~ (ii) If the owner/operator does not have the required two years experience, the owner/operator may be granted a waiver of this requirement. If the owner/operator is granted a waiver, ~~((they will remain on probation))~~ the letter of appointment may be granted on a probationary basis for a period of one year from the date of the waiver.

~~((iv) Attach to the application a signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls.))~~

~~((v) An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.))~~

(vi) Upon request, the patrol will advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

~~((b))~~ (4) Upon receipt by the patrol of a completed application:

(a) The district office must:

(i) Complete the tow zone portion of the application form. The district commander or designee will enter "approved" or "disapproved" next to the zone designation and sign the form; and

(ii) Forward the application and letter of contractual agreement to the section.

~~((e))~~ (b) The ~~((patrol))~~ section will assign the application a docket number which will be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the patrol thereafter.

~~((3) When will an application be denied?))~~

~~((a))~~ (5) The patrol ~~((may))~~ will refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

~~((i))~~ (a) Has been convicted of any of the following:

(i) Any class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the date of conviction;

(ii) ~~((Has been convicted of))~~ Any class B felony within the last ten years;

(iii) ~~((Has been convicted of))~~ Any class C felony within the last five years;

(iv) ~~((Has been convicted of))~~ A DUI, as defined in chapter 46.61 RCW, two or more times within the last five years;

(v) ~~((Has been convicted of))~~ Any gross misdemeanor within the last three years;

(vi) ~~((Has been convicted of))~~ Any misdemeanor within the last year; or

(vii) Must register as a sex offender or kidnapping offender; or

(viii) Has been granted a deferred prosecution under chapter 10.05 RCW:

(A) For any gross misdemeanor within the last three years; or

(B) For any misdemeanor within the last year.

(b) The term "conviction" as used in this section will have the same meaning as used in RCW 9.94A.030.

(c) Crimes referenced in this section are as defined in the criminal code as they existed at the time of the violation, as they now exist or may later be amended in the state of Washington. Out-of-state convictions for offenses will be classified according to the comparable offense definitions and sentences provided by Washington law.

~~((4) If an application is denied, when can a new application be submitted?)~~ (6) The patrol may refuse to issue or may revoke a letter of appointment or contract if any applicant, partner or corporate officer involved in daily operations, or any employee who operates a tow truck or assists in vehicle auctions:

(a) Has demonstrated a willful disregard for complying with ordinances, statutes, administrative rules or court orders, whether at the local, state or federal level; or

(b) Fails to demonstrate character and general fitness sufficient to command the confidence of the patrol and warrant a belief that the business will be operated honestly, fairly and efficiently in the conduct of towing, impound, and vehicle auction activities. In determining character and general fitness, the patrol may consider:

(i) Prior contacts with law enforcement; and

(ii) Criminal record; and

(iii) Reputation in the community; and

(iv) Associations.

(7) Only one application per year to tow on the ((Washington state patrol)) patrol's rotational tow list will be accepted and considered for an applicant who has had their previous application denied or had their letter or contract of appointment revoked. The year will run from the date of application denial or the date of revocation of the letter of (appointment's revocation) appointment.

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

**WAC 204-91A-170 Minimum tow truck equipment standards.** (1) All tow/recovery trucks used by a registered tow operator for public or private impounds or in response to patrol requests must meet the minimum standards ((as)) listed in this section.

~~((Equipment standards will be effective one year from the date of adoption.~~

~~(1))~~ (2) Minimum standards:

(a) All equipment used in conjunction with the tow truck winching system must be used in such a way as not to exceed the equipment working load limit. All equipment must comply with the Washington safety and health administration (WSHA) regulation if applicable.

Industry standards set the working load limit of wire rope or equivalent material at one-fifth of the manufacturer's rated nominal or breaking strength.

(b) Each wire rope or equivalent material must be capable of being fully extended from and fully wound onto its

drum. Each wire rope or equivalent material must meet the industry standards for specified type of use with equipment.

OSHA (1410.179 (h)(2)(iii)) requires **no less** than two wraps of rope remain on drum when rope is "fully extended." This is to ensure the full load **never** bears on the rope to drum connection.

(c) The wire rope on each recovery class truck must be equivalent to a 6 x 19 or 6 x 37 "extra improved plowed steel" (XIP) independent wire rope center (IWRC), and must meet all industry standards for working load limit.

(i) The operator must retain a receipt of purchase from the manufacturer indicating the type and WLL of wire rope, and document the type and date the wire rope was installed on each vehicle.

(ii) Class "A," "D," and "E" trucks may utilize either IWRC or fiber core wire rope.

(d) All wire rope must be in good working order. The following industry standards for **out-of-service** criteria will apply:

(i) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(ii) Excessive abrasion causing the loss of more than one-third the original diameter of an outside individual wire.

(iii) Evidence of rope deterioration from corrosion.

(iv) Kinking, crushing, or other damage that results in detrimental distortion of the rope structure.

(v) Any evidence of heat damage.

(vi) Any marked reduction in diameter either along the entire main length or in one section.

(vii) Unlaying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

(ix) End attachments that are cracked, deformed, worn, or loosened.

(x) Any indication of strand or wire slippage in end attachments.

(xi) More than one broken wire in the vicinity of fittings.

(e) Wire rope end connections shall be swaged or, if clamped, must have a minimum of three forged clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

(i) Recovery or tow hooks must be installed, maintained, and used in the manner in which the manufacturer prescribes.

(ii) Recovery or tow hooks must be replaced if the throat opening has increased beyond the manufacturer recommendations, the load bearing point has been worn by ten percent, or the hook is twisted by more than ten degrees.

(iii) Wire rope clamps must be installed and torqued per manufacturer specifications.

(f) All wire rope related equipment, sheaves, etc., must conform to the diameter of the wire rope being used or to the original tow truck equipment manufacturer specifications.

(g) All winching equipment, booms, snatch blocks, etc., must have permanently affixed durable factory identification, stating the working load limit. If this identification has been removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be reinspected by a rec-

ognized recertification company. If the equipment is acceptable, it may be reidentified with a working load limit and a recertification company identifier. It will be deemed acceptable if the operator maintains a copy of the certification of winching equipment provided the serial number on the equipment corresponds with the certification provided by the manufacturer.

(h) Snatch block hooks that were manufactured with a retractable safety retention clip must have a functional clip installed.

(i) All block and tackle equipment used in the winching system which shows signs of permanent deformation, significant wear or damage is criteria for placing the item out-of-service.

(j) All "J" hook chain assemblies must be grade "7" chain or better.

(k) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "7" chain or meet the original manufacturer's recommendations. Safety chain hooks that were manufactured with retractable safety retention clips must have a functional clip installed.

(l) Comply with legal lighting, equipment, and license requirements.

(m) Portable tail, stop, and turn signal lights for vehicles being towed. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(n) Have department of licensing registration and truck numbers painted or permanently affixed to both sides of the truck. Have firm's name, city of address, and phone number permanently affixed to both sides of the vehicle. Letters must be a minimum of three inches high with one-half inch strokes.

(o) Have a revolving, strobe, or intermittent red light with three hundred sixty degrees visibility. Trucks may also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamps. Additionally, trucks must also be equipped with a warning light visible from the driver seat which is energized when the red revolving light or flashing amber lights are activated.

(p) Have a broom, minimum twelve inches wide, with a handle at least four feet long.

(q) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long and a minimum of a three-gallon hard or solid sided receptacle (trash bags of any type will not meet this requirement) able to contain debris typically found at collision scenes without breaking.

(r) Be maintained in a reasonably clean condition.

(s) Have at least one steel pinch bar four feet long, tapered on one end and flattened on the other with a minimum diameter of three-quarters of an inch.

(t) Have a two-way radio or mobile telephone ~~((system))~~ capable of communicating with a base station. A citizen band radio does not suffice. ~~((A mobile telephone system is acceptable provided that it))~~ The communication device must:

(i) Be in proper working order and function correctly throughout the assigned tow areas for all towing operations including on call drivers.

(ii) Be used in a lawful manner.

(u) Have one 20 BC rated or two 10 BC rated fire extinguishers accessible and secured on or in the tow truck.

(v) Axle weight must comply with the requirements of RCW 46.37.351.

(w) Carry two gallons of absorbent material designed to and capable of absorbing a one-gallon liquid spill from a motor vehicle. For the purposes of this chapter, vehicular liquids consist of motor oil, antifreeze, transmission fluid, and gear oil.

~~((2))~~ (3) Class "A" tow trucks: Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" tow trucks must meet the requirements of subsection ~~((4))~~ (2)(a) through (w) of this section, and in addition must have:

(a) A fourteen thousand five hundred pound minimum manufacturer's gross vehicle weight rating (GVWR).

(b) Dual tires on the rear axle.

(c) A minimum of one hundred feet of three-eighths inch continuous length XIP wire rope on each drum, measured from the point of attachment at the drum to the hook.

(d) A minimum eight-ton boom rating with a single hydraulic boom. Dual winches to control a minimum of two service drums. ~~((Class "A" tow trucks currently in service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.))~~

(e) A minimum of two snatch blocks rated at ~~((3-4))~~ 4.0 tons each.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be minimum grade "7" chain with matching fittings.

~~((3))~~ (j) Permanently affixed safety chains.

(4) Class "B" tow trucks: Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks must meet the requirements of subsection ~~((4))~~ (2)(a) through (w) of this section, and in addition must have:

(a) Eighteen thousand pounds minimum manufacturer's gross vehicle weight rating (GVWR).

(b) A minimum of one ~~((fourteen-ton))~~ twelve-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of one hundred feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(d) A minimum of four standard release tools (caging stud assemblies).

(e) A minimum of two snatch blocks rated at ~~((4.5))~~ 4.0 tons each.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable when the class "B" tow truck is being used for class "A" tows. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(i) A minimum of one ten-foot or two five-foot one-half inch diameter recovery chains used in the winching system and must be grade "8" chain with matching fittings. ~~((Class "B" tow trucks currently in service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.~~

~~(4))~~ (j) Permanently affixed safety chains.

~~(5))~~ **Class "B-2" tow trucks:** ~~((A+e))~~ Trucks that are rated at over 30,000 GVWR with air brakes. Class "B-2" tow trucks must ~~((=~~

~~((+))~~ meet the requirements of subsection ~~((+))~~ (2)(a) through (w) of this section

~~((+))~~, and in addition must have:

(a) A minimum of one hundred fifty feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

~~((+))~~ (b) A minimum of one fourteen-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of two snatch blocks rated at 6.0 tons each.

(d) Air brakes and a system capable of supplying air to towed vehicles.

(e) Permanently affixed safety chains.

(f) Class "B-2" tow trucks must also meet the requirements of subsection ~~((3)(b+))~~ (4)(d), ~~((+))~~ (f), (g), (h), and (i) of this section. ~~((Class "B-2" tow trucks currently in service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.~~

~~(5))~~ (6) **Class "C" tow trucks and class "C" rotator trucks:** ~~((A+e))~~ Trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks must meet the requirements of subsection ~~((+))~~ (2)(a) through (w) of this section, and in addition must have:

(a) A forty-six thousand pound manufacturer's gross vehicle weight rating (GVWR).

(b) Tandem rear axle truck chassis (both drive axles).

(c) A minimum of thirty-ton boom rating with a hydraulic boom. Dual winches to control a minimum of two service

drums. ~~((Class "C" tow trucks currently in service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.))~~

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on each drum measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

~~((If equipped with))~~ (g) A wheel lift or underlift system, it must have a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or underlift with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings.

(i) Permanently affixed safety chains.

(j) All chains must be a minimum of grade "8," except for permanently affixed safety chains that must be a minimum of grade "7."

(k) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

~~((+))~~ (l) A minimum of two snatch blocks rated at ~~((eight))~~ 8.0 tons each.

~~((+))~~ (7) **Class "D" tow trucks:** Trucks that are equipped for and primarily used as "wheel lift" or nonrecovery trucks. Class "D" tow trucks must meet the requirements of subsection ~~((+))~~ (2)(a) through (w) of this section, and in addition must have:

(a) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(b) A wheel lift assembly with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

~~((+))~~ (c) One winch and drum with one hundred feet of three-eighths inch XIP wire rope meeting class "A" requirements.

~~((+))~~ (d) One snatch block rated at 3.5 tons.

~~((+))~~ (e) A minimum of one five-foot recovery chain for use in the winching system and must be a minimum of grade "7" chain with matching fittings.

~~((+))~~ (f) Permanently affixed safety chains.

(8) **Class "E" tow trucks:** Trucks that are primarily designed and intended to transport other vehicles by loading and carrying the transported vehicle entirely on the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks, unless specifically factory equipped with a side recovery system, are not designed for vehicle recovery and therefore must not be used as a replace-

ment for a class "A" truck unless specifically requested by the patrol.

(a) Class "E" trucks must meet the requirements of subsection ((+)) (2)(a) through (w) of this section(-

(a)), and in addition must have:

(i) Four ((securing devices)) tiedowns with a minimum working load limit of three thousand four hundred pounds. The ((devices)) tiedowns must((-

(A)) be grade "7" or stronger chain, wire rope, nylon strap, or steel strap.

((B) Have tie downs attached) All four tiedowns must be used when securing a vehicle. The tiedowns must be affixed to the axle, tires, or frame ((member) of the transported vehicle both front and rear. All tiedown ends must be affixed to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook ((tie-downs)) tiedowns may be used for front and rear securement.

((C) Ensure all tie down ends are secured to the truck bed or rail in a manner that will prevent movement of the transported vehicle.))

(ii) One snatch block rated at ((3.5)) 4.0 tons.

(iii) Dual tires on the rear axle.

(iv) Fourteen thousand five hundred pound gross vehicle weight rating (GVWR).

(v) Current licensing and tonnage equal to the maximum combination GVWR.

(vi) Four-ton winch rating.

(vii) Fifty feet three-eighths inch XIP fiber core or IWRC wire rope.

(viii) One five-foot grade "7" chain with matching fittings for use in winching.

(ix) Nineteen feet of usable bed capable of carrying vehicles.

(x) Portable lights when the truck is used in towing mode. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(b) Class "E" tow trucks may ((also)) be equipped with a sling, tow bar, and/or a wheel lift system.

(i) If equipped with a towing system((-);

(A) The system must have a manufacturer's rating appropriate to the vehicle being towed. If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly can be used and must have a manufacturer's rating appropriate to the vehicle being towed.

(B) The tow truck must have permanently affixed safety chains.

(ii) ((Class "E" trucks are only required to carry portable lights when used in towing mode.)) If using a wheel lift system, the transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(c) If factory equipped with a side vehicle recovery system, such system must meet all the winch and wire rope minimum requirements listed for a class "A" truck.

((d) Additional minimum class "E" truck requirements include:

(i) Fourteen thousand five hundred pound gross vehicle weight rating (GVWR);

(ii) Current licensing and tonnage equal to the maximum combination GVWR;

(iii) Four ton winch rating;

(iv) Fifty feet three-eighths inch XIP fiber core or IWRC wire rope;

(v) One five-foot grade "7" chain with matching fittings for use in winching; and

(vi) Seventeen feet of usable bed capable of carrying vehicles.

(e) Class "E" tow trucks currently in service with those operators holding a current letter of appointment issued by the patrol not meeting the criteria listed in this section will be allowed to remain on the rotation with that company.

((8)) (9) Class "S" tow/recovery trucks: Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

(a) To be designated as a class "S" truck, the operator must submit a request for approval through the district commander to the section ((which)) that must include:

(i) Why the truck is needed;

(ii) What the truck will be used for;

(iii) The vehicle size;

(iv) Purchased tonnage if required;

(v) Capability; and

(vi) The equipment carried or used with the truck.

(b) The gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

(c) If the district commander approves the request, the request will be forwarded with recommendations for equipment and/or operation instructions or limitations to the ((patrol)) section for review and final approval. If approval is granted, the equipment must be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

((e) If the provisions of this section require a change in classification for a previously approved tow truck, such change may be made upon the next annual reinspection. In any case, all tow trucks must be correctly classified within one year of adoption of these rules.

((9)) (10) Class "S-1 rotator" trucks: ((Are tow)) Trucks that are capable of recovery, towing, or both of large trucks, trailers, buses, motor homes, or similar vehicles. Class "S-1 rotator" trucks must meet the requirements of subsection ((+)) (2)(a) through (w) of this section, and in addition must have:

(a) A fifty-two thousand pound manufacturer's GVWR.

(b) Tandem or triple rear axle truck chassis with at least two drive axles.

(c) A minimum of forty ton rotating boom rating with a single boom.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on two drums measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).



(g) ~~((Equipped with))~~ A wheel lift system ((and have)) that has a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or underlift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings. All chains must be a minimum of grade "8," except for permanently attached safety chains that must be a minimum grade "7."

(i) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(j) A minimum of two snatch blocks rated at eight tons each.

(k) Permanently affixed safety chains.

(11) Tow trucks rated as class "A," "B," "B-2," "C," or "E" that are currently in-service with operators holding a current letter of appointment issued by the patrol, not meeting the criteria for classification listed in this section will be allowed to remain on the rotation with those companies.

(12) This section shall be effective on March 1, 2011.

#### WSR 10-19-096

##### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed September 20, 2010, 9:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-079.

Title of Rule and Other Identifying Information: WAC 308-104-022 Warning letters for drivers age eighteen through twenty-one.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA (check in at counter on first floor), on October 26, 2010, at 3:00 p.m.

Date of Intended Adoption: October 27, 2010.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by October 25, 2010.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by October 25, 2010, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adding a new section to chapter 308-104 WAC, WAC 308-104-022, to permit the department to send a letter to drivers age eighteen through twenty-one who have received a moving traffic violation warning them of the risk of crash involvement.

Reasons Supporting Proposal: Statistics indicate that drivers who have received infractions and citations for moving traffic violations have a greater chance of being involved in an automobile crash, and that young drivers are at a greater risk for crash involvement.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.52.120.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Doron Maniece, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i).

September 20, 2010

Walt Fahrer

Rules Coordinator

#### NEW SECTION

**WAC 308-104-022 Warning letters for drivers age eighteen through twenty-one.** The department may mail a letter to drivers age eighteen through twenty-one who have been convicted of or found to have committed a moving traffic violation as listed in WAC 308-104-160 warning them of the risk of crash involvement.

#### WSR 10-19-099

##### PROPOSED RULES

#### STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed September 20, 2010, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-14-004.

Title of Rule and Other Identifying Information: To extension [extend] state board retirement plan to eligible higher education coordinating board (HECB) employees.

Hearing Location(s): Everett Community College, 2000 Tower Street, Everett, WA 98201, on October 28, 2010, at 8:00 a.m.

Date of Intended Adoption: October 28, 2010.

Submit Written Comments to: John Boesenberg, 1300 Quince Street S.E., Olympia, WA 98504, e-mail jboesenberg@sbctc.edu, fax (360) 704-4415, by October 15, 2010.

Assistance for Persons with Disabilities: Contact Del-Rae Oderman by October 15, 2010, TTY (360) 704-4309 or fax (360) 704-4415.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Provides for extension of the state board retirement plan to eligible HECB employees. HECB provides clarification on existing practices. Shortens the waiting period nonretirees must wait before accessing or cashing out their accumulations.

Reasons Supporting Proposal: Given the limited number of anticipated HECB employee participants, it is more efficient for the state board to extend its plan to eligible HECB

employees. Current one hundred eighty day waiting period unnecessarily imposes a hardship on former participants.

Statutory Authority for Adoption: RCW 28B.50.400.

Statute Being Implemented: RCW 28B.50.400.

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

Name of Proponent: Washington state board for community and technical colleges, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Boesenberg, 1300 Quince Street S.E., Olympia, WA 98504, (360) 704-4303.

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

A cost-benefit analysis is not required under RCW 34.05.328. State board is not a listed agency under RCW 34.05.328 and is therefore exempt from the provision.

September 20, 2010

DelRae Oderman

Executive Assistant

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-010 ((Designation)) Establishment of ((community and technical college system)) the state board retirement plan.** There is hereby established for the eligible employees of ((the community and technical colleges of the state of Washington and the state board)) participating employers, a retirement plan which shall provide such employees with a state board sponsored retirement plan through the Teachers' Insurance Annuity Association (TIAA) and the College Retirement Equities Fund (CREF), hereafter called TIAA-CREF, subject to the provisions of WAC 131-16-011 through 131-16-066 and the plan document. On and after January 1, 2006, this retirement plan is intended to comply with the requirements of a qualified plan under Section 401(a) of the Internal Revenue Code of 1986, as amended and the provisions of the plan document approved by the state board on December 1, 2005, as it may be amended from time to time.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-011 Definitions.** For the purpose of WAC 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any employee who is eligible to participate in the plan and who, as a condition of employment, on and after January 1, 1997, shall participate in the plan upon initial eligibility.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, ~~((made by the state board))~~ to an eligible retired participant or designated beneficiary whose retirement benefits provided by the plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a

period of not less than five months in any fiscal year during which contributions to TIAA-CREF were made by both the participant and a participating employer or a Washington public higher education institution ~~((or the state board))~~ or any year or fractional year of prior service in a Washington public retirement system while employed at a participating employer or a Washington public higher education institution: Provided, That the participant will receive a pension benefit from such other retirement system and that not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which contributions to TIAA-CREF were made by both the participant and a participating employer or a Washington public higher education institution is divided by two.

(6) "Plan retirement benefit" means the amount of annual retirement income derived from a participant's accumulated balances including dividends at the time of retirement: Provided, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the ~~((employing college district or the state board))~~ participating employer, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the ~~((college district or state board))~~ participating employer; but not including any severance pay, early retirement incentive payment, remuneration for unused sick or personal leave, or remuneration for unused annual or vacation leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's ~~((institution of higher education or the state board))~~ participating employer.

(9) "State board" means the state board for community and technical colleges as created in RCW 28B.50.050.

(10) "Appointing authority" means a ~~((college district))~~ participating employer's governing board ~~((of trustees or the state board))~~ or the designees of such boards.

(11) "Plan" means the retirement plan sponsored by the state board and funded by TIAA-CREF.

(12) "Participating employer" means an educational organization or agency operated by the state of Washington which is the employer of one or more eligible employees or former eligible employees and which is an employing entity designated by the state board to participate in the plan. The participating employers are listed in Appendix A of the plan document.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-021 Employees eligible to participate in the retirement plan.** (1) Eligibility to participate in the plan is limited to persons who hold appointments to (~~(college district or state board))~~ participating employer staff positions as full-time or part-time faculty members (~~(or)~~), administrators or professional staff exempt from the provisions of chapter (~~28B-16~~) 41.06 RCW and, effective July 1, 1999, are assigned a cumulative total of at least fifty percent of a full-time workload as defined by the collective bargaining agreement and/or the appointing authority at one or more (~~college districts or the state board~~) participating employers for at least two consecutive college quarters or its equivalent. (Part-time faculty workload is calculated in accordance with RCW 28B.50.489 and 28B.50.4891.)

(2) Participation in the plan is also permitted for current and former employees of (~~college districts or the state board~~) participating employers who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: Provided, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Optional participation in tax-deferred annuities other than this qualified plan as offered by (~~individual colleges~~) participating employers is permitted consistent with the Internal Revenue Code: Provided, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases. Optional tax-deferred annuities are provided through a salary reduction agreement between the employee and employer. There is no employer contribution for optional tax-deferred annuities.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to (~~an ineligible~~) a classified position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) As specified in RCW 28B.10.400, participation in the plan by employees of the higher education coordinating board is limited to eligible employees who have contributed premiums to a similar qualified plan and who are not receiving or accruing a retirement allowance under Title 41 RCW or chapter 43.43 RCW.

(7) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed (~~(within the community and technical college system)~~) by a participating employer. The (~~community and technical college or state board~~) participating employer shall notify, in writing, all newly hired employees of their potential right to participate. A participating employee, who changes employers without a break in service, shall have the responsibility to notify in writing the new (~~college or state board~~) participating employer of his or her eligibility. In no case will

there be a requirement for retroactive contributions if an employee fails to inform his or her (~~college or state board~~) participating employer about eligibility previously established with another (~~community and technical college system~~) participating employer. For the purposes of (~~this section~~) determining eligibility, spring and fall quarters shall be considered as consecutive periods of employment.

(~~(7)~~) (8) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate in this plan upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-031 Participation in the plan.** (1) Except as provided in (~~subsections (2) and (3) of this section~~) this chapter, participation in the plan is required of all otherwise eligible new employees: Provided, That any such new employee, who at the time of employment is a member of the Washington state teachers retirement system or the Washington public employees retirement system, and whose (~~college or state board~~) employment meets the requirements of an "eligible position" as defined by such plan, may irrevocably elect to retain such membership or, if not vested in that system, retain membership until vesting occurs and then irrevocably elect to participate in the plan.

(2) Employees who establish plan eligibility in accordance with WAC 131-16-021 and who, through concurrent employment with another employer, are active Washington public employee retirement system (PERS) members are required to so advise the (~~college or state board~~) participating employer and shall be given the following options:

(a) To participate in the state (~~board's~~) board retirement plan in accordance with chapter 131-16 WAC, forgoing active PERS membership (contributions and service credit) with their other employer; or

(b) To continue active participation in PERS based upon their employment with the other public employer; forgoing participation in the state (~~board's~~) board retirement plan.

Failure to make an election within thirty days of notification results in the employee being placed in the plan. The (~~college or state board~~) participating employer is required to advise the department of retirement systems (DRS) of a PERS member's participation in the plan, whether through election or default. It shall be the employee's responsibility to notify the other employer if he or she elects to participate in the plan. The employee will notify his or her (~~college or state board~~) participating employer should the employee cease to be an active PERS member. This irrevocable election remains in effect as long as the employee is actively participating in a PERS plan and is required because RCW 41.40-023(4) prohibits PERS members from simultaneously participating in two state retirement plans.

(3) Any current active participant of the plan who becomes an active member of PERS based on employment

with another PERS employer is required to notify his or her (~~college or state board~~) participating employer. The employee will be provided the options listed in subsection (2) of this section and the (~~college or state board~~) participating employer will follow through accordingly.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-040 Disability retirement provisions for plan participants.** The (~~board of trustees of any college district or the state board~~) appointing authority may approve the retirement of any participant for reasons of health or permanent disability either upon the request of the (~~appointing authority or the~~) participant or the participant's supervisor. Provided, That reasonable consideration is first given to the written recommendations of the employee's personal physician or, if requested by either the employee or the appointing authority, a review of such recommendations by another physician appointed by mutual agreement for that purpose.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-045 Transfers to and from other plans.** (1) A participant employed (~~in a Washington state community or technical college or the state board for community and technical colleges~~) by a participating employer may directly transfer into his or her plan account any balances from other employers' retirement plans in accordance with Internal Revenue Code and the plan document: Provided, That such other employers' plans permit transfers out of their plans.

(2) A participant who leaves the employment of all (~~Washington state community and technical colleges and the state board for community and technical colleges~~) participating employers may choose to transfer his or her existing plan account balances, subject to the rules established by TIAA-CREF for transfers, to any other employer's retirement plan in accordance with Internal Revenue Code and the plan document: Provided, That such other employer's plans will accept the transferred balances.

AMENDATORY SECTION (Amending WSR 98-14-033, filed 6/23/98, effective 7/24/98)

**WAC 131-16-050 Contribution rates established.** (1) On and after January 1, 1998, the (~~employing college or state board~~) participating employer shall make employee contributions on behalf of participants in lieu of paying an equal amount of each participant's salary, and such contributions shall be treated as employer contributions pursuant to Internal Revenue Code Section 414 (h)(2) in determining the tax treatment under the code. Such contributions shall be made by the employer in lieu of employee contributions.

(2) Contributions made under subsection (1) of this section shall be paid from the same source of funds as used in paying salary for affected participants. Participants do not have the option to receive the amounts contributed under subsection (1) of this section directly.

(3) The amounts of the contributions made under subsection (1) of this section shall be limited as follows:

(a) Five percent of salary each pay period until the participant attains age thirty-five;

(b) Seven and one-half percent of salary for each pay period from age thirty-five through and including age forty-nine; and

(c) Ten percent of salary for each pay period after attaining age fifty.

(4) The (~~employing college or state board~~) participating employer shall contribute an additional sum equal to the contributions required by subsection (3) of this section.

(5) During periods when participants are on leave of absence and are receiving partial compensation, the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-055 Options for self-directed investment of retirement plan contributions and accumulations.** (~~While actively employed~~) Participants may allocate current premiums or transfer (~~plan~~) accumulated balances to any of the investment options (~~approved by the state board~~) provided under the plan, subject to procedures established by TIAA-CREF.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-056 Hardship withdrawals.** (1) In the event of a financial hardship consistent with requirements of subsection (2) of this section and Section 403 (b)(11) of the Internal Revenue Code, as amended, a participant may withdraw all or part of the following plan funds:

(a) Pre-1998 employee contributions;

(b) Any pre-1989 earnings on employee contributions;

(c) Any Section 414(h) employer pick-up contributions; and

(d) Any contributions transferred to this plan from another employer's plan. Such funds may be withdrawn from the participant's (~~Washington community and technical college system~~) state board retirement plan (~~retirement~~) account while actively employed. Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus taxes on withdrawn funds and early withdrawal penalties. Employer contributions (other than Section 414(h) pick-up contributions) and earnings on the employer contributions may not be withdrawn as a hardship withdrawal.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code (Section 1.401(k)-1 (d)(2)) requires that the (~~college president or designee~~) participating employer shall verify that the participant has certified in writing that:

(a) The participant has an immediate and heavy financial need; and

(b) The participant has no other resources reasonably available to meet the need.

Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

(i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;

(ii) Payments to prevent the participant's impending bankruptcy; and/or

(iii) Unreimbursable medical expenses incurred by the participant, spouse, dependent children, and/or dependent parents.

The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

(A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer. Contributions to the employer-sponsored retirement plan must continue while the employee remains eligible for the plan.

(3) Hardship withdrawals from the ~~((community and technical college))~~ state board retirement plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from this qualified plan may not be replaced at a later date.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-060 Cashability.** Notwithstanding WAC 131-16-062(1), upon termination of employment at all ~~((community and technical college districts and the state board))~~ participating employers for at least ~~((one hundred eighty))~~ ninety consecutive calendar days with no expectation of continued employment, a participant may elect to receive a lump sum payment of his or her plan account pursuant to the settlement options ~~((being))~~ made available by TIAA-CREF at that time.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-061 Supplemental retirement benefits.**

(1) A participant is eligible to receive supplemental retirement benefit payments if at the time of retirement the participant is at least age sixty-two ~~((or over))~~ and has ~~((at least))~~ ten years of full-time service in the plan at a Washington public institution of higher education: Provided, That the amount of the supplemental retirement benefit, as calculated in accordance with the provisions of this section, is a positive amount.

(2) Subject to the provisions of subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary

multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after attainment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The combined retirement benefit from the TIAA-CREF annuity and any other Washington state ~~((public))~~ sponsored retirement ~~((system as a result of service while employed by a Washington public higher education institution))~~ plan that the participant would receive in the first month of retirement multiplied by twelve: Provided, That the ~~((TIAA-CREF))~~ state board retirement plan benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to the TIAA traditional annuity and fifty percent to the CREF stock account during each year of full-time service: Provided, That benefit calculations related to contributions made prior to July 1, 1974, shall be computed on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA-CREF annuity accumulations, including all dividends payable by TIAA Traditional Annuity and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA Traditional Annuity accumulations, including dividends, were settled on an installment refund option and the CREF Stock Account accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA-CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of higher education retirement plan shall be excluded.

(iv) For the purposes of this calculation, the assumptions applied to the plan accumulation settlement shall also apply to settlement of the benefit from any other retirement plan.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five: Provided, That the supplemental retirement benefit for an otherwise qualified participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's plan accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's plan account.

(e) The selection of a retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined plan retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be

reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than ten dollars, such benefit payments may be paid at longer intervals as determined by the state board.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse or designated beneficiary after the retiree's death. Notification of such choice shall be filed in writing with the state board and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as any plan survivor annuity option potentially payable to and elected by the participant. If a designation of a survivor's option is not made and the participant dies after attaining age sixty-two but prior to retirement, any supplemental benefit payable shall be based on the two-thirds benefit to survivor option.

(c) Prior to making any supplemental benefit payments, the state board shall obtain a document signed by the participant and spouse, if any, or designated beneficiary acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five months duration in any fiscal year. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC 131-16-021.

AMENDATORY SECTION (Amending WSR 05-24-051, filed 12/1/05, effective 1/1/06)

**WAC 131-16-065 Optional retirement transition benefit.** Participants may choose the optional retirement transition benefit that at the time of their retirement permits receipt of not more than ten percent of the accumulated value in each annuity in a lump-sum payment, provided that annuity benefits commence after the participant's fifty-fifth birthday. Benefits from the remainder of the combined annuity value shall be paid in the form of other retirement options then available to the annuitant (~~as now or hereafter~~) permitted by TIAA-CREF. Selection of the option to receive the retirement transition benefit shall be made immediately prior to retirement in such manner as (~~now or hereafter~~) permitted by TIAA-CREF.

**WSR 10-19-100**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed September 20, 2010, 11:03 a.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems requests to withdraw its proposal rule making (CR-102) filed on August 25, 2010, as WSR 10-18-043.

Ken Goolsby  
 Rules and  
 Contracts Coordinator

**WSR 10-19-106**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed September 21, 2010, 8:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-16-156.

Title of Rule and Other Identifying Information: WAC 230-13-135 Maximum wagers and prize limitations at certain amusement game locations.

Hearing Location(s): Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857, on November 18 or 19, 2010, at 9:00 a.m. or 1:00 p.m.

Date of Intended Adoption: November 18 or 19, 2010.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail SusanA@wsgc.wa.gov, fax (360) 486-3625, by November 1, 2010.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by November 1, 2010, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Curtis Epping, owner of Funland Family Entertainment Center, a commercial amusement game licensee, has submitted a petition for rule change requesting that amusement centers be removed from the list of locations required to comply with the wagering and prize restrictions in WAC 230-13-135. Currently, the maximum wager is \$0.50 and the maximum cost for a prize is \$250 if school-aged minors are allowed to play. Removing amusement centers from WAC 230-13-135(7) will allow these licensees to charge more per play and offer more attractive prizes.

Reasons Supporting Proposal: The petitioner stated in the rule petition that amusement centers generate income based almost exclusively from the operation of amusement games. The industry has changed and they are trying to keep up by offering more exciting amusement games. In order to offer the best amusement games and prizes they must be allowed to charge a higher price per play. The petitioner stated the market will determine how much they charge per play. If the price is too high customers won't play the games.

The petitioner noted that some amusement centers are seasonal businesses similar to agricultural fairs/carnivals in that they must generate income in a short period of time (dur-

ing the summer or tourist season). However, the agricultural fairs charge up to \$5 per play. According to the petitioner, they cannot offer the maximum prize allowed (\$250) at \$0.50 per play. If they are allowed to charge more per play they will be able to offer nicer prizes.

The petitioner also noted in the petition that most of the kids that visit their location are supervised by their parents or guardians. In addition, WAC 230-13-090 requires amusement centers and other locations where minors are allowed to play, to provide adult supervision during all hours of operation.

Statutory Authority for Adoption: RCW 9.46.0201, 9.46.0331, 9.46.070.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Curtis Epping, Funland Family Entertainment Center (amusement center licensee), private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily [statutorily] required to prepare a cost-benefit analysis under RCW 34.05.328.

September 14, 2010

Arlene K. Dennistoun  
Staff Attorney

AMENDATORY SECTION (Amending Order 650, filed 7/13/09, effective 8/13/09)

**WAC 230-13-135 Maximum wagers and prize limitations at certain amusement game locations.** The maximum wager is fifty cents and the maximum cost for a prize is two hundred fifty dollars if school-aged minors are allowed to play amusement games at the following locations:

- (1) Regional shopping centers; and
- (2) Movie theaters; and
- (3) Bowling alleys; and
- (4) Miniature golf course facilities; and
- (5) Skating facilities; and
- (6) Family sports complexes.

~~((+))~~ (a) A "family sports complex" is a facility, at a permanent location, to which people go to play sports. A family sports complex must offer multiple sports activities, such as indoor soccer, outdoor soccer, lacrosse, baseball, Frisbee, and lawn bowling and the gross receipts must be primarily from these sports activities.

~~((+))~~ (b) A family sports complex does not include a facility owned or operated by a school or school district; and

- (7) ~~((Amusement centers; and~~

~~(8))~~ Grocery or department stores. A "department or grocery store" means a business that offers the retail sale of a

full line of clothing, accessories, and household goods, or a full line of dry grocery, canned goods, or nonfood items plus some perishable items, or a combination of these. A department or grocery store must have more than ten thousand square feet of retail and support space, not including the parking areas; and

~~((9))~~ (8) Any business whose primary activity is to provide food service for on premises consumption.

## WSR 10-19-115

### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed September 21, 2010, 1:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-11-115.

Title of Rule and Other Identifying Information: E2SSB 6696, 61st legislature, reg. sess. (Washington 2010) authorizes the state board of education (SBE) to adopt rules in accordance with chapter 34.05 RCW as necessary to implement this session law.

Hearing Location(s): New Market Skills Center, 7299 New Market Street S.W., Tumwater, WA 98501, <http://newmarketskills.com>, on November 9, 2010, at 11:40 a.m.

Date of Intended Adoption: November 10, 2010.

Submit Written Comments to: Brad Burnham, Washington State Board of Education, P.O. Box 47206, 600 Washington Street, Olympia, WA 98504-7206, e-mail [brad.burnham@k12.wa.us](mailto:brad.burnham@k12.wa.us), fax (360) 586-2357, by October 26, 2010.

Assistance for Persons with Disabilities: Contact Brad Burnham by October 26, 2010, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The SBE will adopt rules necessary to implement the accountability framework contained in Part I of E2SSB 6696 that will include developing: 1. A schedule and the process for local school district superintendents and local boards of required action districts to submit a required action plan to SBE; and 2. The procedure for SBE to approve a required action plan proposed by a school district.

Statutory Authority for Adoption: RCW 28A.657.120.

Statute Being Implemented: RCW 28A.657.120.

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

Name of Proponent: Washington state board of education, governmental.

Name of Agency Personnel Responsible for Drafting: Brad Burnham, 600 Washington Street, Olympia, WA 98504-7206, (360) 725-6029; Implementation and Enforcement: Edie Harding, 600 Washington Street, Olympia, WA 98504-7206, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328.

September 20, 2010  
Edith W. Harding  
Executive Director

## Chapter 180-17 WAC

### ACCOUNTABILITY

#### NEW SECTION

**WAC 180-17-010 Designation of required action districts.** In January of each year, the state board of education shall designate as a required action district a school district recommended by the superintendent of public instruction for such designation.

#### NEW SECTION

**WAC 180-17-020 Process for submittal and approval of required action plan.** (1) Except as otherwise provided in WAC 180-17-030, school districts designated as required action districts by the state board of education shall develop a required action plan according to the following schedule:

(a) By April 15th of the year in which the district is designated, a school district shall submit a required action plan to the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines for the receipt of a School Improvement Grant. The required action plan must comply with all of the requirements set forth in RCW 28A.657.050.

(b) By May 1st of the year in which the district is designated, a school district shall submit a required action plan approved by the superintendent of public instruction to the state board of education for approval.

(2) The state board of education shall, by May 15th of each year, either:

(a) Approve the school district's required action plan; or  
(b) Notify the school district that the required action plan has not been approved stating the reasons for the disapproval.

(3) A school district notified by the state board of education that its required action plan has not been approved under subsection (2)(a) of this section shall either:

(a) Submit a new required action plan to the superintendent of public instruction and state board of education for review and approval within forty days of notification that its plan was rejected. The state board of education shall approve the school district's required action plan by no later than July 15th if it meets all of the requirements set forth in RCW 28A.657.050; or

(b) Submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the state board's rejection within ten days of the notification that the plan was rejected. The review panel shall consider and issue a decision regarding a district's request for reconsideration to the state board of education by no later than June 10th. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the school district and the panel by no later than

June 20th. If the state board of education accepts the changes to the required action plan recommended by the panel, the school district shall submit a revised required action plan to the superintendent of public instruction and state board of education by July 30th. The state board of education shall approve the plan by no later than August 10th if it incorporates the recommended changes of the panel.

(4) If the review panel issues a decision that reaffirms the decision of the state board of education rejecting the school district's required action plan, then the school district shall submit a revised plan to the superintendent of public instruction and state board of education within twenty days of the panel's decision. The state board of education shall approve the district's required action plan by no later than July 15th if it meets all of the requirements set forth in RCW 28A.657.-050.

#### NEW SECTION

### **WAC 180-17-030 Process for submittal and approval of a required action plan when mediation or superior court review is involved.**

(1) By April 1st of the year in which a school district is designated for required action, it shall notify the superintendent of public instruction and the state board of education that it is pursuing mediation with the public employment relations commission in an effort to agree to changes to terms and conditions of employment to a collective bargaining agreement that are necessary to implement a required action plan. Mediation with the public employment relations commission must commence no later than April 15th.

(2) If the parties are able to reach agreement in mediation, the following timeline shall apply:

(a) A school district shall submit its required action plan according to the following schedule:

(i) By June 1st, the school district shall submit its required action plan to the superintendent of public instruction for review and approval as consistent with federal guidelines for the receipt of a School Improvement Grant.

(ii) By June 10th, the school district shall submit its required action plan to the state board of education for approval.

(b) The state board of education shall, by June 15th of each year, approve a plan proposed by a school district only if the plan meets the requirements in RCW 28A.657.050 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement.

(3) If the parties are unable to reach an agreement in mediation, the school district shall file a petition with the superior court for a review of any disputed issues under the timeline prescribed in RCW 28A.657.050. After receipt of the superior court's decision, the following timeline shall apply:

(a) A school district shall submit its revised required action plan according to the following schedule:

(i) By June 30th, the school district shall submit its revised required action plan to the superintendent of public instruction for review and approval as consistent with federal guidelines for the receipt of a School Improvement Grant.



(ii) By July 7th, the school district shall submit its revised required action plan to the state board of education for approval.

(b) The state board of education shall, by July 15th of each year, approve a plan proposed by a school district only if the plan meets the requirements in RCW 28A.657.050 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement.

#### NEW SECTION

**WAC 180-17-040 Failure to submit or receive approval of a required action plan.** The state board of education shall direct the superintendent of public instruction to require a school district that has not submitted a final required action plan for approval, or has submitted but not received state board of education approval of a required action plan by the beginning of the school year in which the plan is intended to be implemented, to redirect the district's Title I funds based on the academic performance audit findings.

#### NEW SECTION

**WAC 180-17-050 Release of a school district from designation as a required action district.** (1) The state board of education shall release a school district from designation as a required action district upon recommendation by the superintendent of public instruction, and confirmation by the board, that the district has met the requirements for release set forth in RCW 28A.657.100.

(2) If the board determines that the required action district has not met the requirements for a release in RCW 28A.657.100, the school district shall remain in required action and submit a new or revised required action plan under the process and timeline as prescribed in WAC 180-17-020 or 180-17-030.

**WSR 10-19-119**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed September 21, 2010, 4:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-116.

Title of Rule and Other Identifying Information: Chapter 170-290 WAC, Working connections and seasonal child care programs, amending WAC 170-290-0031 Notification of changes and 170-290-0032 Failure to report changes.

Hearing Location(s): **1. Wednesday, October 27, 2010, 6:30 to 8:30 p.m.**, in person at the Department of Early Learning (DEL), Tumwater Office, Point Plaza East, Nisqually Room, 6860 Capitol Boulevard S.E., Building 2, Tumwater, WA 98501; on-line at "Go to Webinar" <https://www2.gotomeeting.com/register/956405538>. To join the hearing on-line, you must register at this web site and give your name and e-mail address; or by telephone conference

call toll free at **1-866-441-7284**. When directed by the operator, enter the number **990391** and the "#" (pound) sign.

**2. Saturday, October 30, 2010, 1:00 to 3:00 p.m.**, in person at the Spokane Public Library, Shadle Branch, West 2111 Wellesley Avenue, Spokane, WA 99205; on-line at "Go to Webinar" <https://www2.gotomeeting.com/register/705247298>. To join the hearing on-line, you must register at this web site and give your name and e-mail address; or by telephone conference call toll free at **1-866-441-7284**. When directed by the operator, enter the number **740227** and the "#" (pound) sign.

You may join these hearings anytime during the posted hours to offer your input or to hear what others are saying about the proposed rules.

**The deadline for sending written comments on the proposed rules is midnight on Sunday, October 31, 2010.** See the "submit written comments to" section of this notice about how to submit written input on this proposal.

Everyone who comments on the proposed rules either in writing or at a public hearing will receive the department's combined written response, called a concise explanatory statement. This statement is also available to anyone who requests it, by contacting the DEL rules coordinator at the address above, or by e-mailing [Rules@del.wa.gov](mailto:Rules@del.wa.gov).

DEL encourages the public to use of the department Facebook and DEL blog pages on the internet to post input about DEL programs and initiatives. However, for a written comment to be considered part of the official record for this proposal, and for the sender to receive the department's official response to comments in the concise explanatory statement, the comment must be received at the on-line, e-mail, fax or postal mail locations as described in this notice under "submit written comments to."

Date of Intended Adoption: After November 1, 2010.

Submit Written Comments to: DEL Rules Coordinator, P.O. Box 40970, Olympia, WA 98504-0970, DEL on-line comment web site <https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>, e-mail [Rules@del.wa.gov](mailto:Rules@del.wa.gov), fax (360) 725-4939, by 11:59 p.m., October 31, 2010.

Assistance for Persons with Disabilities: Contact DEL rules coordinator by October 22, 2010, (360) 725-4665.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DEL is revising rules regarding changes that a family receiving working connections child care (WCCC) subsidies must report to the department of social and health services (DSHS). Under this proposal:

- A family must report when their countable income rises, only if the increase may put the family over the income limit to remain eligible for WCCC.
- A WCCC family may, but is not required to, report when their income decreases. Reporting an income decrease may lower a family's monthly out-of-pocket child care copayment amount.
- A family that has a twelve-month WCCC eligibility period, due to having a child enrolled in head start, early head start or early childhood education and assistance program (ECEAP), must report within ten days when their child is no longer enrolled in one of those preschool programs. But the family

would not be penalized if they miss the ten-day deadline.

Reasons Supporting Proposal: On July 15, 2010, DEL adopted amendments to WAC 170-290-0082 to implement E2SHB 3141 (chapter 273, Laws of 2010 regular session). HB 3141 directs DEL, in part, to "establish and implement policies in the working connections child care program to promote stability and quality of care for children from low income households ..." In comments on proposed changes to WAC 170-290-0082, stakeholders recommended reducing the types of changes a WCCC family must report, particularly reporting when a family's income goes up or down. Under the current WCCC rules, families must report any monthly income increase or decrease.

In responding to the public comments on proposed WAC 170-290-0082 (see the concise explanatory statement prepared for the permanent adoption of the rule), DEL offered to propose a future amendment to WAC 170-290-0031 that would:

- Limit required reporting of monthly income increases only to an increase that may put the family income over the limit to remain eligible for WCCC.
- Allow - but not require - a WCCC family to report when their monthly income decreases. Reporting a decrease may lower the family's monthly out-of-pocket copayment to as low as the minimum \$15 per child per month.

This proposed rule carries out the department's concise explanatory statement for amended WAC 170-290-0082.

In addition, the proposed new subsection (6) to WAC 170-290-0031 requires the family who receives twelve months of WCCC eligibility under WAC 170-290-0082 to report within ten days when their child is no longer enrolled in head start, early head start or ECEAP. The families' reports are intended to help DEL and DSHS study how the twelve-month eligibility program impacts child care stability of the participating WCCC families. This study is required by HB 3141. Under the proposed amendment of WAC 170-290-0032, a family would not be penalized for reporting later than ten days when their child is no longer enrolled in head start, early head start or ECEAP.

Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070; chapter 43.215 RCW.

Statute Being Implemented: Chapter 273, Laws of 2010, regular session (E2SHB 3141); chapter 43.215 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Under section 501 (uncodified), chapter 265, Laws of 2006, DEL and DSHS jointly operate the WCCC program. DEL is responsible for WCCC policy-making and adopting rules for the program. DSHS staff accept WCCC applications, determine family eligibility, and process payments to child care providers who care for children who receive WCCC subsidized care.

The WCCC program helps pay for child care for eligible families while the parents work or attend training, education or other approved activities. Families pay a monthly out-of-

pocket copayment for each child receiving WCCC subsidized child care. The copayment amount is based on the family's countable income.

Name of Proponent: Department of early learning, governmental.

Name of Agency Personnel Responsible for Drafting: Mark Rosen/Andy Fernando, DEL, Lacey, Washington, (360) 725-4665; Implementation: DSHS field offices and call centers, statewide; and Enforcement: DSHS field offices, statewide.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules are expected to create a cost for affected small businesses, or if costs are created they are likely to be minor. The proposal is intended to improve child care stability for WCCC families, which may also have a beneficial effect to small business child care providers that the state pays to provide subsidized care under the WCCC program.

A cost-benefit analysis is not required under RCW 34.05.328. DEL is not listed among the state agencies required to comply with RCW 34.05.328.

September 21, 2010

Elizabeth M. Hyde  
Director

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-0031 Notification of changes.** When a consumer applies for or receives WCCC benefits, he or she must:

(1) Notify DSHS's WCCC staff, within five days, of any change in providers;

(2) Notify the consumer's provider within ten days when DSHS changes his or her child care authorization;

(3) Notify DSHS's WCCC staff within ten days of any change in:

(a) The number of child care hours the consumer needs (more or less hours);

(b) The consumer's ((household)) countable income, including any TANF grant or child support increases or decreases, only if the change would cause the consumer's countable income to exceed the maximum eligibility limit as provided in WAC 170-290-0005 (2)(d). A consumer may notify DSHS's WCCC staff at any time of a decrease in the consumer's household income, which may lower the consumer's copayment under WAC 170-290-0085;

(c) The consumer's household size such as any family member moving in or out of his or her home;

(d) Employment, school or approved TANF activity (starting, stopping or changing);

(e) The address and telephone number of the consumer's in-home/relative provider;

(f) The consumer's home address and telephone number; and

(g) The consumer's legal obligation to pay child support;

(4) Report to DSHS's WCCC staff, within twenty-four hours, any pending charges or conviction information the consumer learns about his or her in-home/relative provider; (~~and~~)

(5) Report to DSHS's WCCC staff, within twenty-four hours, any pending charges or conviction information the consumer learns about anyone sixteen years of age and older who lives with the provider when care occurs outside of the child's home; and

(6) Notify DSHS's WCCC staff within ten days when a family receiving a twelve-month eligibility period under WAC 170-290-0082(2) no longer has a child receiving services from head start, early head start, or an early childhood education and assistance program.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-0032 Failure to report changes.** A consumer's failure to report changes as required in WAC 170-290-0031 (1) through (5) within the stated time frames may cause:

(1) A copayment error. The consumer may be required to pay a higher copayment as stated in WAC 170-290-0085; or

(2) A WCCC payment error. If an overpayment occurs, the consumer may receive an overpayment for what the provider is allowed to bill, including billing for absent days (see publication *Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers*, DEL 22-877, revised 2009).

## WSR 10-19-120

### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed September 21, 2010, 4:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-018.

Title of Rule and Other Identifying Information: Sign-in/sign-out sheets for continuing education courses for home inspectors, to ensure home inspectors are completing the full number of clock hours in continuing education courses, and are not allowing other students to sign them in and out of the training facility before the end of the training time allotted. Education providers to provide sign-in/sign-out sheets for student use. Providers to retain the sign-in/sign-out sheets for department review upon request.

Hearing Location(s): 2000 4th Avenue West, 2nd Floor Conference Room, Olympia, WA 98507, on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: October 26, 2010.

Submit Written Comments to: Rhonda Myers, 2000 4th Avenue West, Olympia, WA 98507, e-mail rmyers@dol.wa.gov, fax (360) 586-0998, by October 25, 2010.

Assistance for Persons with Disabilities: Contact Sally Adams by October 25, 2010, TTY (360) 664-0116 or (360) 664-6526.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal will create a rule for education providers to make sign-in/sign-out sheets available to students participating in continuing education courses for home inspectors. This will also ensure stu-

dents are completing the required number of clock hours mandated for each class.

Reasons Supporting Proposal: This proposal will ensure home inspector class attendees receive the total number of clock hours listed for each continuing education class they take.

Statutory Authority for Adoption: RCW 18.280.060.

Statute Being Implemented: Chapter 18.280 RCW.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rhonda Myers, 2000 4th Avenue West, Olympia, WA 98507, (360) 664-6497.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule is for individual licensees, and not small business enterprises.

A cost-benefit analysis is not required under RCW 34.05.328. The department of licensing is not one of the named agencies under this RCW.

September 21, 2010

Walt Fahrer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-13-001, filed 6/3/09, effective 7/4/09)

**WAC 308-408A-110 Continuing education clock hour requirements.** A licensee shall submit to the department evidence of satisfactory completion of clock hours, pursuant to RCW 18.280.110, in the manner and on forms prescribed by the department.

(1) A licensee applying for renewal of a license shall submit evidence of completion of twenty-four hours of instruction in a course(s) approved by the board and commenced within twenty-four months of a licensee's renewal date.

(2) The twenty-four clock hours shall be satisfied by evidence of completion of approved real estate courses as defined in WAC 308-408B-040.

(3) Courses for continuing education clock hour credit shall be commenced after issuance of a first license.

(4) Approved courses may be repeated for continuing education credit in subsequent renewal periods.

(5) Clock hour credit for continuing education shall not be accepted if: The course is not approved pursuant to chapters 308-408B WAC and 18.280 RCW.

(6) Instructors shall not receive clock hour credit for teaching or course development.

(7) All providers of continuing education courses will make sign-in and sign-out sheets available to class participants. The provider will ensure that all students will sign in at the beginning of the class, and will not allow anyone to sign out until the end of the class. Education providers will not sign out students who are not physically present in the class or allow students to sign out on behalf of other class participants.

WSR 10-19-122
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed September 21, 2010, 5:00 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Section 8.05 (Agricultural Burning Permits).

Hearing Location(s): Puget Sound Clean Air Agency, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, on October 28, 2010, at 8:45 a.m.

Date of Intended Adoption: October 28, 2010.

Submit Written Comments to: Lynn Sykes, Puget Sound Clean Air Agency, 1904 3rd Avenue, #105, Seattle, WA 98101, e-mail lynns@psc Clean Air Agency, fax (206) 343-7522, by October 27, 2010.

Assistance for Persons with Disabilities: Contact agency receptionist, (206) 689-4010, by October 21, 2010, TTY (800) 833-6388 or (800) 833-6385 (braille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update the agency's agricultural burning permit fee structure. There is also a minor housekeeping change that covers a statutory reference update.

Reasons Supporting Proposal: To be consistent with the statewide requirements specified in chapter 173-430 WAC.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

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

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Rose Busterna, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, (206) 689-4021; Implementation and Enforcement: Laurie Halvorson, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, (206) 689-4030.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

September 21, 2010
Craig Kenworthy
Executive Director

AMENDATORY SECTION

REGULATION I SECTION 8.05 AGRICULTURAL BURNING PERMITS

(a) Applicability. This section applies to burning permits related to agricultural operations. The definitions and requirements contained in chapter 173-430 WAC also apply to this section; provided that if there is a conflict between this section and chapter 173-430 WAC, this section governs.

(b) General Requirements. Agricultural burning will be permitted if the following requirements are met:

(1) The natural vegetation being burned is generated from the property of the commercial agricultural operation; and

(2) Burning is necessary for crop propagation or rotation, disease or pest control; and

(3) Burning is a best management practice as established by the Agricultural Burning Practices and Research Task Force (established in ((RCW 70.94.650)) RCW 70.94.6528 as referenced in ((WAC 173-430-050)) chapter 173-430 WAC); or the burning practice is approved in writing by the Washington State Cooperative Extension Service or the Washington State Department of Agriculture; or the burning is conducted by a governmental entity with specific agricultural burning needs, such as irrigation districts, drainage districts, and weed control boards; and ((-))

(4) The proposed burning will not cause a violation of any Agency regulation.

(c) Permit Applications. Agricultural burning permits shall be approved by the Agency prior to burning.

(1) The permit application shall be submitted on forms provided by the Agency and shall include:

((+)) (A) A copy of the applicant's most recent year's Schedule F (as filed with the Internal Revenue Service);

((+)) (B) A written review by the local fire district or fire marshal indicating their endorsement that local requirements have been met; and

((+)) (C) A ((non-refundable)) permit fee as required below:

((A) For burning up to 10 acres (or equivalent), the fee is \$25.00 (\$12.50 for local administration and \$12.50 for the research fund);

((B) For burning over 10 acres, the fee is \$2.25 per acre (\$1.25 for local administration, \$.50 for the research fund, and \$.50 for Ecology administration-))

Table with 3 columns: Burn Type, Minimal Fee, Variable Fee. Row 1: (A) Field Burning of vegetative residue on an area of land used in an agricultural operation. (does not include pile burning). Minimal Fee: \$30 for the first 10 acres. (\$15 each for the Agency and Ecology administration.) Variable Fee: \$3 for each additional acre. (\$1.25 each per acre for the Agency and Ecology administration, and \$.50 per acre for the research fund.) Row 2: (B) Spot Burning of an unforeseen and unpredicted small area where burning is reasonably necessary and no practical alternative to burning exists. Minimal Fee: \$30 for 10 acres or less. (\$15 each for the Agency and Ecology administration.) Variable Fee: None.

<u>Burn Type</u>	<u>Minimal Fee</u>	<u>Variable Fee</u>
<u>(C) Pile Burning of stacked vegetative residue from an agricultural operation.</u>	<u>\$80 for the first 100 tons. (\$16 each for the Agency administration and the research fund, and \$48 for Ecology administration.)</u>	<u>\$.50 for each additional ton. (\$.10 each per ton for the Agency administration and the research fund, and \$.30 per ton for Ecology administration.)</u>

(2) Any refunds of the variable fee portion of a permit fee are issued in accordance with chapter 173-430 WAC.

**(d) Permit Action and Content.**

(1) The Agency will act on a complete application within 7 days of receipt.

(2) All agricultural burning permits shall contain conditions that are necessary to minimize emissions.

(3) All permits shall expire 12 months from date of issuance.

**(e) Permit Denial.** ~~((No permit shall be issued if the Agency determines that the proposed burning will cause a nuisance.))~~ All denials shall become final within 15 days unless the applicant petitions the Control Officer for reconsideration, stating the reasons for reconsideration. The Control Officer shall then consider the petition and shall within 30 days issue a permit or notify the applicant in writing of the reason(s) for denial. (For more information on the appeal process, see Section 3.17 of this regulation.)

**WSR 10-19-123  
PROPOSED RULES  
PUGET SOUND  
CLEAN AIR AGENCY**

[Filed September 21, 2010, 5:01 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Section 9.16 (Spray-Coating Operations).

Hearing Location(s): Puget Sound Clean Air Agency, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, on October 28, 2010, at 8:45 a.m.

Date of Intended Adoption: October 28, 2010.

Submit Written Comments to: Lynn Sykes, Puget Sound Clean Air Agency, 1904 3rd Avenue, #105, Seattle, WA 98101, e-mail lynns@pscleanair.org, fax (206) 343-7522, by October 27, 2010.

Assistance for Persons with Disabilities: Contact agency receptionist, (206) 689-4010 by October 21, 2010, TTY (800) 833-6388 or (800) 833-6385 (braille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend the mobile spray-coating rules by extending the existing requirement to use an HVLP spray gun to also include the requirement that the gun paint cup capacity be less than or equal to 3.0 fluid ounces.

Reasons Supporting Proposal: To clarify compliance requirements for mobile spray-coating operations that are necessary to comply with this agency's regulations while clearly documenting the basis for inapplicability of a related EPA rule.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

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

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Steve Van Slyke, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, (206) 689-4052; Implementation and Enforcement: Laurie Halvorson, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, (206) 689-4030.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

September 21, 2010

Craig Kenworthy

Executive Director

**AMENDATORY SECTION**

**REGULATION I SECTION 9.16 SPRAY-COATING OPERATIONS**

(a) Applicability. This section applies to indoor and outdoor spray-coating operations when a coating that protects or beautifies a surface is applied with spray-coating equipment, except as exempted in Section 9.16(b) of this regulation. Mobile spray-coating operations for motor vehicles or motor vehicle components are subject to Section 9.16(e) of this regulation.

(b) Exemptions. The following activities are exempt from the provisions of Sections 9.16 (c), (d), and (e) of this regulation. Persons claiming any of the following exemptions shall have the burden of demonstrating compliance with the claimed exemption.

(1) Application of architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, or similar structures);

(2) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG. This includes all activities and materials listed in 40 CFR 63.741(f);

(3) Use of high-volume, low-pressure (HVLP) spray guns when:

(A) spray-coating operations do not involve motor vehicles or motor vehicle components;

(B) the gun cup capacity is 8 fluid ounces or less;

(C) the spray gun is used to spray-coat less than 9 square feet per day per facility;

(D) coatings are purchased in containers of 1 quart or less; and

(E) spray-coating is allowed by fire department, fire marshal, or other government agency requirements.

(4) Use of air-brush spray equipment with 0.5 to 2.0 CFM airflow and a maximum cup capacity of 2 fluid ounces, provided that persons claiming exemption from Section 9.16(e) of this regulation register with the Agency in accordance with Article 5 of this regulation and provide a copy of the current Agency registration document to each new customer before starting work at a site;

(5) Use of hand-held aerosol spray cans with a capacity of 1 quart or less; or

(6) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100 F°.

(c) General Requirements for Indoor Spray-Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating inside a structure, or spray-coating of any motor vehicles or motor vehicle components, unless all of the following requirements are met:

(1) Spray-coating is conducted inside an enclosed spray area;

(2) The enclosed spray area employs either properly seated paint arresters, or water-wash curtains with a continuous water curtain to control the overspray; and

(3) All emissions from the spray-coating operation are vented to the atmosphere through an unobstructed vertical exhaust vent.

(d) General Requirements for Outdoor Spray-Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating outside an enclosed structure unless reasonable precautions are employed to minimize the overspray. Reasonable precautions include, but are not limited to the use of:

(1) Enclosures and curtailment during high winds; and

(2) High-volume low-pressure (HVLP), low-volume low-pressure (LVLP), electrostatic, or air-assisted airless spray equipment. Airless spray equipment may be used where low viscosity and high solid coatings preclude the use of higher-transfer efficiency spray equipment.

(e) General Requirements for Mobile Spray-Coating Operations. It shall be unlawful for any person to cause or allow the spray-coating of any motor vehicle or motor vehicle component outside of a structure required by Section 9.16(c) of this regulation, unless all the following requirements are met:

(1) Conduct all spray-coating in a portable frame-and-fabric shelter consisting of a fabric roof and three fabric sides or similar portable shelter consisting of a roof and three sides.

(A) Disassemble and remove the portable shelter from the site at the end of each day.

(B) Do not conduct mobile spray-coating operations for more than 5 consecutive calendar days at any site and not more than 14 days during any calendar month at the same site.

(2) Do not apply more than 8 ounces of coating to any single vehicle.

(3) Do not apply coating to more than 9 square feet of any single vehicle.

(4) Do not prepare a surface area for spray-coating greater than 9 square feet per any single vehicle. The measured surface area prepared for spray-coating shall include,

but is not limited to all areas that are filled, ground, sanded, or inside masking.

(5) Use only HVLP spray guns or spray equipment with equivalent transfer efficiency (greater than or equal to 65%) and with a paint cup capacity less than or equal to 3.0 fluid ounces.

(6) Minimize evaporative emissions by collecting all organic solvents used for cleanup of equipment in a closed-loop or contained system; keeping all containers of paints and organic solvents closed except when materials are being added, mixed, or removed; and storing solvent rags in closed containers.

(7) Post a sign that is visible to the public and shows the name of the company and current telephone contact information for complaints. Record information regarding complaints received and investigate complaints regarding odor, overspray, or nuisance as soon as possible, but no later than 1 hour after receipt of a complaint. As part of the investigation, determine the wind direction during the time of the complaint. If the cause of a valid complaint cannot be corrected within 2 hours of the time the complaint was received, shut down the operation until corrective action is completed.

(8) Complete the following records for each vehicle when finished with that vehicle:

(A) Customer identification, address where work was performed, date, time, and the name of the person completing the record;

(B) Identification of each vehicle and vehicle component repaired; and

(C) Quantity (in ounces) of each VOC-containing material used on each vehicle.

All records must be kept current, retained for at least 2 years, and made available to Agency representatives upon request.

(9) Provide a copy of the current Agency registration document to each customer prior to starting work at a site.

(f) Compliance with Other Regulations. Compliance with this regulation does not exempt any person from compliance with Regulation I, Section 9.11 and all other applicable regulations including those of other agencies.

## WSR 10-19-126

### PROPOSED RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed September 22, 2010, 8:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-16-145 and 10-16-144.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-310-0100 WorkFirst—Purpose, 388-310-0800 WorkFirst—Support services, and 388-310-1800 WorkFirst—Post employment services.

Hearing Location(s): DSHS Office Building 2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504 (a

map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 1115 Washington Street S.E., [Olympia], WA 98504, e-mail [vasquki@dshs.wa.gov](mailto:vasquki@dshs.wa.gov), fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by October 5, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [johnsjl4@dshs.wa.gov](mailto:johnsjl4@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to eliminate support services and post employment services for clients who no longer receive temporary assistance for needy families (TANF) or state family assistance (SFA). The proposal is intended to reduce program costs in response to a budget shortfall. The proposal will impact clients who no longer receive a TANF or SFA cash grant, but were previously eligible for support services and post employment services.

Reasons Supporting Proposal: The proposed amendments are necessary for the program to contain costs and ensure the program's fiscal stability.

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

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephanie Nielsen, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4699.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses. The proposed rule eliminates support services for post-TANF clients in response to budget reductions.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule eliminates support services for post-TANF clients in response to budget reductions.

September 16, 2010

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 99-08-051, filed 4/1/99, effective 5/2/99)

**WAC 388-310-0100 WorkFirst—Purpose.** (1) **What is the WorkFirst program?**

The WorkFirst program offers services and activities to help people in low-income families find jobs, keep their jobs, find better jobs and become self-sufficient. The program links families to a variety of state, federal and community resources to meet this goal. When you enter the WorkFirst program, you will be asked to work, look for work and/or prepare for work.

**(2) Who does the WorkFirst program serve?**

The WorkFirst program serves ~~((three))~~ two groups:

(a) Parents and children age sixteen or older who receive cash assistance under the temporary assistance for needy families (TANF), general assistance for pregnant women (GA-S) or state family assistance (SFA) programs; and

~~(b) ((Parents who no longer receive cash assistance and need some continuing support to remain self-sufficient; and~~  
~~(c))~~ (e)) Low income parents who support their family without applying for or relying on cash assistance.

AMENDATORY SECTION (Amending WSR 09-06-053, filed 2/26/09, effective 4/1/09)

**WAC 388-310-0800 WorkFirst—Support services.**

**(1) Who can get support services?**

People who can get support services include:

(a) WorkFirst participants who receive a TANF cash grant;

(b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted or applicants who were terminated ~~((by a sanction review panel))~~ while in noncompliance sanction who are doing activities required to reopen cash assistance (WAC 388-310-1600);

(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangement and/or meeting the school requirements.

~~(d) ((Former WorkFirst recipients who are working at least twenty hours or more per week for up to six months after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800);~~

~~(e))~~ (e)) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

**(2) Why do I receive support services?**

Although not an entitlement, you may receive support services for the following reasons:

(a) To help you participate in work and WorkFirst activities that lead to independence.

(b) To help you to participate in job search, accept a job, keep working, advance in your job, and/or increase your wages.

(c) You can also get help in paying your child care expenses through the working connections child care assis-

tance program. (Chapter 170-290 WAC describes the rules for this child care assistance program.)

**(3) What type of support services may I receive and what limits apply?**

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.
- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence. When approved, safety-related support services can exceed the dollar or category limits listed below.
- Some support services are available if you need them for other required activities in your IRP.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$75 per adult per program year	x		
Diapers	\$50 per child per month	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 per program year	x		
Car repair needed to restore car to operable condition	\$250 per program year	x	x	
License/fees	\$130 per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Transportation allotment	Up to: \$25 for immediate need, or \$40 twice a month if you live within 40 miles of your local WorkFirst office, or \$60 twice a month if you live more than 40 miles from your local WorkFirst office.	x	x	
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

**(4) What are the other requirements to receive support services?**

Other restrictions on receiving support services are determined by the department or its agents. They will ~~((decide what support services you receive, as follows))~~ consider whether:

- (a) It is within available funds; and
  - (b) It does not assist, promote, or deter religious activity;
  - and
  - (c) There is no other way to meet the cost.
- (5) What happens to my support services if I do not participate as required?**



The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

AMENDATORY SECTION (Amending WSR 08-15-136, filed 7/22/08, effective 8/22/08)

**WAC 388-310-1800 WorkFirst—Post employment services.** (1) **What is the purpose of post employment services?**

Post employment services help ~~((low-income))~~ TANF or SFA 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 170-290 WAC).

(b) Other support services, such as help in paying for transportation or work expenses if you meet the criteria for this program (WAC 388-310-0800).

(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))~~ services?**

If you are a current TANF or SFA recipient, 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 services.

(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 10-19-127**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 22, 2010, 8:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-114.

Title of Rule and Other Identifying Information: The department is proposing to update and clarify the following rules under chapter 388-492 WAC, Washington combined application project (WASHCAP): WAC 388-492-0020 What are WASHCAP food benefits?, 388-492-0030 Who can get WASHCAP?, 388-492-0050 How do I apply for WASHCAP?, 388-492-0070 How are my WASHCAP food benefits calculated?, 388-492-0080 Where do I report changes?, 388-492-0100 How is my eligibility for WASHCAP food benefits reviewed?, 388-492-0110 What happens if my WASHCAP food benefits end?, and 388-492-0120 What happens to my WASHCAP benefits if I am disqualified?

The department is also proposing to repeal WAC 388-492-0130 What can I do if I disagree with a decision the department made about my WASHCAP benefits?

Hearing Location(s): Office Building 2 (OB2), Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by October 5, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [johnsjl4@dshs.wa.gov](mailto:johnsjl4@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The community services division is proposing to amend rules under chapter 388-492 WAC, Washington combined application project (WASHCAP) to make changes necessary to clarify when WASHCAP benefits can begin, update and clarify rules to current procedures and to reduce payment errors caused by failure to follow correct procedures. This rule amendment does not change WASHCAP eligibility or standards.

Reasons Supporting Proposal: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to WASHCAP rules that are consistent with the act, federal regulations, and our approved WASHCAP demonstration project waiver.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.903, and 74.04.-500.

Statute Being Implemented: RCW 74.04.005, 74.04.-050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Rule is necessary because of federal law, 7 C.F.R. § 273.23.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Thibodeau, 712 Pear Street S.E., Olympia, WA 98504, (360) 725-4634.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by changing the way income and resources may or may not be deemed to sponsored aliens that are otherwise eligible for federal SNAP benefits under the Basic Food program.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

September 16, 2010

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-23-026, filed 11/8/04, effective 12/9/04)

**WAC 388-492-0020 What are WASHCAP food benefits and what do I need to know about WASHCAP?** WASHCAP means the Washington State Combined Application (~~(program)~~) **Project**.

(1) WASHCAP is a simplified food benefits program for (~~(certain))~~ most single Supplemental Security Income (SSI) recipients. Unless specifically stated in this WAC chapter, WASHCAP food benefits follow all the program requirements of the Basic Food program as described under WAC 388-400-0040.

(2) The Social Security Administration (SSA) asks you if you want to get food benefits when you apply for SSI in Washington state.

(3) If you meet the requirements of WAC 388-492-0030, you will get WASHCAP food benefits unless you can choose Basic Food benefits under WAC 388-492-0040.

(4) If you are eligible for WASHCAP food benefits under WAC 388-492-0030, SSA electronically sends us the information we need to open your WASHCAP food benefits.

(5) WASHCAP food benefits begin the first month after the month you apply and are eligible for ongoing SSI.

(6) You do not have to go to your local community services office (CSO) to apply for WASHCAP.

(7) If you want Basic Food benefits before WASHCAP food benefits begin, you can apply (~~(at your local CSO, home and community services office (HCS), or SSA-~~

~~(8))~~);

(a) By contacting the customer service center (CSC) at 1-877-501-2233;

(b) Over the internet;

(c) At any community services office (CSO);

(d) At any home and community services office (HCS);

or

(e) At any Social Security Administration (SSA) office.

(8) If you get Basic Food benefits, these benefits will continue:

(a) Through the end of your certification period; or

(b) Through the month before your WASHCAP food benefits start.

(9) While you get WASHCAP food benefits, you must report all changes to SSA.

((9)) SSA shares the changes you report to them with your WASHCAP worker.)

(10) You do not have to report changes to your WASHCAP worker. See WAC 388-492-0080.

AMENDATORY SECTION (Amending WSR 04-23-026, filed 11/8/04, effective 12/9/04)

**WAC 388-492-0030 Who can get WASHCAP? (1)**

You can get WASHCAP food benefits if:

(a) You are eligible to receive federal SSI benefits; and

(b) You are eighteen years of age or older; and

(c) You live alone, or SSA considers you as a single household; or

(d) You are age eighteen through twenty-one, living with your parent(s) who do not get Basic Food benefits, and you purchase food separately; or

(e) You live with others but buy and cook your food separately from them; and

((e)) (f) You do not have earned income when you apply for SSI; or

((f)) (g) You already get WASHCAP food benefits and become employed and receive earned income for less than three consecutive months and are still eligible to receive federal SSI cash benefits; or

((g)) (h) You already get WASHCAP and move to an institution for ninety days or less.

(2) You are not eligible for WASHCAP food benefits if:

(a) You live in an institution;

(b) You are under age eighteen;

(c) You live with your spouse;

(d) You are under age twenty-two and you live with your parent(s) who are getting Basic Food benefits;

(e) You begin working after you have been approved for WASHCAP and have earned income for more than three consecutive months;

(f) You live with others and do not buy and cook your food separately from them; or

(g) You are ineligible for Basic Food benefits under WAC 388-400-0040 ~~((13)(b))~~ (14)(b) and (e).

(3) We ~~((accept))~~ use SSA information ~~((about))~~ to determine your WASHCAP eligibility ~~((unless you prove the information is not accurate)).~~

AMENDATORY SECTION (Amending WSR 04-23-026, filed 11/8/04, effective 12/9/04)

**WAC 388-492-0050 How do I apply for WASHCAP?**

(1) You apply for WASHCAP food benefits at the Social Security Administration (SSA) when you apply for Supplemental Security Income (SSI).

(2) If you want food benefits, your SSA worker will ask you WASHCAP food eligibility questions when you have your SSI interview.

(3) If you are eligible for WASHCAP food benefits, your benefits will start the first of the month after the month you apply and are eligible for ongoing SSI benefits.

(4) If you need food benefits in five days or less, you must apply for expedited services at:

(a) ~~((Your local))~~ Any community services office (CSO);

(b) ~~((Your local))~~ Any home and community services office (HCS) if you get long-term care services; or

(c) ~~((The))~~ Any SSA office if you give them an application for Basic Food expedited services when you apply for SSI. SSA forwards the Basic Food application to the local CSO to process.

(5) If you want Basic Food benefits before you get SSI, you must apply at:

(a) SSA if you give them a Basic Food application when you apply for SSI;

(b) ~~((Your local))~~ Any CSO; or

(c) ~~((Your local))~~ Any HCS office if you get long-term care services.

(6) If you already receive SSI and want WASHCAP food benefits, you can apply at:

(a) ~~((Your))~~ Any SSA office;

(b) ~~((Your local))~~ Any CSO;

(c) ~~((Your local))~~ Any HCS office if you get long-term care services.

(7) If you get Basic Food benefits, these benefits will continue:

(a) Through the end of your certification period; or

(b) Through the month before your WASHCAP food benefits start.

(8) If your Basic Food benefits end before you are eligible for WASHCAP food benefits, you must reapply to continue these benefits.

(9) If you get Basic Food benefits and you become eligible for WASHCAP food benefits, we will automatically change your Basic Food benefits to WASHCAP food benefits.

AMENDATORY SECTION (Amending WSR 09-24-001, filed 11/18/09, effective 12/19/09)

**WAC 388-492-0070 How are my WASHCAP food benefits calculated?** We calculate your food benefits as follows:

(1) We begin with your gross income.

(2) We subtract ~~((one hundred forty one dollars))~~ the current standard deduction for one person under WAC 388-450-0185 from your gross income to get your countable income.

(3) We figure your shelter cost based on information we receive from the Social Security Administration (SSA), unless you report a change as described under WAC 388-492-0080. If you pay:

(a) Three hundred dollars or more a month for shelter, we use three hundred seventy-nine dollars as your shelter cost; or

(b) Less than three hundred dollars for shelter, we use one hundred eighty-two dollars as your shelter cost; and

(c) We add the current standard utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net income by subtracting your shelter deduction from your countable income and rounding the resulting figure up from fifty cents and down from forty-nine cents to the nearest whole dollar.

(6) We figure your WASHCAP food benefits (allotment) by:

(a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, you will get at least the minimum monthly benefit for Basic Food under WAC 388-412-0015.

**AMENDATORY SECTION** (Amending WSR 04-23-026, filed 11/8/04, effective 12/9/04)

**WAC 388-492-0080 Where do I report changes?** (1)

You report all changes to the Social Security Administration (SSA) according to their reporting requirements. Social Security reports these changes to your WASHCAP worker.

(2) SSA will not accept or report shelter costs changes to WASHCAP until SSA does its redetermination.

(3) You do not have to report any changes to your WASHCAP worker.

(4) You can choose to report the following changes to your WASHCAP worker to see if you will get more food benefits.

(a) A change in your address;

(b) An increase in your shelter costs; or

(c) An increase in your out-of-pocket medical expenses.

(5) If you or someone you authorize reports changes ~~((are reported))~~ to DSHS, proof may be required.

(6) If you report a change that could increase the amount of your food benefits, we will not increase the benefit amount if we have asked for proof and it has not been provided.

**AMENDATORY SECTION** (Amending WSR 04-23-026, filed 11/8/04, effective 12/9/04)

**WAC 388-492-0100 How is my eligibility for WASHCAP food benefits reviewed?** (1) If the Social Security Administration (SSA) reviews your Supplemental Security Income (SSI) eligibility, they will also complete your review for WASHCAP. SSA sends us this information electronically and we will automatically extend your WASHCAP certification period.

(2) If SSA does not review your SSI eligibility, we will mail you a one-page application two months before your WASHCAP benefits end. You must complete and return this application to the WASHCAP unit or your local home and community services office (HCS).

(3) We do WASHCAP reviews by mail. If you bring your WASHCAP application to the local office, we will process the application as follows:

(a) If you get long-term care services, your local HCS office will process your application; or

(b) If you do not get long-term care services, the local office will forward your application to the WASHCAP central unit.

(4) If we get your completed ~~((one-page))~~ application after your WASHCAP food benefits end, we will reopen your benefits back to the first of the month if:

(a) We get your application form within thirty days from the end of your certification period; and

(b) You are still eligible for WASHCAP food benefits.

(5) If we get your completed ~~((one-page))~~ application form more than thirty days after your benefits end, your WASHCAP food benefits open the first of the next month after:

~~(a) You turn in your application; and~~

~~(b) SSA shows you are eligible for WASHCAP in their system.~~

(6) If your application is not complete, we will return it to you to complete.

(7) If you want Basic Food benefits while you are waiting for WASHCAP food benefits, you must apply for these benefits ~~((at the local CSO or HCS office))~~:

~~(a) By contacting the customer service center (CSC) at 1-877-501-2233;~~

~~(b) Over the internet;~~

~~(c) At any community services office (CSO);~~

~~(d) At any home and community services office (HCS);~~

or

~~(e) At any Social Security Administration (SSA) office.~~

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 04-23-026, filed 11/8/04, effective 12/9/04)

**WAC 388-492-0110 What happens if my WASHCAP food benefits end?** (1) If your WASHCAP food benefits end because you did not have the review required under WAC 388-492-0100, you must finish the required review or apply for Basic Food benefits ~~((at))~~:

~~(a) ((Your local community services office (CSO); or))~~  
By contacting the customer service center (CSC) at 1-877-501-2233;

~~(b) ((Your))~~ Over the internet;

~~(c) At any community services office (CSO);~~

~~(d) At any home and community services (HCS) office;~~

or

~~(e) At any Social Security Administration (SSA) office.~~

(2) If your WASHCAP benefits end because you are disqualified under WAC 388-400-0040 ~~((13)(b)))~~ (14)(b) or (e), you are not eligible for Basic Food benefits and:

- (a) If you get medical assistance, we will send your medical assistance case to your local office;
- (b) If you are a HCS client, your medical case will remain at HCS.
- (3) If your WASHCAP benefits end for any other reason:
  - (a) We will send you an application for Basic Food benefits along with ~~((=~~
    - ~~(i) Information about what you must verify in order to get benefits; and~~
    - ~~((ii))~~ the address of your local CSO. If you are an HCS client, your case will remain at your HCS office.
  - (b) For the local CSO to decide if you are eligible for Basic Food benefits, you must:
    - (i) Finish the application process for Basic Food benefits under chapter 388-406 WAC; and
    - (ii) Have an interview for Basic Food benefits under WAC 388-452-0005.
  - (c) If you get medical assistance, we will send your medical case to the local CSO unless you are an HCS client;
  - (d) If your WASHCAP benefits closed because SSA ended your SSI, you will still receive the same medical benefits until we decide what medical program you are eligible for under WAC 388-418-0025.

AMENDATORY SECTION (Amending WSR 04-23-026, filed 11/8/04, effective 12/9/04)

**WAC 388-492-0120 What happens to my WASHCAP benefits if I am disqualified?** (1) If you are disqualified from receiving SSI for any reason, you will not be able to get WASHCAP benefits. See WAC 388-492-0030, Who can get WASHCAP?

(2) If you are disqualified from receiving Basic Food for any reason, you will not get WASHCAP food benefits. This includes clients who:

- (a) Are ineligible under WAC 388-400-0040 ~~((13)(b))~~ (14)(b) and (e) and 388-442-0010; or
- (b) Did not cooperate with quality assurance as required under WAC 388-464-0001.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-492-0130	What can I do if I disagree with a decision the department made about my WASHCAP benefits?
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**WSR 10-19-128**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed September 22, 2010, 8:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-06-061.

Title of Rule and Other Identifying Information: The community services division is proposing to amend WAC 388-489-0010 How is my transitional food assistance benefit calculated?

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington Street S.E., Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by October 5, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment informs households that transitional food benefits are adjusted based on a change in household size and that the income and expenses of the person who left the assistance unit is removed from the benefit calculation.

Reasons Supporting Proposal: This amendment is necessary to comply with federal regulations at 7 C.F.R. 273.30, published on January 29, 2010, related to the Farm Security and Rural Investment Act of 2002.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.010, 74.08A.903.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.010, 74.08A.903.

Rule is necessary because of federal law, 7 C.F.R. 273.30.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kim Chea, 712 Pear Street S.E., Olympia, WA 98503, (360) 725-4653.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact on small businesses. The proposed amendments affect DSHS clients by clarifying how benefits are adjusted when someone is removed from a transitional food assistance household.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and

health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

September 16, 2010  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-19-060, filed 9/16/05, effective 11/1/05)

**WAC 388-489-0010 How is my transitional food assistance benefit calculated?** (1) We base your transitional food assistance benefit amount on the regular monthly benefit allotment issued to your Basic Food assistance unit for the last month your ((family)) household received temporary assistance for needy families. We will not count your last temporary assistance for needy families grant payment when we calculate your transitional food assistance benefit amount. For example:

(a) If your Basic Food assistance unit's only income was temporary assistance for needy families, the transitional food assistance benefit will be the amount your household would have received if you had no income.

(b) If your Basic Food benefit was calculated using temporary assistance for needy families plus income from another source, we will count only the income from the other source when calculating the transitional food assistance amount.

(2) We will adjust your transitional food assistance benefits if:

(a) Someone who gets transitional food assistance with you leaves your assistance unit and is found eligible to receive Basic Food in another assistance unit. We will ((~~reduce~~)) adjust your benefits by:

(i) Reducing your ((transitional food)) assistance ((based on)) unit size by the number of persons who left your assistance unit; and ((~~become eligible in another Basic Food assistance unit~~))

(ii) Removing the income and expenses clearly belonging to the persons who left your assistance unit.

(b) A change to the maximum allotment for Basic Food under WAC 388-478-0060 results in an increase in benefits for Basic Food assistance units.

(c) You got an overpayment of Basic Food benefits and we need to adjust the amount we deduct from your monthly benefits to repay the overpayment as required in WAC 388-410-0033. This includes:

- (i) Starting a new monthly deduction;
- (ii) Changing the amount of the monthly deduction; and
- (iii) Ending the monthly deduction when the amount you owe has been paid off.

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

Title of Rule and Other Identifying Information: WAC 308-48-800 Funeral director/embalmer fees.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard, Conference Room 2209, Olympia, WA 98502, on November 5, 2010, at 10:00 a.m.

Date of Intended Adoption: November 12, 2010.

Submit Written Comments to: Kezia Prater, P.O. Box 9012, Olympia, WA 98507, e-mail [funerals@dol.wa.gov](mailto:funerals@dol.wa.gov), fax (360) 570-7098, by November 5, 2010.

Assistance for Persons with Disabilities: Contact Erica Hansen by November 4, 2010, TTY (360) 664-8885 or (360) 664-6597.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule change will increase license fees in order to maintain a balanced budget for the funeral director and embalmer licensing program.

Reasons Supporting Proposal: The proposed rule change will allow sufficient revenue collection to support the program in accordance with RCW 43.24.086.

Statutory Authority for Adoption: RCW 18.39.050.

Statute Being Implemented: RCW 43.24.086.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Sherri Lonsbery, Olympia, (360) 664-1576; and Enforcement: Joe Vincent Jr., Olympia, (360) 664-1386.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Department of licensing is exempt from this requirement.

A cost-benefit analysis is not required under RCW 34.05.328. Department of licensing is not one of the named agencies to which this rule applies. Agencies not named can apply this rule to themselves voluntarily. Department of licensing has chosen not to do this.

September 22, 2010

Walt Fahrer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-17-116, filed 8/18/09, effective 9/18/09)

**WAC 308-48-800 Funeral director/embalmer fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmer:	
State examination application	\$100.00
Renewal	((140.00)) <u>150.00</u>
Late renewal penalty	35.00
Duplicate	25.00

**WSR 10-19-129  
PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed September 22, 2010, 8:36 a.m.]

Original Notice.

Title of Fee	Fee
Embalmer intern:	
Intern application	( <del>(125.00)</del> ) <u>135.00</u>
Application for examination	100.00
Intern renewal	( <del>(90.00)</del> ) <u>100.00</u>
Duplicate	25.00
Funeral director:	
State examination application	100.00
Renewal	( <del>(140.00)</del> ) <u>150.00</u>
Late renewal penalty	35.00
Duplicate	25.00
Funeral director intern:	
Intern application	( <del>(125.00)</del> ) <u>135.00</u>
Application for examination	100.00
Intern renewal	( <del>(90.00)</del> ) <u>100.00</u>
Duplicate	25.00
Funeral establishment:	
Original application	400.00
Renewal	( <del>(300.00)</del> ) <u>325.00</u>
Branch registration	350.00
Branch renewal	( <del>(300.00)</del> ) <u>325.00</u>
Preneed application	250.00
Preneed renewal:	( <del>(200.00)</del> ) <u>225.00</u>
Crematory endorsement registration	210.00
Crematory endorsement renewal	( <del>(6.50)</del> )
Charge per cremation performed during previous calendar year(-):	<u>8.00</u>
<u>Charge per cremation performed before 1/1/2011.</u>	<u>6.50</u>
<u>Charge per cremation performed on or after 1/1/2011.</u>	<u>8.00</u>
Academic intern	No fee
Certificate of removal registration:	
Application	30.00
Renewal	15.00
Retired status certificate	No fee

**WSR 10-19-130**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 22, 2010, 8:39 a.m.]

Original Notice.  
Preproposal statement of inquiry was filed as WSR 10-16-147.

Title of Rule and Other Identifying Information: The department is proposing changes to WAC 388-310-0200 WorkFirst—Activities, 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant, 388-310-1300 WorkFirst—Community jobs, and 388-310-2100 Career services program.

Hearing Location(s): DSHS Office Building 2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504 (a map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by October 5, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to align two parent participation requirements with federal rules; to eliminate the career services program; and to clarify information regarding how an individual responsibility plan is used to generate participation requirements. The changes are proposed to reduce program costs in response to budget reductions. The proposal may reduce the number of participation hours required for some two parent households, and will no longer provide career services payments for former TANF or diversion cash assistance clients.

Reasons Supporting Proposal: These changes are necessary for the program to stay within budget.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapters 74.08A and 74.12 RCW.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapters 74.08A and 74.12 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephanie Nielsen, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4699.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses. The pro-

posed amendment streamlines the sanction process in response to a budget shortfall.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rule streamlines the sanction process in response to a budget shortfall.

September 17, 2010  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-15-084, filed 7/14/09, effective 8/14/09)

**WAC 388-310-0200 WorkFirst—Activities. (1) Who is required to participate in WorkFirst activities?**

(a) You are required to participate in the WorkFirst activities in your individual responsibility plan, and become what is called a "mandatory participant," if you:

- (i) Are receiving TANF or SFA cash assistance because you are pregnant or the parent or adult in the home; and
- (ii) Are not exempt. For exemptions see WAC 388-310-0300 and 388-310-0350.

(b) Participation is voluntary for all other WorkFirst participants (those who no longer receive or have never received TANF or SFA cash assistance).

**(2) What activities do I participate in when I enter the WorkFirst program?**

When you enter the WorkFirst program, you will participate in one or more of the following activities (which are described in more detail in other sections of this chapter):

- (a) Paid employment (see WAC 388-310-0400 (2)(a) and 388-310-1500);
- (b) Self employment (see WAC 388-310-1700);
- (c) Job search (see WAC 388-310-0600);
- (d) Community jobs (see WAC 388-310-1300)
- (e) Work experience (see WAC 388-310-1100);
- (f) On-the-job training (see WAC 388-310-1200);
- (g) Vocational educational training (see WAC 388-310-1000);
- (h) Basic education activities (see WAC 388-310-0900);
- (i) Job skills training (see WAC 388-310-1050);
- (j) Community service (see WAC 388-310-1400);
- (k) Activities provided by tribal governments for tribal members and other American Indians (see WAC 388-310-1400(1) and 388-310-1900);
- (l) Other activities identified by your case manager on your individual responsibility plan that will help you with situations such as drug and/or alcohol abuse, homelessness, or mental health issues; and/or
- (m) Activities identified by your case manager on your individual responsibility plan to help you cope with family violence as defined in WAC 388-61-001; and/or
- (n) Up to ten hours of financial literacy activities to help you become self-sufficient and financially stable.

**(3) If I am a mandatory participant, how much time must I spend doing WorkFirst activities?**

If you are a mandatory participant, you will be required to participate in the activities in your individual responsibility plan, and may be required to participate full time, working, looking for work or preparing for work. You might be required to participate in more than one part-time activity at the same time that add up to full time participation. You will have an individual responsibility plan (described in WAC 388-310-0500) that includes the specific activities and requirements of your participation.

**(4) What activities do I participate in after I get a job?**

You ~~((will))~~ may be required to participate in other activities, such as job search or training once you are working twenty hours or more a week in a paid unsubsidized job, to bring your participation up to full time.

You may also engage in activities if you are working full time and want to get a better job.

~~((Post employment services (described in WAC 388-310-1800) include:~~

- ~~(a) Activities that help you keep a job (called an "employment retention" service); and/or~~
- ~~(b) Activities that help you get a better job or better wages (called a "wage and skill progression" service).))~~

AMENDATORY SECTION (Amending WSR 09-14-019, filed 6/22/09, effective 7/23/09)

**WAC 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant. (1) What happens when I enter the WorkFirst program as a mandatory participant?**

If you are a mandatory participant, you must follow instructions as written in your individual responsibility plan (see WAC 388-310-0500), which is written after you have participated in a comprehensive evaluation of elements related to your employability. If you have been identified as someone who needs necessary supplemental accommodation (NSA) services (defined in chapter 388-472 WAC) your case manager will first develop an accommodation plan to help you access WorkFirst services. The case manager will use the accommodation plan to help develop your IRP with you. If you have been identified as a victim of family violence (defined in WAC 388-61-001), you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

If you are a mandatory participant, your case manager will refer you to WorkFirst activities unless any of the following applies to you:

- (a) You work thirty-two or more hours a week (or, if you are a member of a two-parent family, you work thirty-five hours or more a week). **"Work"** means to engage in any legal, income generating activity which is taxable under the United States tax code or which would be taxable with or without a treaty between an Indian Nation and the United States;
- (b) You participate the equivalent of twenty or more hours a week (or if you are a member of a two-parent family, you participate the equivalent of thirty or more hours a week)



in job search, vocational education, issue resolution, or paid or unpaid work that meets the federal definition of core activities, which may include work of sixteen or more hours a week in the federal or state work study program, and you attend a Washington state community or technical college at least half time;

(c) You work twenty or more hours a week (or if you are a member of a two-parent family, you work thirty or more hours a week) in unsubsidized employment and attend a Washington state community or technical college at least half time;

(d) You are under the age of eighteen, have not completed high school, GED or its equivalent and are in school full time;

(e) You are eighteen or nineteen years of age and are attending high school or an equivalent full time;

(f) You are pregnant or have a child under the age of twelve months, and are participating in other pregnancy to employment activities. See WAC 388-310-1450;

(g) Your situation prevents you from looking for a job and you are conducting activities identified on your IRP to help you with your situation. (For example, you may be unable to look for a job while you have health problems or you are homeless); or

(h) Your situation prevents you from looking for work because you are a victim of family violence and you are conducting activities on your IRP to help you with your situation.

**(2) How will I know what my participation requirements are?**

(a) Your individual responsibility plan will describe what you need to do to be able to enter job search or other WorkFirst activities and then find a job (see WAC 388-310-0500 and 388-310-0700).

(b) If you enter the pregnancy to employment pathway (described in WAC 388-310-1450(3)), you must take part in an assessment.

**(3) What happens if I do not follow my WorkFirst requirements?**

If you do not participate in creating an individual responsibility plan, job search, or in the activities listed in your individual responsibility plan, and you do not have a good reason, the department will follow the sanction rules in WAC 388-310-1600.

**AMENDATORY SECTION** (Amending WSR 02-20-073, filed 9/30/02, effective 10/1/02)

**WAC 388-310-1300 Community jobs. (1) What is the community jobs program?**

Community jobs is a paid work experience that assists you to gain work skills and experience. You are placed in a community job (up to twenty hours per week) where your wages are paid by the community jobs program. If you participate in the program, you are eligible for support services that assist you in moving into a job where your employer pays all your wages.

**(2) What is career jump?**

Career jump offers job-ready community jobs participants an opportunity to gain paid work experience that leads to a permanent job. This program is a subset of community

jobs and will be referred to as such. Career jump places you in a part time (up to twenty hours per week), community job where your earnings are paid by the community jobs program, for up to five months, at which time you will transition to the employer's payroll. You will be provided with support services to assist you in retaining your job through the ninth month of the program. At or before the fifth month, the employment opportunity will be above minimum wage, thirty-two or more hours per week and include wage progression and benefits comparable to other employees.

**(3) Who administers the community jobs program?**

The state department of community, trade, and economic development (DCTED) administers the community jobs program. DCTED contract with local agencies throughout the state, known as community jobs contractors who develop and manage the community jobs positions, pay the wages, provide support services and act as the "employer of record" while you are enrolled in a community job.

**(4) What types of work sites are used to provide community jobs?**

The following work sites may be used to provide community jobs:

(a) Federal, state or local governmental agencies and tribal governments;

(b) Private and tribal nonprofit businesses, organizations and educational institutions;

(c) Private for profit businesses for career jump placements.

**(5) What are the requirements for the work sites?**

Work sites for community jobs and career jump:

(a) Must assist in strengthening work ethics, improve workplace skills and help you gain skills to move into a job where the employer pays all your wages. If they do not meet this requirement, they will not be considered for additional community jobs/career jump placements.

(b) We will follow the employment rules described in WAC 388-310-1500. In any situation where training is inconsistent with the terms of a collective bargaining agreement, your community jobs contractor will obtain written approval from the labor organization concerned. Career jump employers will remain neutral with regard to neutralization in the worksite.

(c) You will not be required to do work related to religious, electoral or partisan political activities.

**(6) What are the benefits of community jobs?**

You benefit from community jobs by:

(a) Learning work skills;

(b) Getting work experience;

(c) Working twenty hours per week, while being paid federal or state minimum wage, whichever is higher; and

(d) Earning paid personal leave as determined by DCTED.

**(7) How do I get into community jobs?**

You will be placed into community jobs after you and your DSHS case manager decide:

(a) You would benefit from community jobs after you have participated in job search without finding a job; and/or

(b) You need a supportive work environment to help you become more employable.

**(8) What happens after I am placed in the community jobs program?**

When you are placed in the community jobs program by DSHS:

(a) You will be assigned to a community job by the community jobs contractor for no more than nine months. You will work twenty hours a week and participate in any other unpaid activities for twelve to twenty additional hours per week as required in your individual responsibility plan;

(b) Your placement in community jobs will be reviewed by your DSHS case manager every three months during your nine-month placement for the following:

(i) To ensure you are TANF/SFA eligible; and

(ii) To verify any earned or unearned income received by you or another member of your assistance unit (that is, you and other people in your household who are included on your cash grant).

(c) Your community jobs contractor will review your case each month to ensure you are following your IRP and IDP, participating full time, and becoming more employable because of your community job;

(d) If you request a different community jobs placement, we do not consider your request a refusal to participate without good cause under WAC 388-310-1600. You may be asked to explain why you want a different placement;

(e) Grievance policies are in place for your protection. You will be required to sign an acknowledgment that you received a copy of this policy at the time of placement with the employer.

**(9) How does community jobs affect my TANF benefits?**

The amount of your TANF/SFA monthly grant will be determined by following the rules in WAC 388-450-0050 and 388-450-0215 (1), (3), (4), (5) and (6). WAC 388-450-0215(2), does not apply to your community jobs wages.

(10) What can I expect from my career jump placement?

(a) You cannot represent more than ten percent of the total labor force for an employer that has ten or more employees.

(b) No more than one community jobs participant shall be allowed per private for profit worksite supervisor.

(c) You will participate in developing a career progression plan that will include health care benefits comparable to other employees.

(d) You may be eligible for unemployment benefits if you have participated in community jobs' career jump and have worked at least six hundred eighty hours in a base year. You will gain unemployment insurance credits for all hours worked under your career jump placement.

(e) Your employer and your community jobs contractor will be required to follow DCTED's contractual agreements for career jump.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-310-2100 Career services program.

**WSR 10-19-131****PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed September 22, 2010, 8:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-08-009.

Title of Rule and Other Identifying Information: The department is proposing changes to sections in WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food? and 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by October 5, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [jennisha.johnson@dshs.wa.gov](mailto:jennisha.johnson@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amendments increase the standard deduction for Basic Food household's for one, two, and three persons, and decreases the maximum shelter deduction. The amendments update Basic Food standards for federal fiscal year 2011 to comply with requirements of the United States Department of Agriculture, Food and Nutrition Service (FNS), SNAP Administrative Notice 10-33.

Reasons Supporting Proposal: These standards are required by federal regulations and approved department waivers. These standards must be adjusted annually in order to determine a client's eligibility and benefit level for the Washington Basic Food program.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090.

Statute Being Implemented: RCW 74.04.005, 74.04.-050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090.

Rule is necessary because of federal law, 7 C.F.R. 273.9.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Holly St. John, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4895.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not have an economic impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "this section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

September 16, 2010  
 Katherine I. Vasquez  
 Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 10-16-104, filed 8/2/10, effective 9/2/10)

**WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?**

We determine if your assistance unit (AU) is eligible for Basic Food and calculate your monthly benefits according to requirements of the Food and Nutrition Act of 2008 and federal regulations related to the supplemental nutrition assistance program (SNAP).

These federal laws allow us to subtract **only** the following amounts from your AU's total monthly income to determine your countable monthly income under WAC 388-450-0162:

(1) A standard deduction based on the number of eligible people in your AU under WAC 388-408-0035:

Eligible AU members	Standard deduction
1	\$((441)) <u>142</u>
2	\$((441)) <u>142</u>
3	\$((441)) <u>142</u>
4	\$153
5	\$179
6 or more	\$205

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense needed for an AU member to:

- (a) Keep work, look for work, or accept work;
- (b) Attend training or education to prepare for employment; or
- (c) Meet employment and training requirements under chapter 388-444 WAC.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

(5) A portion of your shelter costs as described in WAC 388-450-0190.

**AMENDATORY SECTION** (Amending WSR 09-24-001, filed 11/18/09, effective 12/19/09)

**WAC 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?** The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or mortgage payments you make ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost in the month the expense is due:

- (a) Monthly rent, lease, and mortgage payments;
- (b) Property taxes;
- (c) Homeowner's association or condo fees;
- (d) Homeowner's insurance for the building only;
- (e) Utility allowance your AU is eligible for under WAC 388-450-0195;
- (f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;
- (g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:
  - (i) AU intends to return to the home;
  - (ii) AU has current occupants who are not claiming the shelter costs for Basic Food purposes; and
  - (iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

- (a) Up to a maximum of four hundred (~~fifty-nine~~) fifty-eight dollars if no one in your AU is elderly or disabled; or
- (b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over four hundred (~~fifty-nine~~) fifty-eight dollars.

**WSR 10-19-132**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed September 22, 2010, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-16-149.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-436-0015 Consolidated emergency assistance program (CEAP) and 388-436-0030 Eligibility for CEAP depends on other possible cash benefits.

Hearing Location(s): DSHS Office Building 2, Auditorium, 1115 Washington Street S.E., Olympia, WA 98504 (a map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by October 5, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to modify the rules to clarify that TANF/SFA families who have their cash grant terminated under WAC 388-310-1600 may qualify for CEAP even when case closure hasn't occurred within the last six months.

Reasons Supporting Proposal: These changes are being proposed to clarify CEAP rules.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.660.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090, and 74.04.660.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stephanie Nielsen, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4699.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not have an economic impact on small businesses. The proposed amendments clarify that TANF/SFA families who have their cash grant terminated under WAC 388-310-1600 may qualify for CEAP even when case closure hasn't occurred within the last six months.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." The proposed rules clarify that TANF/SFA families who have their cash grant terminated under WAC 388-310-1600 may qualify for CEAP even when case closure hasn't occurred within the last six months.

September 17, 2010  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-07-103, filed 3/19/07, effective 4/19/07)

**WAC 388-436-0015 Consolidated emergency assistance program (CEAP).** (1) CEAP is available to the following persons:

- (a) A pregnant woman in any stage of pregnancy; or
- (b) Families with dependent children, including, within available funds, families who have stopped receiving their

TANF grant (~~within the last six months~~) under WAC 388-310-1600.

(2) Applicants must be residents of Washington state as defined in WAC 388-468-0005.

(3) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

- (a) Food;
- (b) Shelter;
- (c) Clothing;
- (d) Minor medical care;
- (e) Utilities;
- (f) Household maintenance supplies;
- (g) Necessary clothing or transportation costs to accept or retain a job; or
- (h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

(4) Payment under this program is limited to not more than thirty consecutive days within a period of twelve consecutive months.

AMENDATORY SECTION (Amending WSR 07-07-103, filed 3/19/07, effective 4/19/07)

**WAC 388-436-0030 Eligibility for CEAP depends on other possible cash benefits.** (1) Before the department approves CEAP benefits, we must determine that all household members are ineligible for benefits from any of the following programs:

(a) Temporary assistance for needy families (TANF) or state family assistance (SFA), unless the family has had its cash grant terminated under WAC 388-310-1600 (~~within the last six months~~);

(b) Refugee cash assistance (RCA);

(c) Diversion cash assistance (DCA).

(2) To receive CEAP, the applicant must take any required action to receive benefits from the following programs:

(a) TANF or SFA, unless the family has had its case grant terminated under WAC 388-310-1600 (~~within the last six months~~);

(b) RCA;

(c) Supplemental security income (SSI);

(d) Medical assistance for those applicants requesting help for a medical need;

(e) Food assistance for those applicants requesting help for a food need;

(f) Housing assistance from any available source for those applicants requesting help for a housing need;

(g) Unemployment compensation, veteran's benefits, industrial insurance benefits, Social Security benefits, pension benefits, or any other source of financial benefits the applicant is potentially eligible to receive.

(3) The department may not authorize CEAP benefits to any household containing a member who is receiving reduced cash benefits for failure to comply with program requirements of TANF/SFA or RCA. This restriction does not apply to families who have stopped receiving TANF cash

benefits under WAC 388-310-1600 ((within the last six months)).

**WSR 10-19-133**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medicaid Purchasing Administration)  
[Filed September 22, 2010, 8:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-037.

Title of Rule and Other Identifying Information: WAC 388-530-8000 Reimbursement method—Estimated acquisition cost (EAC).

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: Not sooner than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPaurulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by October 5, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This revision is necessary to update and clarify wording under subsection (3) of this section - specifically the word "percentage" should be "maximum allowable cost."

Reasons Supporting Proposal: The rule change clarifies that the department may set EAC payment rates for certain specified drugs or drug categories, at a maximum cost, rather than as a percentage discount off the reference price. This will allow the department to avoid excessive programming costs associated with setting unique percentage rates on specified drugs. The new wording does not change the prerogative of the department to pay lower EAC rates when appropriate.

Statutory Authority for Adoption: RCW 74.04.050 and 74.08.090.

Statute Being Implemented: RCW 74.08.090.

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

Name of Proponent: Department of social and health services, medicaid purchasing administration, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy L. Boedigheimer, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1306; Implementation and Enforce-

ment: Myra Davis, P.O. Box 45510, Olympia, WA 98504-5510, (360) 725-1847.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and determined that there are no new costs associated with these changes and they do not impose disproportionate costs on small businesses.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Myra Davis, Manager, Pharmacy Rates Unit, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1847, fax (360) 586-9727, e-mail myra.davis@dshs.wa.gov.

September 15, 2010

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-20-049, filed 9/26/07, effective 11/1/07)

**WAC 388-530-8000 Reimbursement method—Estimated acquisition cost (EAC).** (1) The department determines estimated acquisition cost (EAC) using:

(a) Acquisition cost data made available to the department; or

(b) Information provided by any of the following:

(i) Audit agencies, federal or state;

(ii) Other state health care purchasing agencies;

(iii) Pharmacy benefit managers;

(iv) Individual pharmacy providers participating in the department's programs;

(v) Centers for Medicare and Medicaid Services (CMS);

(vi) Other third party payers;

(vii) Drug file data bases; and/or

(viii) Actuaries or other consultants.

(2) The department implements EAC by applying a percentage adjustment to available reference pricing from national sources such as wholesale acquisition cost ((~~WAC~~)), average wholesale price (AWP), average sale price (ASP), and average manufacturer price (AMP).

(3) The department may set EAC for specified drugs or drug categories at a ((~~percentage~~)) maximum allowable cost other than that determined in subsection (1)(a) of this section when the department considers it necessary. The factors the department considers in setting a rate for a class of drugs under this subsection include, but are not limited to:

(a) Product acquisition cost;

(b) The department's documented clinical concerns; and

(c) The department's budget limits.

(4) The department bases EAC drug reimbursement on the actual package size dispensed.

(5) The department uses ((~~the~~)) EAC as the department's reimbursement for a drug when ((~~the~~)) EAC is the lowest of the rates calculated under the methods listed in WAC 388-530-7000, or when the conditions of WAC 388-530-7300 are met.

**WSR 10-19-137**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed September 22, 2010, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-10-074.

Title of Rule and Other Identifying Information: The community services division is proposing to amend WAC 388-444-0030 Work requirements for persons who are able-bodied adults without dependents (ABAWDs), 388-444-0035 When am I (able-bodied adult with no dependents) exempt from ABAWD provisions?, 388-444-0040 Work programs for ABAWDs in the food stamp employment and training program, 388-444-0045 Regaining eligibility for food assistance, 388-444-0065 What happens if I quit my job?, 388-444-0070 Good cause for quitting a job, and 388-444-0075 What are the disqualification periods for quitting a job without good cause?

Hearing Location(s): DSHS Office Building 2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504 (a map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: Not sooner than October 27, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on October 26, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant by October 5, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [johnsjl4@dshs.wa.gov](mailto:johnsjl4@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend Basic Food work requirement rules to:

- Change the names "food stamps" and "food stamp employment and training" program to "Basic Food" and "Basic Food employment and training" program or "BF E&T";
- Make edits so rules are easier to read and understand; and
- Align rules with current federal regulations on ABAWD and job quit requirements.

Reasons Supporting Proposal: Rule changes will help reduce Basic Food payment errors and compliance with federal regulations is required to continue to receive federal funding.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.515, 74.08.090, 74.08A.120, and 74.08A.903.

Statute Being Implemented: RCW 74.04.005, 74.04.-050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Rule is necessary because of federal law, 7 C.F.R. §§273.7 and 273.24.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Thibodeau, 712 Pear Street S.E., Olympia, WA 98504, (360) 725-4634.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by aligning Washington Basic Food work requirements with current federal supplemental nutrition assistance program (SNAP) work requirement rules and remove obsolete program names.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

September 17, 2010

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-13-046, filed 6/9/10, effective 7/10/10)

**WAC 388-444-0030** (~~(Work requirements for persons who are)~~) **Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult((s)) without dependents ((ABAWDs)) (ABAWD).** (1) ~~((Able-bodied adults without dependents (ABAWDs) are age eighteen to fifty and have no dependents. They must, unless determined exempt, participate in specific employment and training activities to receive food assistance.~~

~~((2))~~ An able-bodied adult without dependents (ABAWD) is a person who:

(a) Is physically and mentally able to work;

(b) Is age eighteen through forty-nine; and

(c) Has no child in the household.

(2) If you are an ABAWD, you must participate in employment and training activities under subsection (4) unless you are exempt from ABAWD requirements under WAC 388-444-0035.

(3) Nonexempt ABAWDs who fail to participate may continue to receive food assistance until September 30, 2011.

~~((3))~~ (4) Beginning October 1, 2011, an ABAWD is not eligible to receive food assistance for more than three full months in a thirty-six month period, except as provided in WAC 388-444-0035, unless that person:

(a) Is exempt from ABAWD requirements under WAC 388-444-0035;

(b) Works at least twenty hours a week averaged monthly; ~~((or))~~

~~((b))~~ (c) Participates in ~~((and complies with the requirements of a work program for twenty hours or more per week; or~~

~~((c))~~ (e) Participates in a workfare program as provided in WAC 388-444-0040.

(4) A work program is defined as a program under:

(a) The Job Training Partnership Act (JTPA);

(b) Section 236 of the Trade Act of 1974; or

~~(e) A state-approved employment and training program~~) on the job training (OJT), which may include paid work and classroom training time, for at least twenty hours a week;

~~(d) Participates in an unpaid work program as provided in WAC 388-444-0040; or~~

~~(e) Participates in and meets the requirements of one of the following work programs:~~

~~(i) The job training partnership act (JTPA);~~

~~(ii) Section 236 of the trade act of 1974; or~~

~~(iii) A state-approved employment and training program.~~

AMENDATORY SECTION (Amending WSR 03-05-031, filed 2/10/03, effective 4/1/03)

**WAC 388-444-0035** ~~((When am I (able-bodied adult with no dependents) exempt from ABAWD provisions))~~ **Who is exempt from ABAWD work requirements?** Some ~~((food assistance household members))~~ persons receiving Basic Food are exempt from ABAWD ~~((provisions))~~ work requirements. You are exempt from the ABAWD ~~((rules provided in))~~ requirements under WAC 388-444-0030 if you are:

- (1) Under eighteen or fifty years of age or older;
- (2) Determined to be physically or mentally unable to work;
- (3) A member of a household with responsibility for a person ~~((determined to be))~~ who is incapacitated;
- (4) An adult in a household that has a member who is under the age of eighteen, even ~~((when))~~ if the child is ~~((an ineligible household member))~~ not eligible for Basic Food;
- (5) Pregnant;
- (6) Living in an area approved as exempt by U.S. Department of Agriculture;
- (7) Complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);
- (8) Applying for or receiving unemployment compensation;
- (9) ~~((Students))~~ A student enrolled at least half time as defined by the institution in:
  - (a) Any accredited school;
  - (b) Training program; or
  - (c) Institution of higher education. A student enrolled in higher education must ~~((follow the student criteria defined in chapter 388-482-WAC))~~ meet the requirements under WAC 388-482-0005 in order to be eligible for Basic Food.
- (10) Participating in a chemical dependency treatment and rehabilitation program;
- (11) Employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate multiplied by thirty hours;
- (12) Eligible for one of the annual federal-approved exemption slots under ~~((what is called))~~ the fifteen percent exemption rule.

AMENDATORY SECTION (Amending WSR 09-04-009, filed 1/22/09, effective 2/22/09)

**WAC 388-444-0040** ~~((Work programs for ABAWDs in the food stamp employment and training program.))~~ **Can I volunteer for an unpaid work program in order to**

**meet the work requirements under WAC 388-444-0030?** ~~((Work programs are available to clients eighteen to fifty years of age who are able to work and have no dependents))~~ The department makes unpaid work programs available for persons who need to meet work requirements under WAC 388-444-0030.

(1) The following are considered unpaid work programs:

(a) Workfare ~~((consists of)), which includes:~~

(i) Thirty days of job search activities in the first month beginning with the first day of application, or sixteen hours of volunteer work with a public or private nonprofit agency; and

(ii) In subsequent months, sixteen hours per month of volunteer work with a public or private nonprofit agency allows ~~((the client))~~ you to remain eligible for ~~((food stamps))~~ Basic Food benefits.

~~((iii))~~ Workfare ~~((is not))~~ does not include enforced community service or for paying fines or debts due to legal problems.

(b) Work experience (WEX) ~~((is))~~ which provides supervised, unpaid work for at least twenty hours a week. ~~((The work))~~ WEX is intended to improve a person's work skills and make them more competitive in the job market. WEX must be for a nonprofit ~~((agency or governmental))~~ organization, government agency, or tribal entity. ~~((This work is to improve the work skills of the client.))~~

~~((c))~~ On the job training (OJT) is paid employment for at least twenty hours a week. It is job training provided by an employer at the employer's place of business and may include some classroom training time.)

(2) ~~((The department))~~ We may not **require** you to participate more than one hundred and twenty hours per month in an unpaid-work program, paid work, or a combination of activities. ABAWDs may volunteer to participate in activities beyond one hundred and twenty hours per month.

(3) The department may pay for some of ~~((a client's actual expenses needed for the client to))~~ the costs for you to participate in work programs. ~~((Standards for paying expenses are set by the department))~~ We set the standards for the amount we will pay for these expenses.

AMENDATORY SECTION (Amending WSR 99-07-024, filed 3/10/99, effective 4/10/99)

**WAC 388-444-0045** ~~((Regaining eligibility for food assistance.))~~ **How does an ABAWD regain eligibility for Basic Food after being closed for the three-month limit?**

(1) ~~((A client who is ineligible for food assistance because that client has exhausted the three-month limit in))~~ If you have used up your three months of benefits as an able-bodied adult without dependents (ABAWD) under WAC 388-444-0030, you can regain eligibility by:

(a) Working eighty hours or more during a thirty-day period;

(b) Participating in and ~~((complying with))~~ meeting the requirements of a work program for eighty hours or more during a thirty-day period;

(c) Participating in and ~~((complying with))~~ meeting the requirements of the community service part of a Workfare program; or

(d) Meeting any of the work requirements in (a) through (c) of this subsection in the thirty days after ~~((an application for benefits has been filed))~~ the date you have applied for Basic Food.

(2) ~~((A client who regains))~~ If you regain eligibility for food assistance under subsection (1) of this section ~~((is)), you are eligible for Basic Food from the date ((of application)) you applied for Basic Food and as long as you continue to meet the requirements of WAC 388-444-0030 ((are met)).~~

(3) If ~~((otherwise eligible, a client who regains))~~ you meet all other requirements for Basic Food and you have regained eligibility under ~~((the provision of))~~ subsection (1) ~~((of this section)), you may receive an additional three consecutive months of ((food assistance)) Basic Food benefits when ((the client)) you:~~

(a) Lose~~((s))~~ employment; or

(b) Lose~~((s))~~ the opportunity to participate in a work program.

(4) ~~((The provisions in))~~ We only allow the additional three months of Basic Food under subsection (3) ((of this section are allowed only)) once in ~~((the))~~ each thirty-six month period.

AMENDATORY SECTION (Amending WSR 00-04-006, filed 1/20/00, effective 3/1/00)

**WAC 388-444-0065 ~~((What happens))~~ Am I eligible for Basic Food if I quit my job?** (1) You are not eligible for ~~((food assistance))~~ Basic Food if you quit your current job without good cause as defined in WAC 388-444-0070, and you are in one of the following categories:

(a) You were working twenty hours or more per week or the job provided weekly earnings equal to the federal minimum wage multiplied by twenty hours;

(b) The quit was within sixty days before you applied for ~~((food assistance))~~ Basic Food or any time after;

(c) At the time of quit you were ~~((an applicant))~~ applying for Basic Food and would have been required to register for work as defined in WAC ~~((388-444-0010))~~ 388-444-0005;

(d) If you worked or you were self-employed and working thirty hours a week or you had weekly earnings at least equal to the federal minimum wage multiplied by thirty hours.

(2) You are not eligible to receive ~~((food assistance))~~ Basic Food if you have participated in a strike against a federal, state or local government and have lost your employment because of such participation.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-444-0070 ~~((Good))~~ What is good cause for quitting ((a)) my job((-))?** Unless otherwise specified the following rules apply to all ~~((food assistance clients))~~ persons receiving Basic Food.

(1) ~~((Good cause))~~ You must have a good reason (good cause) for quitting a job or you will be disqualified from receiving Basic Food under WAC 388-444-0075. Good cause includes the following:

(a) ~~((For all food assistance clients, the))~~ Your employment is unsuitable as ~~((defined))~~ under WAC 388-444-0060;

(b) ~~((The client is))~~ You were discriminated against by an employer based on age, race, sex, color, religious belief, national origin, political belief, marital status, or the presence of any sensory, mental, or physical disability or other reasons in RCW 49.60.180;

(c) Work demands or conditions make continued employment unreasonable, such as working without being paid on schedule;

(d) ~~((The client accepts))~~ You accepted other employment or ~~((is))~~ are enrolled at least half time in any recognized school, training program, or institution of higher education;

(e) ~~((The client))~~ You must leave a job because another assistance unit member ~~((accepts))~~ accepted a job or is enrolled at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision and ~~((the))~~ your assistance unit must move;

(f) ~~((The client who is))~~ You are under age sixty and retire~~((s))~~ as recognized by ~~((the))~~ your employer;

(g) ~~((The client accepts))~~ You accept a bona fide offer of employment of twenty hours or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours. However, because of circumstances beyond ~~((the))~~ your control ~~((of the client)),~~ the job either does not materialize or results in employment of twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours;

(h) ~~((The client leaves))~~ You leave a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work; and~~((s))~~

(i) ~~((For FS E&T participants,))~~ Circumstances included under WAC 388-444-0050;

(2) ~~((A client who quits the most recent job is eligible for food assistance))~~ You are eligible for Basic Food after quitting a job if the circumstances of the job involve:

(a) Changes in job status resulting from reduced hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(3) ~~((The client must verify good cause for quitting. Food assistance is not denied if the client and the department are unable to obtain verification))~~ You must provide proof that you had good cause for quitting a job. However, we do not deny your application for Basic Food if you are unable to get this proof even with our help.

AMENDATORY SECTION (Amending WSR 01-05-006, filed 2/7/01, effective 3/1/01)

**WAC 388-444-0075 What are the ((disqualification periods for quitting)) penalties if I quit a job without good cause?** (1) If you ~~((are an applicant who quits))~~ have applied for Basic Food and have quit a job without good cause within sixty days before applying for ((food assistance)) Basic Food, ((the department will)) we deny your application((-The penalty period in)) and you must have a penalty period as described under subsection (3) ((of this section begins)) from the date of your application.



(2) If you ~~((are))~~ already ~~((receiving food assistance))~~ receive Basic Food and you quit your job without good cause, ~~((the department must))~~ we send you a letter notifying you that you ~~((are going to))~~ will be disqualified from ~~((food assistance))~~ Basic Food. The disqualification in subsection (3) of this section begins the first of the month following the notice of adverse action.

(3) You are disqualified for the following minimum periods of time and until the conditions in subsection (4) of this section are met:

- (a) For the first quit, one month;
- (b) For the second quit, three months; and
- (c) For the third or subsequent quit, six months.

(4) You may reestablish eligibility after servicing the disqualification period, if otherwise eligible by:

- (a) Getting a new job; or
- (b) ~~((In nonexempt areas, participating in the FS E&T program;~~

~~((e)))~~ Participating in Workfare as provided in WAC 388-444-0040(~~;~~

- ~~((d))~~ ~~In an exempt area, serving the penalty period).~~

(5) ~~((The department can end the disqualification period if you become exempt from the work registration requirements as provided in))~~ If you become exempt from work registration under WAC ((388-444-0015)) 388-444-0010, we end your disqualification for a job quit unless you are exempt for applying for or receiving unemployment compensation (UC), or participating in an employment and training program under TANF.

(6) If you are disqualified and move from the assistance unit and join another assistance unit, ~~((you))~~ we continue to ~~((be treated))~~ treat you as an ineligible member of the new assistance unit for the remainder of the disqualification period.

~~((7))~~ ~~If you are disqualified and move to a FS E&T exempt area, you must serve the remainder of the disqualification period.)~~

**WSR 10-19-138**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed September 22, 2010, 9:08 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 98-70-010 Cemetery fees.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard, Conference Room 2209, Olympia, WA 98502, on November 5, 2010, at 2:00 p.m.

Date of Intended Adoption: November 12, 2010.

Submit Written Comments to: Kezia Prater, P.O. Box 9012, Olympia, WA 98507, e-mail funerals@dol.wa.gov, fax (360) 570-7098, by November 5, 2010.

Assistance for Persons with Disabilities: Contact Erica Hansen by November 4, 2010, TTY (360) 664-8885 or (360) 664-6597.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule change will increase license fees in order to maintain a balanced budget for the cemetery licensing program.

Reasons Supporting Proposal: The proposed rule change will allow sufficient revenue collection to support the program in accordance with RCW 43.24.086.

Statutory Authority for Adoption: RCW 18.39.050.

Statute Being Implemented: RCW 43.24.086.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Sherri Lonsbery, Olympia, (360) 664-1576; and Enforcement: Joe Vincent Jr., Olympia, (360) 664-1386.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Department of licensing is exempt from this requirement.

A cost-benefit analysis is not required under RCW 34.05.328. Department of licensing is not one of the named agencies to which this rule applies. Agencies not named can apply this rule to themselves voluntarily. Department of licensing has chosen not to do this.

September 22, 2010

Walt Fahrner

Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-17-115, filed 8/18/09, effective 9/18/09)

**WAC 98-70-010 Fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

<b>Title of Fee</b>	<b>Fee</b>
Certificate of authority	
Application	\$300.00
Renewal	\$6.20
Charge per each interment, entombment and inurnment during preceding calendar year	
Crematory license/endorsement	
Application	\$210.00
Renewal	\$ <del>((6.50))</del> <u>8.00</u>
<del>((Charge per cremation performed during the preceding calendar year))</del>	
<u>Crematory endorsement renewal</u>	
<u>Charge per cremation performed during previous calendar year:</u>	
<u>Charge per cremation performed before 1/1/2011.</u>	<u>\$6.50</u>
<u>Charge per cremation performed on or after 1/1/2011.</u>	<u>\$8.00</u>

Title of Fee	Fee
Prearrangement sales license	
Application	\$250.00
Renewal	\$(( <del>200.00</del> )) <u>225.00</u>
Exemption from prearrangement sales license	
Application	\$70.00
Renewal	\$35.00
Cremated remains disposition permit or endorsement	
Application	\$70.00
Renewal	\$35.00

**WSR 10-19-141**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Financial Services Administration)  
 [Filed September 22, 2010, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-22-051.

Title of Rule and Other Identifying Information: The department is amending chapter 388-02 WAC, department hearing rules.

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on November 9, 2010, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 10, 2010.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax (360) 664-6185, by 5 p.m. on November 9, 2010.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant by October 26, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [jennisha.johnson@dshs.wa.gov](mailto:jennisha.johnson@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

A. Rules to promote timeliness.

1. Prehearing conferences: The proposed rule revision makes a prehearing conference mandatory if a prehearing conference is requested by either party and clarifies the administrative law judge (ALJ) responsibility to record the prehearing. Prehearing conferences can help expedite or settle cases.

2. Notice of hearings: The proposed rule revision requires office of administrative hearings (OAH) to mail hearing notices not less than fourteen days before the hearing

in most situations and requires rescheduling if requested by a party when adequate notice is not given. The proposed rule revision also requires OAH to send copies of requests for hearing to the department unless the request was received from the department. These changes support prehearing planning and opportunities for communication and settlement.

3. Late requests for review: The proposed rule revision changes the standard for granting review when a request is late from "good reason" to "good cause" to comport with the standard used elsewhere in the rules regarding the issues of lateness or failure to act.

4. Hearing record content: The proposed rule revision sets forth the required contents for administrative hearing files. Missing items can delay board of appeals (BOA) review.

B. Rules to make other process improvements.

5. Review standards: The proposed rule revision deletes review standards from the hearing rules to comport with applicable published case law and the Administrative Procedure Act.

6. What laws apply: The proposed rule revision clarifies that the ALJ should apply the substantive rules that were in effect when the department made its original decision, notwithstanding subsequent amendments, and the procedural rules that were in effect on the date the procedure was followed.

7. The proposed rule revision clarifies when notice is required regarding assignment of ALJs and the grounds and procedures for a motion of prejudice.

8. The proposed rule revision deletes the ALJ's authority to dismiss or reverse department actions when the department does not attend a prehearing conference.

9. The proposed rule revision addresses the effect of the department's indexed final orders. The RCW permits an agency to cite a final order (such as a BOA review decision) as precedent if it is included in the agency's published index of significant decisions. The proposed rule revision informs parties of this authority.

10. Equitable estoppel: The proposed rule revision clarifies the circumstances under the law in which department statements or actions which were relied upon by the appellant may be used by the appellant to defend against a department action (such as collection of an overpayment). The proposed rule amendments are made so that the rule comports with applicable appellate case law.

11. Limited authority of ALJs: The proposed rule revision clarifies that under existing law, ALJs do not have the same equitable powers as a superior court judge.

12. The proposed rule revision clarifies when and how a hearing can be converted from one format to another (i.e. in-person versus telephonic).

13. The proposed rule revision makes corrections for grammar and other minor changes for clarification.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 34.05.020, 34.05.220.

Statute Being Implemented: Chapter 34.05 RCW.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Conant, 1115 Washington Street S.E., Olympia, WA 98504, (360) 664-6081.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules adopt, amend, or repeal "a procedure, practice or requirement relating to agency hearings" and under RCW 19.85.025(3) and 34.05.310 (4)(g)(i), a small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are "procedural rules" related to agency hearings and do not meet the definition of a "significant legislative rule" under RCW 34.05.328 (5)(c)(iii). Under RCW 34.05.328 (5)(a)(i), a cost-benefit analysis is only required for significant legislative rules. A cost-benefit analysis is not required for procedural rules.

September 20, 2010

Katherine I. Vasquez

Rules Coordinator

**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 10-20 issue of the Register.

### WSR 10-19-143

#### PROPOSED RULES

#### DEPARTMENT OF FISH AND WILDLIFE

[Filed September 22, 2010, 10:42 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 10-14-028 on June 28, 2010, and WSR 10-15-051 on July 14, 2010.

Title of Rule and Other Identifying Information: Wildlife interaction rules, chapter 232-36 WAC.

Hearing Location(s): Natural Resources Building, 5th Floor Commission Office, 1111 Washington Street S.E., Olympia, WA 98504, on November 5, 2010, at 8:30 a.m.

Date of Intended Adoption: November 5, 2010.

Submit Written Comments to: Lori Preuss, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Lori.Preuss@dfw.wa.gov, fax (360) 902-2155, by October 26, 2010.

Assistance for Persons with Disabilities: Contact Susan Yeager by October 26, 2010, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends WAC 232-36-051, which was filed on June 23, 2010, as part of WSR 10-13-182, and contains a reference to a nonexistent subsection of that same rule. Also repeals two rules that have been replaced by WACs filed on June 23, 2010, as part of WSR 10-13-182.

Reasons Supporting Proposal: Corrects an error in WAC 232-36-051. Repeals WAC 232-12-086 and 232-12-423, that have been replaced by new rules.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055.

Statute Being Implemented: RCW 77.04.012, 77.04.-020, 77.04.055.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Lori Preuss, Natural Resources Building, Olympia, (306) 902-2930; Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule proposal is technical rather than substantive. It corrects an error in one WAC and repeals two others that were replaced in June 2010. A small business economic impact statement was prepared as part of the June 2010 rule package. This proposal has no effect on small businesses. A copy of the statement may be obtained by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail lori.preuss@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not affect hydraulics.

September 22, 2010

Lori Preuss

Rules Coordinator

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-12-086

Director or his designee is empowered to issue nuisance wildlife control operator certifications to control nuisance or problem wildlife.

WAC 232-12-423

Public hunting defined and access contracts.

AMENDATORY SECTION (Amending Order 10-156, filed 6/23/10, effective 7/24/10)

**WAC 232-36-051 Killing wildlife causing private property damage.** The fish and wildlife commission is authorized to classify wildlife as game, as endangered or protected species, or as a predatory bird consistent with RCW 77.08.010 and 77.12.020. The commission is also authorized, pursuant to RCW 77.36.030, to establish the limitations and conditions on killing or trapping wildlife that is causing property damage.

The conditions for killing wildlife vary, based primarily on the classification of the wildlife species, the imminent nature of the threat to damage private property, the type of private property damage, and the preventive and nonlethal methods employed by the person prior to the damage event.

Additional conditions defined by the department may also be important, depending on individual situations. Killing wildlife to address private property damage is subject to all other state and federal laws including, but not limited to, Titles 77 RCW and 232 WAC.

(1) Killing wildlife causing damage to a commercial crop or commercial livestock.

(a) It is permissible to kill unclassified wildlife, predatory birds, and big game animals that are in the act of damaging commercial crops or livestock, under the following conditions:

(i) Predatory birds (defined in RCW 77.08.010(39)) and unclassified wildlife that are in the act of damaging commercial crops or livestock may be killed with the express permission of the owner at any time on private property, to protect commercial crops or livestock.

(ii) An owner with a valid, written damage prevention agreement with the department may kill an individual (one) big game animal while it is in the act of damaging commercial crops.

(iii) An individual (one) big game animal may be killed during the physical act of attacking livestock or pets.

(iv) Multiple big game animals may be killed while they are in the act of damaging commercial crops or livestock if the owner is issued a kill permit by the department.

(v) A damage prevention agreement or kill permit must include: An approved checklist of the reasonable preventative and nonlethal means that must be employed prior to lethal removal; a description of the properties where lethal removal is allowed; the species and sex of the animal that may be killed; the terms of the agreement/permit; the dates when lethal removal is authorized; who may kill the animal(s); and other conditions developed within department procedural documents.

(b) It is unlawful to kill protected species (as defined in WAC 232-12-011) or endangered species (as defined in WAC 232-12-014) unless authorized by commission rule or with a permit from the department, with the following additional requirements:

(i) Federally listed threatened or endangered species will require federal permits or federal authority, in addition to a state permit.

(ii) All migratory birds are federally protected and may require a federal permit or federal authority, in addition to a state permit.

(2) Killing wildlife causing damage or killing wildlife to prevent private property damage.

(a) Predatory birds (as defined in RCW 77.08.010(39)), unclassified wildlife, and eastern gray squirrels may be killed with the express permission of the property owner at any time, to prevent private property damage on private real property.

(b) Subject to subsection ~~((7))~~ (6) of this section, the following list of wildlife species may be killed with the express permission of the owner, when causing damage to private property: Raccoon, fox, bobcat, beaver, muskrat, mink, river otter, weasel, hare, and cottontail rabbits.

(c) The department may make agreements with landowners to prevent private property damage by wildlife. The agreements may include special hunting season permits such

as: Landowner damage prevention permits, spring black bear hunting permits, permits issued through the landowner hunting permit program, kill permits, and Master Hunter permits.

(d) Landowners are encouraged to allow general season hunters during established hunting seasons on their property to help minimize damage potential and concerns.

(3) Wildlife control operators may assist property owners under the conditions of their permit, as established in WAC 232-36-060 and 232-36-065.

(4) Tribal members may assist property owners under the conditions of valid comanagement agreements between tribes and the department. Tribes must be in compliance with the agreements including, but not limited to, adhering to reporting requirements and harvest restrictions.

(5) Hunting licenses and tags are not required to kill wildlife under this section, unless the killing is pursuant to subsections (2)(c) and (d) of this section. Tribal members operating under subsection (4) of this section are required to meet tribal hunting license, tag, and permit requirements.

(6) Except as specifically provided in a permit from the department or a rule of the commission, people taking wildlife under this rule are subject to the laws and rules of the state including, but not limited to, those found in Titles 77 RCW and 220 and 232 WAC.

#### WSR 10-19-144

#### PROPOSED RULES

#### DEPARTMENT OF FISH AND WILDLIFE

[Filed September 22, 2010, 10:51 a.m.]

Supplemental Notice to WSR 10-17-100.

Preproposal statement of inquiry was filed as WSR 10-13-121 on June 22, 2010.

Title of Rule and Other Identifying Information: WAC 220-55-160 Free fishing weekend, 220-55-220 Two pole endorsement, 220-55-230 Columbia River endorsement, 220-56-240 Daily limits forage fish and other food fish not otherwise provided for, 220-56-270 Smelt—Areas and seasons, and 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on December 3-4, 2010, at 8:30 a.m.

Date of Intended Adoption: On or after February 1, 2011.

Submit Written Comments to: Lori Preuss, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Lori.Preuss@dfw.wa.gov, fax (360) 902-2155, by November 19, 2010.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 19, 2010, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes proposed below are exactly the same as those proposed with the original CR-102 filed on August 17, 2010, as WSR 10-17-100, with one exception: The department of fish and wildlife

is also proposing closing Capitol Lake in Thurston County to all fishing, due to the presence of New Zealand mud snails, which are aquatic invasive species and thus pose a significant threat to fish conservation.

WAC 220-55-160 Free fishing weekend, language added to clarify that the two pole endorsement and the Columbia River endorsement are not needed during free fishing weekend.

WAC 220-55-220 Two pole endorsement, a portion of Swift Reservoir is removed from the areas where anglers may fish with two poles, due to bull trout holding in this area.

WAC 220-55-230 Columbia River endorsement, stream sections are added to the rule for clarification. Gobar Creek, a Kalama River tributary, was added to the list where the endorsement is required. Swift Reservoir was removed from the list.

WAC 220-56-240 Daily limits forage fish and other food fish not otherwise provided for, clarifies the daily limit of fifteen for shiner perch. During the last rule change cycle, shiner perch were inadvertently included in the species that have a two fish daily limit.

WAC 220-56-270 Smelt—Areas and seasons, closes fishing for eulachon smelt statewide, due to their "threatened" listing under the Endangered Species Act.

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules, establishes the following rules:

- Black River and tributaries west of I-5 - open first [last] Saturday in June through October 31, selective gear rules, trout minimum size 14. Provides trout fishing opportunity.
- Minter Creek - open first Saturday in June through October 31, trout minimum size 14. Provides sea-run cutthroat trout fishing opportunity.
- Lower Deschutes River - year round season provided to match other sections. Selective gear rules added for protection of cutthroat trout.
- Capitol Lake - closed to all fishing.
- South Fork Stillaguamish River from Mountain Loop Highway upstream - open first Saturday in June through November 30. Provides fishing for hatchery summer steelhead and other trout.
- Purdy Creek - open first Saturday in June through October 31 with selective gear rules. Provides trout fishing opportunity.
- Clover Creek season begins July 1 (not July 2) - typo in WAC.
- Chambers Creek - two listings were conflicting; one was removed.
- Rocky Creek - county reference corrected.
- Phillipa Creek - name spelled incorrectly in current rule.
- Columbia River sturgeon sanctuary boundary adjusted to reflect new landmark necessary to protect brood stock.
- Cougar Lake - selective gear rules added to catch-and-release fishery to ease release of fish.
- Ferry Lake (Ferry County), Swan Lake (Ferry County), Long Lake (Ferry County), Pierre Lake (Stevens County), Big Meadow Lake (Pend Oreille County),

Yocum Lake (Pend Oreille County), South Skookum Lake (Pend Oreille County), Lost Lake (Okanogan County), Blue Lake (Okanogan County), Bonaparte Lake (Okanogan County), Calligan Lake (King County), Hancock Lake (King County), Lake Hozomeen (Whatcom County) - unlawful to use lead tackle in these waters. Provides protection to loons nesting on these lakes.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 77.04.012 and 77.12.047.

Statute Being Implemented: RCW 77.04.012 and 77.12.047.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Dates related to these proposed rules:

October 1-2, 2010, Washington fish and wildlife commission meeting: Staff will brief the commission on the proposal to prohibit lead tackle on several lakes statewide to protect loons nesting on the lakes. The commission will allow public testimony on all of the proposed rules.

November 19, 2010, deadline for the public to submit written comments on all of the rules.

December 3-4, 2010, commission meeting, staff will brief the commission on the rest of the rules (minus the lead tackle rules). Staff will ask the commission to adopt the lead tackle rule changes.

February 2011 commission meeting, staff will ask the commission to adopt the rest of the rules.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Patricia Michael, 1111 Washington Street, Olympia, (360) 902-2628; Implementation: James Scott, 1111 Washington Street, Olympia, (360) 902-2736; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational fishers. There is no direct regulation of small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

September 22, 2010

Lori Preuss

Rules Coordinator

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

**WAC 220-55-160 Free fishing weekend.** The Saturday and Sunday following the first Monday in June is declared to be free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of age or residency, to fish for or possess fish and shellfish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities except that it is unlawful to fish for or possess any species for which a catch record is required without a valid catch record card in possession.

Anglers may fish with two poles in all lakes where it is legal to do so without purchasing a two-pole endorsement, and may also fish in all open areas of the Columbia River and tributaries without purchasing a Columbia River endorsement. During free fishing weekend only the license, endorsements, and permit provided for in this section are affected, and all other rules including the catch record card requirement remain in effect.

**AMENDATORY SECTION** (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

**WAC 220-55-220 Two pole endorsement.** Anglers who are in possession of a valid two pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County	
Para-juvenile Lake	Adams	
Quail Lake	Adams	
Headgate Pond	Asotin	
Columbia Park Pond	Benton	
Blackbird Island Pond	Chelan	
Lake Wenatchee	Chelan	
Aldwell Lake	Clallam	
Beaver Lake	Clallam	
Carrie Blake Pond	Clallam	
Dickey Lake	Clallam	
Lake Pleasant	Clallam	
Lincoln Pond	Clallam	
Sutherland Lake	Clallam	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River
Big Four Lake	Columbia	
Dayton Pond	Columbia	
Blue Lake	Cowlitz	
Castle Lake	Cowlitz	
Coldwater Lake	Cowlitz	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No.1 powerhouse and Swift No. 2 powerhouse
Merrill Lake	Cowlitz	
Silver Lake	Cowlitz	
Grimes Lake	Douglas	
Pit Lake	Douglas	
Long Lake	Ferry	
Beda Lake	Grant	
Brookies Lakes	Grant	
Dry Falls Lake	Grant	
Dusty Lake	Grant	
Homestead Lake	Grant	
Lenice Lake	Grant	
Lenore Lake	Grant	
Merry Lake	Grant	
Nunnally Lake	Grant	
Ping Pond	Grant	

Water Body	County	
Damon Lake	Grays Harbor	
Mill Creek Pond	Grays Harbor	
Promised Land Pond	Grays Harbor	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano
Shye Lake	Grays Harbor	
Vance Creek Pond #1	Grays Harbor	
Vance Creek Pond #2	Grays Harbor	
Wynoochee Reservoir	Grays Harbor	
Anderson Lake	Jefferson	
Gibbs Lake	Jefferson	
Horseshoe Lake	Jefferson	
Teal Lake	Jefferson	
Lake Sammamish	King	
Lake Union	King	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream (Including Lake Union, Portage Bay, and Salmon Bay) waters east of a north-south line 400' west of the Chittenden Locks to the MontLake Bridge
Lake Washington Ship Canal	King	Auburn
Mill Pond	King	Kent
Old Fishing Hole Pond	King	
Portage Bay	King	
Rattlesnake Lake	King	
Ravensdale Lake	King	
Salmon Bay	King	
Swans Mill Pond	King	
Koeneman Lake	Kitsap	Formerly Fern Lake
Easton Lake	Kittitas	
Kachess Lake	Kittitas	
Keechelus Lake	Kittitas	
Kiwanis Pond	Kittitas	
Naneum Pond	Kittitas	
Cowlitz Falls Reservoir	Lewis	
Fort Borst Park Pond	Lewis	
Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam
Packwood Lake	Lewis	
Scanewa Lake	Lewis	Cowlitz Falls Reservoir
Walupt Lake	Lewis	
Willame Lake	Lewis	
Coffeepot Lake	Lincoln	
Cady Lake	Mason	
Cushman Reservoir	Mason	
Prices Lake	Mason	
Stump Lake	Mason	
Aeneas Lake	Okanogan	
Big Twin Lake	Okanogan	
Black Lake	Okanogan	
Blue Lake	Okanogan	Near Wannacut Lake
Blue Lake	Okanogan	Sinlahekin Creek
Campbell Lake	Okanogan	
Chopaka Lake	Okanogan	

Water Body	County	
Cougar Lake	Okanogan	Lost River
<u>Cougar Lake</u>	<u>Okanogan</u>	<u>Near Winthrop</u>
Davis Lake	Okanogan	
Ell Lake	Okanogan	
Green Lake	Okanogan	
Green Lake	Okanogan	Lower Green Lake
Hidden Lake	Okanogan	Lost River
Rat Lake	Okanogan	
Silvernail Lake	Okanogan	
Cases Pond	Pacific	
Middle Nemah Pond	Pacific	
Mooses Pond	Pacific	
Owens Pond	Pacific	
South Bend Mill Pond	Pacific	
Browns Lake	Pend Oreille	
Muskegon Lake	Pend Oreille	
Bradley Lake	Pierce	
De Coursey Pond	Pierce	
Ohop Lake	Pierce	
Tanwax Lake	Pierce	
Wapato Lake	Pierce	
Granite Lakes	Skagit	Near Marblemount
Northern State Hospital Pond	Skagit	
Pass Lake	Skagit	
Vogler Lake	Skagit	
Drano Lake	Skamania	(Little White Salmon River) downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Hwy. 14 bridge
Swift Reservoir	Skamania	( <del>From dam to markers approximately 1 mile below Eagle Cliff Bridge</del> ) Little Lake
Ebey Lake	Snohomish	
Fortson Mill Pond #2	Snohomish	
Jennings Park Pond	Snohomish	
Monte Cristo Lake	Snohomish	
North Gissburg Pond	Snohomish	
Spada Lake	Snohomish	
Amber Lake	Spokane	
Bear Lake	Spokane	
Medical Lake	Spokane	
North Silver Lake	Spokane	
Bayley Lake	Stevens	
Lucky Duck Pond	Stevens	
Mcdowell Lake	Stevens	
Rigley Lake	Stevens	
Kennedy Creek Pond	Thurston	
Long's Pond	Thurston	
Mclane Creek Ponds	Thurston	
Munn Lake	Thurston	
Jefferson Park Pond	Walla Walla	
Lions Park Pond	Walla Walla	College Place
Diablo Lake	Whatcom	

Water Body	County	
Gorge Lake	Whatcom	
Lake Whatcom	Whatcom	
Ross Lake	Whatcom	
Squalicum Lake	Whatcom	
Garfield Juvenile Pond	Whitman	
Bumping Lake	Yakima	
Clear Lake	Yakima	
Leech Lake	Yakima	White Pass area
Mud Lake	Yakima	
Myron Lake	Yakima	
Rimrock Lake	Yakima	
Sarge Hubbard Park Pond	Yakima	
Yakima Sportsmen's Park Ponds	Yakima	

Note: The two pole endorsement is not valid in the Columbia and Snake rivers except as noted in Lake Roosevelt and Rufus Woods Lake.

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

**WAC 220-55-230 Columbia River endorsement.**

Anglers fifteen years of age or older must be in possession of a valid Columbia River endorsement to fish for salmon or steelhead in the following waters:

- Mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam
- Deep River (Wahkiakum County)
- Grays River (Wahkiakum County) mouth to mouth of South Fork
- Grays River, West Fork mouth to hatchery intake foot-bridge
- Grays River, East Fork
- Skamokawa River (Wahkiakum County) mouth (Hwy 4 Bridge) to forks below Oatfield and Middle Valley Road
- Elochoman River (Wahkiakum County) mouth to mouth of West Fork
- Mill Creek (Lewis County)
- Abernathy Creek (Cowlitz County) mouth to Abernathy Falls
- Germany Creek (Cowlitz County) mouth to end of Germany Creek Road
- Coal Creek (Cowlitz County) mouth to 400 feet below falls
- Cowlitz River (Cowlitz County) mouth to mouth of Ohanapecosh and Muddy forks
- Blue Creek mouth to Spencer Road
- Lacamas Creek
- Mill Creek mouth to hatchery road crossing culvert
- Olequa Creek
- Tilton River mouth to West Fork
- Tilton River, East Fork
- Tilton River, North Fork
- Tilton River, South Fork
- Tilton River, West Fork
- Mayfield Lake
- (~~Riffe Lake~~)
- Lake Scanewa
- Cispus River (Lewis County) mouth to North Fork

Coweeman River (Cowlitz County)  
 Toutle River (Cowlitz County) mouth to forks  
   Toutle River, North Fork  
   Toutle River, South Fork  
   Green River (Cowlitz County) mouth to Miner's Creek  
 ((~~Green River (Cowlitz County)~~))  
 Kalama River (Cowlitz County) mouth to Kalama Falls  
   Gobar Creek (Cowlitz County)  
 Lewis River (Clark/Cowlitz counties) mouth to mouth of  
East Fork  
   Lewis River, North Fork mouth to Merwin Dam  
   Lewis River, East Fork  
   Cedar Creek (Clark County)  
 Salmon Creek (Clark County) mouth to 72nd Ave. N.E.  
 Washougal River (Clark County)  
 Washougal River West, North Fork  
   Little Washougal  
 Camas Slough (Clark County) (waters outside the mouth of  
the Washougal River, north of Lady Island, and downstream  
of the Highway 14 Bridge at the upstream end of Lady  
Island)  
 Drano Lake (Skamania County) (little White Salmon River  
downstream of the markers on point of land downstream and  
across from Little White Salmon National Fish Hatchery and  
upstream of Highway 14 Bridge)  
 Hamilton Creek (Skamania County)  
 Rock Creek (Skamania County)  
 Wind River (Skamania County)  
 White Salmon River (Klickitat/Skamania counties) mouth to  
Northwestern (Condit) Dam  
 Klickitat River (Klickitat County)  
 Walla Walla River (Walla Walla County) and tributaries  
 Mill Creek (Walla Walla County)  
 Touchet River (Columbia/Walla Walla counties) mouth to  
confluence of North Fork and South Fork  
   Touchet River, North Fork  
   Touchet River, South Fork  
   Touchet River, Wolf Fork  
 Grande Ronde River (Asotin County)  
 Snake River mainstem  
   Palouse River (Whitman County) (below the falls)  
 Tucannon River (Columbia/Garfield counties)  
 Yakima River (Benton/Yakima/Kittitas counties) mouth to  
400 feet below Prosser Dam and Sunnyside (Parker) Dam to  
Roza Dam  
 Wenatchee River mouth to Lake Wenatchee (including Lake  
Jolanda)  
Chelan River (Chelan County) mouth (railroad bridge) to  
Chelan PUD safety barrier below the powerhouse  
 Icicle River (Chelan County) mouth to Leland Creek  
 Lake Wenatchee (Chelan County)  
 Entiat River (Chelan County) mouth to Entiat Falls  
 Methow River (Okanogan County) mouth to Foghorn Dam  
 Okanogan River (Okanogan County)  
 Lake Osoyoos (Okanogan County)  
 Similkameen River (Okanogan County) mouth to Enloe Dam

AMENDATORY SECTION (Amending Order 10-64, filed  
 3/19/10, effective 5/1/10)

**WAC 220-56-240 Daily limits forage fish and other food fish not otherwise provided for.** It is unlawful for any person to retain more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Forage fish: 10 pounds in the aggregate. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.

(2) Shiner perch: Daily limit 15 fish.

(3) All other marine food fish not otherwise provided for in this chapter except albacore, yellowfin, skipjack, and northern bluefin tuna and all mackerel: Daily limit two fish.

AMENDATORY SECTION (Amending Order 06-67, filed  
 4/11/06, effective 5/12/06)

**WAC 220-56-270 Smelt—Areas and seasons.** (1) ((~~Smelt~~)) Unlawful to fish for or possess Columbia River smelt (eulachon).

(2) Fishing for smelt other than Columbia River smelt (eulachon) is permitted the entire year on Pacific Ocean beaches and in all rivers concurrent with a salmon or gamefish opening, except closed in the Columbia River and tributaries.

((~~2~~)) Smelt) (3) Fishing for smelt other than Columbia River smelt (eulachon) is open in Puget Sound and the Strait of Juan de Fuca the entire year except closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except forage fish jigger gear and closed year-round in Catch Record Card Area 12. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

((~~3~~)) (4) It is unlawful to possess smelt taken with gear in violation of the provisions of this section. Possession of smelt while using gear in violation of the provisions of this section is a rebuttable presumption that the smelt were taken with such gear. Possession of such smelt is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the smelt 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 10-137, filed  
 5/27/10, effective 6/27/10)

**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 to fishing for salmon.

(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 anti-snagging rules, 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. Posses-



sion 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) 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: Saturday before Memorial Day through October 31 season. Trout: Daily limit 5, no minimum size.

(d) 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.

(e) Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: First Saturday in June through October 31 season. Trout: No minimum length.

(4) Rivers, streams, and beaver ponds that drain into Puget Sound or the Strait of Juan de Fuca are closed to fishing unless listed as open below.

(5) 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: The first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek and Middle Fork from the A2000 Road Bridge at Tree Phones Campground downstream to the A2000 Spur Road Bridge in NE Section 34: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Alder Lake (Thurston County): Kokanee not included in trout daily limit. Kokanee daily limit 10. All tributaries: The

first Saturday in June through October 31 season. Trout: Minimum size fourteen inches.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules. 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.

All Creek (Skagit County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Alma Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Amon Creek (Benton County): Selective gear rules.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

American Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

Anderson Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Anderson Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. 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 all 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

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

South Fork and tributaries: Closed waters.

Bacon Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Bacus Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

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

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

Bainbridge Island - all streams (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

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. Anti-snagging rule 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.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

From fish barrier dam to headwaters, including all tributaries and their tributaries except Channel Creek: First Saturday in June through October 31 season.

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 float-

ing 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 reduced fee licenses or designated harvester cards, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): The first Saturday in June through March 31 season. Anti-snagging rule 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 and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through March 31. All species: Release all fish, except up to two hatchery steelhead may be retained per 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 chum and wild Chinook. Upstream of Longview Fiber Bridge: Closed waters.

Beaver Creek (Pierce County) (South Prairie Creek tributary): First Saturday in June through October 31 season.

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

Beaver Lake (Clallam County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Maximum size 12 inches in length.

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

Beaver Lake (King County): Trout: Daily limit 5, no more than 2 over 15 inches in length.

Beda Lake (Grant County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

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. Trout: Daily limit 5, no more

than two over 14 inches in length may be retained, except no size restriction for kokanee.

~~((Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.))~~

Bertrand Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

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

Big Beaver Creek (Whatcom County):

From one-quarter mile upstream of closed water markers on Ross Lake upstream including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Big Beef Creek (Kitsap County) from Seabeck Highway Bridge to Lake Symington: The first Saturday in June through August 31 season. Closed waters August 1 through August 31: Waters within 100 feet of the Seabeck Highway NW Bridge. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From Lake Symington upstream: First Saturday in June through October 31 season. All species: Selective gear rules. Release all trout.

Big Creek (Skagit County) (Suiattle River tributary): From TeePee falls to source: First Saturday in June through October 31 season. Selective gear rules.

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. Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Big Mission Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Big Quilcene River (Jefferson County): See Quilcene River.

Big River (Clallam County): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Big Scandia Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

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

Blackjack Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Blackbird Island Pond (Chelan County): July 1 through September 30 season. Juveniles only.

Black Lake (Okanogan County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

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): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Crappie: Daily limit ten, minimum length nine inches.

Black Lake Ditch (Thurston County) from the confluence with Percival Creek upstream to Black Lake: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen 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: Last Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Blackman's Lake (Snohomish County): Trout: Daily limit 3.

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. Anti-snagging rule 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.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: The first Saturday in June through April 30 season. The first Saturday in June through November 30, selective gear rules and December 1 through April 30, selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor 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 Highway 101 Bridge. February 16 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. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Boise Creek (King County) (White River tributary) upstream of Highway 410 crossing: First Saturday in June through October 31 season.

Bonaparte Creek (Okanogan County): Closed Waters from mouth to falls one mile upstream.

Bonaparte Lake (Okanogan County): Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line. 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.

Boulder Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Boulder River (Snohomish County) (NF Stillaguamish River tributary): Mouth to Boulder Falls. First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From Boulder Falls upstream: First Saturday in June through October 31 season.

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. Unlawful to fish from a floating device equipped with an internal combustion motor.

Boxley Creek (North Bend) (King County), from the falls located at approximately river mile 0.9 upstream: First Saturday in June through October 31 season.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 Creek (Skagit County) (Suiattle River tributary): From upstream boundary of Buck Creek campground to source: First Saturday in June through October 31 season. Selective gear rules.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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 and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June 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): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

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

Buzzard Lake (Okanogan County): Last Saturday in April through October 31 season. All species: Selective gear rules. Trout: Daily limit 1.

Cadet Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

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: The first Saturday in June through April 30 season. December 1 through April 30, selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor 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. February 16 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. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sock-eye, and chum salmon.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: The first Saturday in June through last day in February season. First Saturday in June through last day in February, selective gear rules. Unlawful

to fish from a floating device equipped with an internal combustion motor December 1 through last day in February. 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.

California Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

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

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

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. Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

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, except for salmon, only hatchery Chinook and hatchery coho may be retained.

Camp Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Campbell Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

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

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

Canyon Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: The first Saturday in June through

February 15 season. Release all fish except up to two hatchery steelhead may be retained.

Canyon Creek (Whatcom County) (North Fork Nooksack River): From Canyon Creek Road Bridge upstream: First Saturday in June through October 31 season. Selective gear rules.

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

~~Capitol Lake (Thurston County)(, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Pereival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. Year round season. Selective gear rules. Anti-snagging rule and night closure August 1 through November 30. Trout: Release all trout): Closed to all fishing.~~

Carbon River (Pierce County), from its mouth to Voight Creek: September 1 through last day in February season. Anti-snagging rule, night closure and single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches September 1 through November 30. December 1 through last day of February selective gear rules and release all fish except up to two hatchery steelhead may be retained. Voight Creek to Highway 162 Bridge: November 1 through last day in February season: Selective gear rules and release all fish except up to two hatchery steelhead may be retained. 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. 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: June 1 through July 15 and September 16 through last day in February season. All species: Anti-snagging rule and night

closure June 1 through July 15 and 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 15. Daily limit 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: The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one, minimum length sixteen inches.

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

Cavanaugh Lake (Skagit County): Chumming permitted.

Cayada Creek (Pierce County) (Carbon River tributary): First Saturday in June through October 31 season.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to Grist Mill Bridge: First Saturday in June 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. From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. From 100 feet upstream of the falls upstream: The first Saturday in June through August 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Cedar Creek (Mason County): First Saturday in June through October 31 season.

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: The first Saturday in June through August 31 season. Selective gear rules and night closure. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Cedar River (Pacific County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. All species: Selective gear rules and night closure. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.))~~

Chambers Creek from the mouth to markers 400 feet below the Boise-Cascade Dam (Pierce County): July 1 through November 15 season. Night closure and anti-snagging rule. 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.

From Boise-Cascade Dam to Steilacoom Lake: July 1 through October 31 season. Night closure and anti-snagging rule. Selective gear rules. Trout: Minimum size fourteen inches.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Channel Creek (Skagit County) (Baker River tributary): First Saturday in June through September 15 season.

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): The first Saturday in June through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: From mouth to Fuller Bridge: Open September 16 through January 31. September 16 through October 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum and Chinook. November 1 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho. From Fuller Bridge to Porter Bridge: Open September 16 through January 31. September 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum and Chinook. December 1 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho. From Porter Bridge to high bridge on Weyerhaeuser 1000 line: Open September

16 through January 31. September 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum and Chinook. December 1 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho. 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: The first Saturday in June through April 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: The first Saturday in June 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 game fish: Release all fish except lake trout. Salmon and lake trout: Open year-round: Salmon 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Anti-snagging rule. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters the first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

Chiliwack River (Whatcom County) including all tributaries and their tributaries: First Saturday in June through October 31 season.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: The first Saturday in June through August 31 season. Selective gear rules and release all fish.

From Ness's Corner Road to headwaters: First Saturday in June through October 31 season. Selective gear rules and release all fish.

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.

Church Creek (Mason County) upstream of bridge on U.S. Forest Service Road #2361: First Saturday in June through October 31 season.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through the Friday before the first Saturday in June. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year around. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): The first Saturday in June through October 31 season. Selective gear rules and release all fish. Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Clear Creek (Chelan County): Closed waters.

Clear Creek (Snohomish County) (Sauk River tributary): From Asbestos Creek Falls to source: First Saturday in June through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Clearwater River (Jefferson County):

From mouth to Snahapish River: The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches. February 16 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 Hyas Lake except Tucquala Lake: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

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

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: The first Saturday in June 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.

Clover Creek (Pierce County) upstream of Steilacoom Lake, including all tributaries: July ((2)) 1 through October 31 season.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: The first Saturday in June 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): The first Saturday in June 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.

From Highway I-90 upstream. First Saturday in June through October 31 season.

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

Coldwater Lake (Cowlitz County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 Rocky Coulee Wasteway: April 1 through September 30 season. Juveniles and holders of reduced fee licenses or designated harvester cards only. Trout: No minimum size, daily limit three.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee licenses or designated harvester cards 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. Effective January 1, 2011: Salmon and steelhead - barbless hooks required from mouth to McNary Dam.

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 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 all trout except hatchery steelhead. 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 both Area 1 and Buoy 10 salmon season openings, (barbed hooks allowed through December 31, 2010) and the daily limit is the more liberal if both areas are open. Salmon and steelhead: Open only June 16 through March 31. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook or hatchery steelhead, or one of each. Release all salmon other than hatchery Chinook. Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge. August 1 through August 31, daily limit 2 salmon or 2 hatchery steelhead or one of each; only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. Chinook minimum length 24 inches. Coho minimum length 16 inches. September 1 through September 30, daily limit 2 hatchery coho or 2 hatchery steelhead or one of each. Release all salmon other than hatchery coho. Coho minimum length 16 inches. October 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult hatchery coho or hatchery steelhead, or one of each. Release all salmon except hatchery coho. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook salmon or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings, (barbed hooks allowed through December 31, 2010) and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 8, June 29 through July 1, and July 6 through December 31. Minimum size when open to retain sturgeon is 38 inches fork length January 1 through April 30, and 41 inches fork length May 9 through July 5. Bottomfish: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of Marine Area 1.

From 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 all trout except hatchery steelhead and hatchery 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 and steelhead: Open only May 16 through March 31. May 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. May 16 through June 15, release adult Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each; of the adult salmon, only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. September 12 through December 31, release Chinook downstream of a line projected from the Warrior Rock Lighthouse, through Red Buoy #4, to the orange marker atop the dolphin on the Washington shore. January 1 through March 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. (1) Release sturgeon May 1 through May 8, June 29 through July 1, and July 6 through December 31 downstream from the Wauna powerlines. Minimum size

when open to retain sturgeon is 38 inches fork length January 1 through April 30, and 41 inches fork length May 9 through July 5; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays 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: Salmon and steelhead: Anti-snagging rule from Bonneville Dam to McNary Dam and night closure from Bonneville Dam to The Dalles Dam. Trout: Release all trout except hatchery steelhead. 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, and Saturdays from January 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure downstream to the navigation marker 85 line. 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. (6) Release sturgeon from August 1 through January 31 from McNary Dam to Priest Rapids Dam. Closed to fishing for sturgeon from May 1 through July 31 from the ~~((trolley cableway 2.5 miles))~~ boundary marker on the river bank 400 feet downstream from Priest Rapids ((Dam)) Hatchery outlet channel (Jackson Creek) to Priest Rapids Dam. Salmon and steelhead: From I-5 Bridge to Bonneville Dam: Open June 16 through December 31 except salmon closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each; of the adult salmon, only 1 may be a Chinook. Release all salmon except Chinook and hatchery coho. Steelhead: Additional season January 1 through March 31. Daily limit 2. From Bonneville Dam to Highway 395 Bridge at Pasco: Open June 16 through December 31. June 16 through July 31, daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook or hatchery steelhead or one of each. Release all salmon except hatchery Chinook. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Release all salmon except Chinook and coho. Release wild coho from Bonneville Dam to Hood River Bridge. Steelhead: Additional season January 1 through March 31. Daily limit 2.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold 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 June 16 through July 31. Daily limit 6 fish, of which no more than 2 may be adult hatchery Chinook. Release all salmon other than hatchery Chinook. Open August 1 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye. 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 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 fishing. Fishing allowed only from the bank and only on the hatchery side of the river. Trout: Release all trout, except hatchery steelhead. Salmon: Open only May 1 through June 30. Fishing allowed only from the bank and only on the hatchery side of the river. Daily limit two hatchery Chinook. Night closure.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): 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 June 16

through July 31. Daily limit 6 fish of which no more than 2 fish may be adult hatchery Chinook. Release all salmon except hatchery Chinook. Open August 1 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye.

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 June 16 through July 31. Daily limit 6 fish of which no more than 2 may be adult hatchery salmon. Release all salmon except hatchery Chinook. Open August 1 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye.

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: Anti-snagging rule and night closure from Rocky Reach Dam to the most upriver edge of Turtle Rock. Salmon: From Priest Rapids Dam to Wanapum Dam, open July 1 through October 22. July 1 through August 31, daily limit 6 fish, of which no more than 3 may be adult salmon, and of the 3 adult salmon, only 1 may be a wild adult salmon. Release coho and sockeye. September 1 through October 22, daily limit 6 fish, of which no more than 2 may be adult salmon. Release coho and sockeye. From Wanapum Dam to Wells Dam, open July 1 through October 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of the 3 adult salmon, only 1 may be a wild adult salmon. Release coho and sockeye. From Wells Dam to Highway 173 Bridge at Brewster: Open July 16 through August 31. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of the 3 adult salmon, only 1 may be a wild adult salmon. Release coho and sockeye. From Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport: Open July 1 through October 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of the 3 adult salmon, only 1 may

be a wild adult salmon. Release coho and sockeye. 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: Saturday before Memorial Day through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

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. Unlawful to fish from a floating device equipped with an internal combustion motor.

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

Copalis River (Grays Harbor County): The first Saturday in June 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.

Corral Canyon Creek (Benton County): Selective gear rules.

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): The first Saturday in June through August 31 season.

Cougar Lake (Pasayten Wilderness) (Okanogan County): All species: Selective gear rules.

Cougar Lake (near Winthrop) (Okanogan County): April 1 through August 31 - all species: Selective gear rules. Release all fish.

Coulter Creek (Kitsap/Mason counties): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: The first Saturday in June 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: The first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

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: 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. Anti-snagging rule 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 the Friday before the first Saturday in June. Trout: The first Saturday in June through March 31, daily limit five, minimum length

twelve inches, no more than two over twenty inches, except release wild cutthroat. 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 hatchery coho and hatchery Chinook. 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 Friday before the first Saturday in June 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. 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, Clear and Muddy Forks (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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 Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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.

Dakota Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules. 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): The first Saturday in June through October 31 season.

Dan's Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

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

Dayton Pond (Columbia County): Juveniles, anglers with reduced-fee licenses or designated harvesters 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: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Selective gear rules and 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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 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): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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. Unlawful to fish from a floating device equipped with an internal combustion motor.

Deschutes River (Thurston County): From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: ~~((The first Saturday in June through October 15))~~ Year-round season. Selective gear rules. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through 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. Unlawful to fish from a

floating device equipped with an internal combustion motor. Trout: Release all trout. Salmon: Open only July 1 through 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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

Dewatto River (Mason County): First Saturday in June through August 15 and October 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Night closure October 1 through October 31 from mouth to Dewatto-Holly Road Bridge. Game fish: Release all fish. Salmon: Open only October 1 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): The first Saturday in June through April 30 season in mainstem Dickey outside Olympic National Park and East Fork Dickey upstream to D5200 road and the first Saturday in June through March 15 in East Fork Dickey upstream from D5200 road and West Fork Dickey. Trout: Minimum length fourteen inches. February 16 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. July 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

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

Diobsud Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Dog Lake (Yakima County): Trout: Daily limit may contain no more than 1 fish over 14 inches in length.

Dogfish Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Donovan Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: The first Saturday in June through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Highway 101 Bridge. Selec-

tive gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June 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.

Downey Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: The first Saturday in June 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 and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June 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.

Dune Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Dungeness River (Clallam County):

From mouth to forks at Dungeness Campground: 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 Gold Creek upstream to headwaters: First Saturday in June through October 31 season.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Dyes Inlet (Kitsap County) - all streams: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Eaton Creek (Thurston County) (Lake St. Clair tributary): First Saturday in June through October 31 season. Selective gear rules.

Early Winters Creek (Okanogan County): Closed waters.

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

East Twin River (Clallam County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

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.

Eglon Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

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

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

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: The first Saturday in June 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. Daily limit 2 fish. Release chum, Chinook, and wild coho.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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.

Elliot Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

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: The first Saturday in June through March 15 season. Anti-snagging rule, night closure, and stationary gear restriction August 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only from the first Saturday in June through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild Chinook.

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

Elwha River (Clallam County): 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: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout except Eastern brook trout: Minimum length twelve inches. Eastern brook trout: No minimum size.

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

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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.

Evans Creek (Pierce County) (Carbon River tributary) from Carbon River-Fairfax Road upstream: First Saturday in June 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.

Falls Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

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.

Ferry Lake (Ferry County): Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

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. Perch: Daily limit 25.

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): Mouth to I-5 Bridge: First Saturday in June through October 31 season. 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: First Saturday in June through October 31 season. Juveniles only.

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

Fiske Creek (Pierce County) (Puyallup River tributary) upstream from Fiske Road: First Saturday in June through October 31 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.

Found Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

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.

Fox Creek (Pierce County) (Puyallup River tributary) upstream from Fiske Road: First Saturday in June through October 31 season.

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.

Friday Creek (Whatcom County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

Fulton Creek (Mason County) from mouth to falls at river mile 0.8: First Saturday in June through October 31 season. Selective gear rules and release all fish.

From falls at river mile 0.8 upstream: First Saturday in June through October 31 season.

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

Gale Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Wilkeson Creek: First Saturday in June through October 31 season.

Gamble Creek (Kitsap County): First Saturday in June through October 31 season: Selective gear rules and release all fish.

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): The first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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): The first Saturday in June through March 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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

Goodell Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Goodman Creek (Jefferson County) outside Olympic National Park: The first Saturday in June 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 reduced fee licenses or designated harvester cards only.

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

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

Grade Creek (Snohomish County) (Suitttle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor 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: Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June 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 bridge at river mile 1.0 upstream: First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Unlawful to fish from a floating device equipped with an internal combustion motor.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: First Saturday in June through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: First Saturday in June through October 15 and December 1 through March 15 season. Anti-snagging rule, night closure and stationary gear restriction August 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: From mouth to Highway 4 Bridge: Open first Saturday in June through October 15 and November 15 through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15 and November 15 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release chum, wild coho, and unmarked Chinook. Unmarked Chinook are Chinook without either a clipped ventral fin or a clipped adipose fin. From Highway 4 Bridge to South Fork: Open first Saturday in June through October 15 and December 1 through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15 and December 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult Chinook. Release 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: The first Saturday in June - October 15 season. August 1 through October 15: Anti-snagging rule, night closure and stationary gear restriction. Additional December 1 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead. Salmon: Open only from first Saturday in June through October 15 and December 1 through December 31. First Saturday in June through July 31, daily limit 6 hatchery Chinook, of which no more than 2 may be adults. August 1 through October 15 and December 1 through December 31, daily limit 6 fish of which not more than 2 may be adult Chinook. 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 unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

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

From mouth to 2800 Bridge: The first Saturday in June 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. Anti-snagging rule and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When anti-snagging rule 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 2 may be adult Chinook. Release chum, wild coho, and wild Chinook.

From 2800 Bridge to Miner's Creek: Closed waters.

From Miner's Creek upstream: All species: Catch and release and selective gear rules.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99: The first Saturday in June through July 31 and September 1 through February 15 season. In years ending in odd numbers, additional season August 22 through August 31 with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point to shank. Anti-snagging rule and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. Salmon: In years ending in odd numbers, open August 22 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, open September 1 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge: The first Saturday in June through July 31 and September 1 through February 15 season. Anti-snagging rule and night closure September 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. In years ending in odd numbers, daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum, release Chinook. In years ending in even numbers, daily limit 6 salmon, no more than 3 may be adult salmon, and only 1 may be a Chinook.

From the Interstate 405 Bridge to South 277th Street Bridge in Auburn: Open only the first Saturday in June through July 31 and October 1 through February 15. In years ending in odd numbers, additional season September 1 through September 30 with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point to shank. Anti-snagging rule and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. Salmon: In years ending in odd numbers, open September 1 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult

coho and adult chum. Release Chinook. In years ending in even numbers, open October 1 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only the first Saturday in June through August 15 and October 16 through last day in February. In years ending in odd numbers, additional season September 16 through October 15 with the following restrictions: Night closure, bait prohibited, only 1 single-point hook may be used, and hook must measure less than 1/2 inch from point to shank. Anti-snagging rule 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. Salmon: In years ending in odd numbers, open September 16 through December 31. Daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, open October 16 through December 31. Daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From the Auburn-Black Diamond Road Bridge to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam): The first Saturday in June through last day in February season. Anti-snagging rule 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. Salmon: Open only November 1 through December 31. In years ending in odd numbers, daily limit 6 salmon, no more than 3 may be any combination of adult coho and adult chum. Release Chinook. In years ending in even numbers, daily limit 6 salmon, no more than 3 may be adult salmon. Release Chinook.

From Friday Creek upstream, including all tributaries and their tributaries: First Saturday in June through October 31 season.

Greenwater River (King County), from mouth to Greenwater Lakes: November 1 through January 31 season. Release all fish except whitefish. Whitefish gear rules.

From Greenwater Lakes upstream: First Saturday in June through October 31 season.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Groves Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

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: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From falls upstream: First Saturday in June through October 31 season.

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. Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Hansen Creek (Skagit County) including all tributaries and their tributaries: First Saturday in June through October 31 season. Selective gear rules.

Harris Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

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. Unlawful to fish from a floating device equipped with an internal combustion motor.

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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Haven Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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 reduced fee licenses or designated harvester cards 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hilt Creek (Skagit County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

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:

From Olympic National Park boundary upstream to DNR Oxbow Campground Boat Launch: May 16 through April 15 season. May 16 through the Friday before the first Saturday in June, open Wednesday through Sunday only each week, and catch and release, except up to two hatchery steelhead may be retained on open days. First Saturday in June through April 15, trout: Minimum length fourteen inches. November 1 through February 15, daily limit may include 1 additional hatchery steelhead. February 16 through April 15, one wild steelhead per day may be retained. Salmon: Open May 16 through August 31, Wednesday through Sunday only each week, daily limit 6 fish of which no more than 1 may be an adult salmon, and release wild Chinook. Open September 1 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From DNR Oxbow Campground Boat Launch to Willoughby Creek: May 16 through April 15 season. Selective gear rules August 1 through October 15 and December 1 through April 15, and unlawful to fish from a floating device equipped with an internal combustion motor. Release all game fish except up to two hatchery steelhead may be retained. May 16 through the Friday before the first Saturday in June, open Wednesday through Sunday only each week. Salmon: Open May 16 through August 31, Wednesday through Sunday only each week, daily limit 6 fish of which no more than 1 may be an adult salmon, and release wild Chinook. Open October 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From Willoughby Creek to Morgan's Crossing boat launch site: First Saturday in June through April 15 season. Selective gear rules August 1 through October 15 and December 1 through April 15, and unlawful to fish from a floating device equipped with an internal combustion motor.

Release all game fish except up to two hatchery steelhead may be retained. Salmon: Open October 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon.

From Morgan's Crossing boat launch site upstream to Olympic National Park boundary below mouth of South Fork Hoh River: First Saturday in June through April 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish except up to two hatchery steelhead may be retained.

Hoh River South Fork (Jefferson County), outside Olympic National Park: The first Saturday in June through April 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: First Saturday in June through March 15 season. Fly fishing only September 1 through October 31. Trout: Minimum length fourteen inches.

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

Homestead Lake (Grant County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): The first Saturday in June 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. Release chum, Chinook, and wild coho.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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.

Howe Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Howell Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hozomeen Lake (Whatcom County): July 1 through October 31 season. Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County): From mouth to Ocean Beach Road: The first Saturday in June through March 31 season, except closed September 1 through September 30. Night closure and single-point barbless hooks required August 16 through August 31 and October 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open October 1 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be a Chinook. Release chum and wild coho. From Ocean Beach Road to Highway 101: The first Saturday in June through March 31 season, except closed September 1 through September 15. Night closure and single-point barbless hooks required August 16 through August 31 and September 16 through November 30. All species: Bait prohibited September 16 through September 30. Trout: Minimum length fourteen inches. Salmon: Open September 16 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be a Chinook. Release chum and wild coho. From Highway 101 Bridge to the confluence of the East and West forks: The first Saturday in June 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 with the following restrictions: Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor. March 1 through March 31, game fish: Release all fish except up to two hatchery steelhead may be retained. Salmon: Open September 16 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be a Chinook. Release chum and wild coho. Bait prohibited September 16 through September 30.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Anti-snagging rule and night closure August 16 through October 31. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: The first Saturday in June through last day in February season. Anti-snagging rule and night clo-

sure August 16 through November 30. Trout: Minimum length fourteen inches. Additional season March 1 through March 31. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained.

Hutchinson Creek (Whatcom County) (SF Nooksack tributary): First Saturday in June through October 31 season. All species: Selective gear rules. Trout: Minimum size fourteen inches.

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: First Saturday in June through September 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Illabot Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Illahee Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 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.

Isabella Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Island Lake (Kitsap County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Island Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Issaquah Creek (King County): The first Saturday in June through August 31 season. Juveniles only.

Jackman Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

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 Creek (Mason County): First Saturday in June through October 31 season.

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) mouth to confluence with East Fork: The first Saturday in June through August 31 season. Selective gear rules and release all fish.

From confluence with East Fork upstream, including East Fork: First Saturday in June through October 31 season.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: The first Saturday in June 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): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Johns River (Grays Harbor County): Mouth to Ballon Creek: The first Saturday in June 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. Daily limit 2 fish. Release chum, Chinook, and wild coho.

Ballon Creek upstream, including North and South Forks: The first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: First Saturday in June through October 31 season. Juveniles only.

Jones Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Jordan Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. Selective gear rules.

Jorsted Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 the first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County):

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 hundred feet below the rack are closed waters when the rack is installed. Anti-snagging rule and night closure April 1 through October 31 from the mouth to the intake 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 anti-snagging rule in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with an internal combustion 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 hatchery Chinook of which no more than 1 may be an adult salmon. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild Chinook, and wild coho.

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: The first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

Kapowsin Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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): The first Saturday in June through August 31 season. Juveniles only.

Kendall Creek (Whatcom County) (NF Nooksack tributary) above the hatchery grounds: First Saturday in June through October 31 season. Selective gear rules.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: The first Saturday in June through last day in February season. Selective gear rules. Anti-snagging rule 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.

From falls upstream: First Saturday in June through October 31 season. Selective gear rules.

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

Kettle River (Stevens County):

The Saturday before Memorial Day through October 31 season. All species: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. White-fish 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.

Kindy Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

King's Creek (Pierce County) (Puyallup River tributary): First Saturday in June through October 31 season.

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

Kings Lake Bog (King County): Closed waters.

Kitsap Lake (Kitsap County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Kiwanis Pond (Kittitas County): Juveniles and holders of reduced fee licenses or designated harvester cards 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. Anti-snagging rule and night closure April 1 through May 31. Anti-snagging rule August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than hatchery steelhead April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only; daily limit 2 hatchery steelhead or 2 salmon, or 1 of each. Release wild Chinook. Salmon: Open June 1 through January 31. June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild Chinook. August 1 through January 31, daily limit 6 fish of which no more than 2 may be adult Chinook.

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. Additional December 1 through March 31 season. Whitefish gear rules apply. 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 October 31, daily limit 6 fish of which no more than 2 may be adult Chinook. November 1 through November 30, daily limit 6 fish. Release Chinook.

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.

Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Kokanee Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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): From mouth to footbridge at lower falls: First Saturday in June through August 31 season. From footbridge at lower falls upstream: Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Ladder Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

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.

Lawrence Lake (Thurston County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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

LeBar Creek (Mason County) from the falls at river mile one upstream: First Saturday in June through October 31 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.

Leland Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Leland Lake (Jefferson County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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

Lena Creek (Mason County): First Saturday in June through October 31 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Additional season the first Saturday in June through November 30: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six hatchery Chinook of which not more than 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. October 1 through December 31, daily limit 6 hatchery coho. 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: The first Saturday in June 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 the Friday before the first Saturday in June season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Anti-snagging rule and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. October 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 6 hatchery Chinook of which only 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. October 1 through December 31, daily limit 6 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. Anti-snagging rule and night closure April 1 through September 30. When anti-snagging rule 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 31. January 1 through July 31, daily limit 6 hatchery Chinook of which only 1 may be an adult salmon. August 1 through September 30, daily limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho. December 16 through December 31, daily limit 6 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From falls upstream: First Saturday in June through October 31 season.



Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Lime Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

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): The first Saturday in June through August 31 season. Juveniles only.

Little Hoko River (Clallam County): First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 Mission Creek (Mason County) from falls upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Little Naches River (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Little Nisqually River (Lewis County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length (~~ten~~) fourteen 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: Saturday before Memorial Day through October 31 season. Selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. 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: First Saturday in June through October 31 season. All species: Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31.

From Little Quilcene River Bridge on Penny Creek Road upstream: First Saturday in June through October 31 season.

Little Scandia Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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): Night closure March 16 through June 30. The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore - open only to bank fishing from April 16 through June 30. Anti-snagging rule August 1 through December 31. Year-round season; except closed Wednesdays beginning the second Wednesday in April through May 31, closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during October, closed for game fish other than trout during April, release all trout except hatchery steelhead, and trout other than steelhead closed March 16 through July 31. Trout: August 1 through March 15, daily limit of two hatchery steelhead. Salmon and steelhead: March 16 through July 31, daily limit of two hatchery steelhead or two hatchery Chinook, or one of each. Salmon: Open August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon. Release wild coho and wild Chinook.

Lone Lake (Island County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 use flies containing lead or lead-core line. 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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 (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine. Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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

Lyle Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. Salmon: Landlocked salmon rules apply.

Maple Creek (Whatcom County) (NF Nooksack tributary): First Saturday in June through October 31 season. Selective gear rules.

Marble Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Malaney Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): The first Saturday in June 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): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

McLane Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. 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. 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.

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

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only.

Mercer Slough (tributary of Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Merrill Lake (Cowlitz County): All species: Fly fishing only and release all fish. Unlawful to fish from a floating device equipped with an internal combustion engine.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. County Road 1535 (Burma Road) Bridge to the Hwy 153 Bridge at McFarland Creek: The first Saturday in June through September 15 season: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Highway 153 Bridge at McFarland Creek to Foghorn Dam: The first Saturday in June through September 30 season. Selective gear rules. Unlawful to fish from a floating device

equipped with an internal combustion motor. All species: Release all fish. Foghorn Dam to Weeman Bridge: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters the first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): The first Saturday in June through October 31 season.

Milk Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): The first Saturday in June 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. Anti-snagging rule and night closure. All species: Release all fish except that up to two hatchery steelhead may be retained per day.

Mill Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. 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 Bennington Dam: Closed waters.

From Bennington Dam upstream: All tributaries: Closed waters. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all steelhead.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ~~(twelve)~~ fourteen inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties) from the department intake dam upstream: The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Night closure. 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: The first Saturday in June 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 Cristo Lake (Snohomish County): The first Saturday in June through August 31 season. All species: Selective gear rules and catch and release except up to two hatchery steelhead may be retained. Unlawful to fish from a floating device equipped with an internal combustion motor.

Mooses Pond (Pacific County): The first Saturday in June 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.

From Port Angeles Dam upstream: First Saturday in June through October 31 season.

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: The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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.

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

Mud Lake (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

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

Munn Lake (Thurston County): All species: Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout the first Saturday in June 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.

Nahwatzel Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Naneum Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

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, and from attraction channel downstream four hundred feet. Waters from the temporary hatchery weir downstream to Highway 4 closed August 16 through October 15.

From Highway 101 Bridge to North Fork: The first Saturday in June through April 15 season, except sturgeon. From

Highway 101 Bridge to the Highway 4 Bridge: Night closure and anti-snagging rule August 16 through November 15, stationary gear restriction above mouth of South Fork August 16 through November 30, and selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor above mouth of South Fork March 1 through April 15. From Highway 4 Bridge to Crown Main Line Bridge: Night closure, single point barbless hooks required, and stationary gear restriction August 16 through November 15; and selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor March 1 through April 15. From Crown Main Line Bridge to North Fork: Night closure and anti-snagging rule August 16 through November 30, and selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor March 1 through April 15. 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 1 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 2 may be wild adult Chinook and no more than 2 may be wild adult coho. Release chum.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: The first Saturday in June through last day in February season, except sturgeon. Anti-snagging rule 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

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: The first Saturday in June 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 and unlawful to fish from a float-

ing device equipped with an internal combustion motor 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. Anti-snagging rule 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 October 1 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. Release chum, wild coho, and wild Chinook. North Nemah: Daily limit 6 fish of which no more than 3 may be adult salmon. Release chum, wild coho, and wild Chinook.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): The first Saturday in June 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 from mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only September 16 through last day in February from mouth to Leonard Road. September 16 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, and Chinook. December 1 through last day in February, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): The first Saturday in June 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: The first Saturday in June through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Newhalem Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

New Pond Creek (Pierce County) (South Prairie Creek tributary): First Saturday in June through October 31 season.

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. Release chum, wild coho, and wild Chinook.

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. Anti-snagging rule 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. July 1 through October 31, daily limit 6 fish of which no more than 3 may be adult salmon, and of the adult salmon only 2 may be any combination of chum and coho. Release wild Chinook. November 1 through January 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook.

From Military Tank Crossing Bridge to four hundred feet below LaGrande Powerhouse: July 1 through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From Alder Reservoir upstream including all tributaries: ((July 4)) The first Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Nookachamps Creek (Skagit County) including all tributaries and their tributaries: First Saturday in June through October 31 season. Selective gear rules.

Nooksack River (Whatcom County), from mouth to forks: The first Saturday in June through February 15 season except closed the first Saturday in June through September 30 from yellow marker at the FFA High School barn at Deming to confluence of the North and South Forks. Anti-snagging rule and night closure the first Saturday in June through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 from Lummi Indian Reservation boundary to yellow marker at the FFA High School barn in Deming. Open only October 1 through December 31 from the FFA barn to the confluence of the North and South Forks. Daily limit 2 salmon, plus 2 additional hatchery coho, except release wild coho and release wild Chinook. In years ending in odd numbers, release pink salmon.

Nooksack River, North Fork (Whatcom County): From mouth to Nooksack Falls: First Saturday in June through February 15 season. November 1 through February 15 - unlawful to fish from a floating device equipped with a motor. First Saturday in June through November 30 night closure and anti-snagging rule from mouth to Maple Creek. Salmon: Open only October 1 through November 30 from mouth to Maple Creek. Minimum size twelve inches, daily limit 2, plus 2 additional hatchery coho. Release wild Chinook and wild coho. In years ending in odd numbers, release

pink salmon. From Maple Creek to Nooksack Falls: Selective gear rules.

Above Nooksack Falls including all tributaries and their tributaries: First Saturday in June through October 31 season.

Nooksack River, Middle Fork (Whatcom County) mouth to city of Bellingham diversion dam: First Saturday in June through February 15 season. Selective gear rules. Trout minimum size 14 inches. November 1 through February 15 - motors prohibited.

Above diversion dam, including all tributaries and their tributaries: First Saturday in June through October 31 season.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: The first Saturday in June through February 15 season. Selective gear rules. Release all game fish except up to two hatchery steelhead may be retained. Unlawful to fish from a floating device equipped with an internal combustion motor. Night closure the first Saturday in June through November 30. Salmon: Open only October 1 through December 31. Daily limit 2 salmon, plus 2 additional hatchery coho, except release chum, wild Chinook and wild coho. In years ending in odd numbers, release pink salmon.

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): The first Saturday in June 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: The first Saturday in June 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. Anti-snagging rule 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. Release chum and wild Chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Ohop Creek (Pierce County): July 1 through October 31 season. All species: Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish except up to two hatchery steelhead per day may be retained.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Okanogan River (Okanogan County):

From the mouth to the Highway 97 Bridge immediately upstream of mouth: Year-round season. Anti-snagging rule and night closure July 1 through October 15. Trout: Release all trout. Salmon: Open July 1 through October 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of these three salmon no more than one may be a wild adult salmon. Release coho and sockeye.

From the Highway 97 Bridge immediately upstream of mouth to the highway bridge at Malott: Year-round season. Anti-snagging rule and night closure July 1 through September 15. Trout: Release all trout. Salmon: Open July 1 through September 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of these three salmon no more than one may be a wild adult salmon. Release coho and sockeye. Upstream from the highway bridge at Malott: The first Saturday in June through August 31 season. Anti-snagging rule and night closure July 1 through September 15. Trout: Release all trout. Salmon: Open July 1 through September 15. Daily limit 6 fish of which no more than 3 may be adult salmon, and of these three salmon no more than one may be a wild adult salmon. Release coho and sockeye.

Closed waters: From Zosel Dam downstream to first Highway 97 Bridge.

Olalla Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

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): Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Olson Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

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

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

Owens Pond (Pacific County): The first Saturday in June through October 31 season.

Owl Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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): The first Saturday in June through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the mouth of the Middle Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. South Fork and all waters upstream of the mouth of Middle Fork: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Anti-snagging rule 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 mouth of the Middle Fork. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, wild coho, and wild Chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the mouth of the Middle Fork.

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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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. Unlawful to fish from a floating device equipped with an internal combustion motor.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Peabody Creek (Clallam County): First Saturday in June through October 31 season. Juveniles only.

Penny Creek (Jefferson County): First Saturday in June through October 31 season.

Perry Creek (Thurston County) from mouth to falls: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Pearrygin 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): First Saturday in June through October 31 season. Selective gear rules. 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

Phillips Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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

Pierre Lake (Stevens County): Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: The first Saturday in June through February 15 season. Trout: Minimum length 14 inches. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through November 30.

From Highway 9 Bridge to Pilchuck Falls: First Saturday in June through October 31 season. Selective gear rules. Trout minimum size 14 inches.

From Pilchuck Falls upstream, including all tributaries and their tributaries and all tributaries to Lake Cavanaugh: First Saturday in June through October 31 season.

Pilchuck River (Snohomish County):

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 15 season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

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

Pine Creek (Mason County): First Saturday in June through October 31 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 licenses or designated harvester cards 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.

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.

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.

Powerline Lake (Franklin County): Trout: Daily limit 2.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Prices Lake (Mason County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Promised Land Pond (Grays Harbor County): The first Saturday in June through October 31 season.

Pugh Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Purdy Creek (Mason County): The first Saturday in June through July 31 season. All species: Selective gear rules and release all fish.

Puyallup River (Pierce County):

From mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road: Game fish season is open only when salmon fishing is open. Single-point barbless hooks, anti-snagging rule and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only August 16 through December 31 from mouth to Carbon River, except closed August 22, 29, and 30, and September 5, 6, 7, 12, 13 and 14 from mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road. In years ending in even numbers, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild adult Chinook. In years ending in odd numbers, 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 any combination of Chinook, coho, and chum. Release wild adult Chinook.

From city of Puyallup outfall structure near junction of Freeman Road and North Levee Road to the Electron power plant outlet: Game fish season is open only when salmon fishing is open. Single-point barbless hooks, anti-snagging rule and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length four-

teen inches. Salmon: Open only August 1 through December 31. In years ending in even numbers, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild adult Chinook. In years ending in odd numbers, 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 any combination of Chinook, coho, and chum. Release wild adult Chinook.

From Carbon River upstream: September 1 through last day of February season. Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Pyramid Creek (King County) upstream of Forest Service Road 7000: First Saturday in June through October 31 season.

Pysht River (Clallam County): The first Saturday in June through October 31 season. Selective gear rules and release all fish. Additional November 1 through last day in February season. 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): The first Saturday in June 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.

Quilcene River (Jefferson County):

From mouth to Rodgers Street: First Saturday in June through August 15 season. Selective gear rules and release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

From Rodgers Street to Highway 101 Bridge: First Saturday in June through October 31 season. Release all game fish. First Saturday in June through August 15. Selective gear rules. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Night closure and only one single point barbless hook may be used. Daily limit 4 coho salmon. Only coho salmon hooked inside the mouth may be retained.

From electric weir at Quilcene National Fish Hatchery to upper boundary of Falls View Campground: First Saturday in June through October 31 season. Selective gear rules and release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

From upper boundary of Falls View Campground upstream: First Saturday in June through October 31 season.

Quillayute River (Clallam County): Open year-round outside of Olympic National Park only. May 1 through the Friday before the first Saturday in June 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. February 16 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. Feb-

ruary 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches. February 16 through April 15, one wild steelhead per day may be retained. Salmon: Open only July 1 through October 31. July 1 through September 30, daily limit 6 jack salmon only. Single-point barbless hooks required. October 1 through October 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release sockeye, pink, and chum.

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

Racehorse Creek (Whatcom County) (NF Nooksack tributary): First Saturday in June through October 31 season. Selective gear rules.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: The first Saturday in June through February 15 season. Trout: Minimum length fourteen inches.

From Highway 18 Bridge upstream: First Saturday in June through October 31 season.

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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Rattlesnake Lake (King County): Selective gear rules and catch and release. Unlawful to fish from a floating device equipped with an internal combustion motor.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length twelve inches.

Red Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Rendsland Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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.

Ripley Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Robbins Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

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. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Brook Creek (Jefferson County) (Dosewallips River tributary): From falls 1000 feet upstream of mouth upstream: First Saturday in June through October 31 season.

Rocky Creek ((~~Mason~~) Pierce/Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Rocky Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 Friday before Memorial Day 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 six, no more than two with intact adipose fins. 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. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: From one mile above their mouths to headwaters: 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 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. Only uninjured trout caught using artificial lures or flies with single barbless hooks may be released. 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.

Saint Clair Lake (Thurston County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: The first Saturday in June through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Salmon Creek (tributary of Naselle River) (Pacific County): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: The first Saturday in June 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.

Salmonberry Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Salt Creek (Clallam County): From mouth to bridge on Highway 112: First Saturday in June through last day in February season. Selective gear rules. Release all fish except November 1 through the last day in February up to 2 hatchery steelhead may be retained.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

## Samish River (Whatcom County):

From its mouth to the I-5 Bridge: The first Saturday in June through December 31 season. Stationary gear restriction, anti-snagging rule, and night closure August 1 through December 31. Additional season January 1 through March 31. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From the I-5 Bridge to the Hickson Bridge: Closed waters from the old Highway 99 Bridge to the WDFW salmon rack. First Saturday in June through March 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From Hickson Bridge upstream: First Saturday in June through October 31 season. Selective gear rules.

Sammamish Lake (King County): Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30. 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: Open only August 16 through November 30. Daily limit 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of reduced fee licenses or designated harvester cards 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 anti-snagging rule and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road anti-snagging rule and night closure August 16 through October 31.

From mouth to bridge at Schafer Park: The first Saturday in June through March 31 season. Salmon: Open only October 1 through January 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: The first Saturday in June through last day in February season.

West Fork, from mouth to Cougar Smith Road: The first Saturday in June through last day in February season.

## Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

South Fork upstream from Elliot Creek: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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.

Scatter Creek (King County) (White River tributary): First Saturday in June through October 31 season.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Schneider Creek (Thurston County) from mouth to falls: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Scooteney Reservoir (Franklin County): Walleye: Minimum size 12 inches.

Sedge Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

## Sekiu River (Clallam County):

From mouth to forks: First Saturday in June through October 31 season. Selective gear rules and release all fish. Additional November 1 through last day in February season. Trout minimum length 14 inches.

From forks upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

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): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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 first Saturday in June through October 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): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Sherwood Creek Mill Pond (Mason County): The first Saturday in June through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shine Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all 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): The first Saturday in June through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Silesia Creek (Chiliwack River tributary) (Whatcom County): First Saturday in June through October 31 season.

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

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Silver Creek (Skagit County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

Silver Creek (Whatcom County)(Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Salmon: Open only July 1 through September 15. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of these three adult salmon no more than one may be a wild adult salmon. Release coho and sockeye. Anti-snagging rule and night closure July 1 through September 15.

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: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 February 15 through May 31. 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 September 1 through December 31. Daily limit 3 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily

limit 2 salmon plus 2 additional pink. Release Chinook and chum.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through February 15 season. Night closure rule July 1 through November 30. Anti-snagging rule August 16 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. Additional February 16 through March 15 season. All species: Release all fish except up to 2 hatchery steelhead may be retained. Selective gear rules. Unlawful to fish from a floating device while under power. Salmon: In years ending in even numbers, open September 1 through December 31. Daily limit 3 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook and chum.

From Gilligan Creek to the Dalles Bridge at Concrete: June 1 through February 15 season. Anti-snagging rule 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: In years ending in even numbers, open September 16 through December 31. Daily limit 3 salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook and chum. Additional season February 16 through March 15. All species: Release all fish except up to 2 hatchery steelhead may be retained. Selective gear rules. Unlawful to fish from a floating device while under power.

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport: June 1 through February 15 season, except closed June 1 through August 31, between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Anti-snagging rule 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 September 16 through December 31. In years ending in even numbers, daily limit 3 salmon. Release Chinook and chum. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook and chum. Additional season: February 16 through April 30. Selective gear rules. Unlawful to fish from a floating device while under power. All species: Release all fish except up to two hatchery steelhead may be retained.

From the Highway 530 Bridge at Rockport to the Cascade River: June 1 through February 15 season. Anti-snagging rule 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 15. Daily limit four hatchery Chinook salmon, of which only two may be adult hatchery Chinook. Salmon open September 16 through December 31. In years ending in even numbers, daily limit 3 salmon. Release Chinook and chum. In years ending in odd numbers,

daily limit 2 salmon plus 2 additional pink. Release Chinook and chum. Additional season: February 16 through April 30. Selective gear rules. Unlawful to fish from a floating device while under power. All species: Release all fish except up to two hatchery steelhead may be retained.

From Cascade River to Gorge Powerhouse: June 1 through March 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From Gorge Dam to Ross Dam and all tributaries to this section except Stetattle Creek: First Saturday in June through October 31 season.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: June 1 through October 31 season. Trout: Release all trout except up to two hatchery steelhead may be retained.

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 Highway 106 Bridge: Night closure, anti-snagging rule and single point barbless hooks required August 1 through November 30. The first Saturday in June through July 31 and October 1 through December 15 season. All game fish: Release all fish. Salmon: Open only August 1 through December 15. Terminal gear restricted to no closer than 25 feet of a tribal gill net. August 1 through September 30: Daily limit 2 salmon, except release chum and wild Chinook; only fish hooked inside the mouth may be retained; and anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. 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.

From Highway 106 Bridge to Highway 101 Bridge: Night closure, anti-snagging rule and single point barbless hooks required August 1 through November 30. The first Saturday in June through July 31 and October 1 through December 15 season. All game fish: Release all fish. Salmon: Open only August 1 through December 15, except closed August 2, 9, 16, 23, and 30, and September 13. Terminal gear restricted to no closer than 25 feet of a tribal gill net. August 1 through September 30: Daily limit 2 salmon, except release chum and wild Chinook; only fish hooked inside the mouth may be retained; and anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. October 1 through December 15, daily limit 6 salmon, except daily limit may contain no more than 4 adult fish and release Chinook. October 1 through October 15 release chum salmon.

From Highway 101 Bridge to forks: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: The first Saturday in June through October 31 season. All species: Release all fish.

Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Above Lake Cushman, mouth to Olympic National Park boundary: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of LeBar Creek: First Saturday in June through October 31 season. All species: Release all fish. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

From mouth of Rule Creek to headwaters: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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

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

Skookumchuck Reservoir (Thurston County): The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to one hundred feet below the outlet of the Trans Alta steelhead rearing pond located at the base of the Skookumchuck Dam: The first Saturday in June through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 16 through last day in February. September 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon, and of the adult salmon, only 1 of which may be wild adult coho. Release chum and Chinook. December 1 through last day in February, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through February 15 season. Anti-snagging rule 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 February 15 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 mouth 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 coho only. 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 February 15 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. Anti-snagging rule 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 February 15. 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 coho only. 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: The first Saturday in June through February 15 season. Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From Deer Falls (about 1/4 mile upstream of Goblin Creek) upstream: First Saturday in June through October 31 season.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: The first Saturday in June through February 15 season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From Sunset Falls to source including all tributaries and their tributaries: The first Saturday in June through November 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish. All tributaries: Closed waters.

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.

Sloan Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Smith Creek (near North River) (Pacific County): The first Saturday in June 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. Release chum and wild Chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Smith Creek (Whatcom County)(Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

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: Release all sturgeon from August 1 through January 31 from the mouth to Ice Harbor Dam. Closed to fishing for sturgeon from May 1 through July 31 from the downstream end of Goose Island to Ice Harbor Dam. 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.

Snipes Creek (Benton County): Selective gear rules.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: The first Saturday in June through February 15 season, except sturgeon. Anti-snagging rule and night closure 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 coho only. 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: The first Saturday in June through last day in February season, except the first Saturday in June through February 15 from the mouth to the boat launch at Plumb. 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. The first Saturday in June through November 30 selective gear rules. 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 coho only.

From Snoqualmie Falls upstream, including the North and South Forks: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches. Additional November 1 through the Friday before the first Saturday in June season. Selective gear rules. All species: Release all fish. All tributaries except Tate, Sunday and ((Phillapa)) Phillipa creeks: First Saturday in June through October 31 season.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

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

Sol Duc River (Clallam County):

From mouth to concrete pump station at the Sol Duc Hatchery: Open year-round. May 1 through the Friday before the first Saturday in June, release all game fish except up to two hatchery steelhead per day may be retained. First Saturday in June through April 30, trout: Minimum length fourteen inches. November 1 through last day in February, daily limit may include 1 additional hatchery steelhead. February 16 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. February 1 through August 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

From concrete pump station at Sol Duc Hatchery to Highway 101 Bridge downstream of Snider Creek: First Saturday in June through April 30 season. Trout: Minimum length fourteen inches. November 1 through April 30: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

From Highway 101 Bridge downstream of Snider Creek to Olympic National Park boundary: Selective gear rules. Unlawful to fish from a floating device equipped with an



internal combustion motor. Release all fish except up to two hatchery steelhead may be retained.

Sooes River (Suez River) (Clallam County): The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to hatchery rack: The first Saturday in June through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), from city of Buckley diversion dam upstream: First Saturday in June through October 31 season.

South Skookum Lake (Pend Oreille County): Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): April 1 through September 30 season.

Spencer Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: The first Saturday in June through March 15 season. Selective gear rules. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties): Closed waters: Waters of Cow Creek, the marsh at the southwest end of the lake from the lakeside edge of the reeds to Danekas Road, the small bay at the southeast end of the lake, and those waters within 50 feet of Harper Island. All other waters southwest of the southwest tip of Harper Island: Closed waters from October 1 through April 30. 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 (Benton County): Selective gear rules.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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 Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Squire Creek (Snohomish County) (NF Stillaguamish River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fifteen inches. Release cutthroat. Additional March 1 through June 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Steilacoom Lake (Pierce County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Stetattle Creek (Whatcom County) above the mouth of Bucket Creek (one and one-half miles upstream): First Saturday in June through October 31 season.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: The first Saturday in June 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. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 coho only. 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: The first Saturday in June through February 15 season. Night closure August 1 through November 30. Selective gear rules the first Saturday in June through November 30. Game fish: The first Saturday in June 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 1 through December 31. In years ending in even numbers, daily limit 2 coho only. 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: The first Saturday in June through February 15 season. Anti-snagging rule 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. The first Saturday in June through November 30: All species: Release all fish except hatchery steelhead. The first Saturday in June through November 30 fly fishing only. December 1 through February 15: Trout: Minimum length fourteen inches.

From Swede Heaven Bridge to falls approximately one mile upstream of Cascade Creek: First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Upstream of falls: First Saturday in June through October 31 season.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: The first Saturday in June through February 15 season. Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From Mt. Loop Highway Bridge above Granite Falls to source: The first Saturday in June through November 30 season. Selective gear rules and unlawful to fish from a floating device equipped with a motor. Anti-snagging rule and night closure August 1 through November 30.

Stimson Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

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

Straight Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

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. Trout daily limit 5, no more than 2 over 15 inches in length.

Suiattle River (Skagit County): First Saturday in June through October 31 season. Selective gear rules. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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.

Sulphur Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: The first Saturday in June through February 15 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Upstream of the diversion dam to Culmback Dam: First Saturday in June through October 31 season.

Sumas River (Whatcom County) including all tributaries except Johnson Creek: First Saturday in June through October 31 season.

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

Summit Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Susan Lake (Thurston County): Selective gear rules and release all fish.

Sutherland Lake (Clallam County): Chumming permitted.

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

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Swan Lake (Ferry County): Last Saturday in April through October 31 season. Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Swan's Mill Pond (Stossel Creek) (King County): The first Saturday in June through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Swift Reservoir (Skamania County): Last Saturday in April through November 30 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules. 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.

Symington Lake (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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) from mouth to marker approximately 1 mile upstream of North Shore Road Bridge: First Saturday in June through August 15 and October 1 through October 31 season. Selective gear rules, unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish except salmon. Night closure October 1 through October 31. Salmon: Open only October 1 through October 31. Daily limit 2 coho salmon.

From marker approximately one mile upstream of North Shore Road Bridge upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Tanwax Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee. 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 Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Tarboo Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout.

Teanaway River, North Fork (Kittitas County): Mouth to Beverly Creek including all tributaries: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all trout. Beverly Creek to impassable waterfall at the end of USFS Road 9737 (about 8 river miles): Closed waters.

Tee Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Tenas Creek (Skagit County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

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

Ten Mile Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Tern Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Terrell Creek (Whatcom County): First Saturday in June through October 31 season. Selective gear rules.

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 Creek (Skagit County) (Samish River tributary): First Saturday in June through October 31 season. Selective gear rules.

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

Thorndyke Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Thornton Creek (tributary to Lake Washington) (King County): The first Saturday in June through August 31 season. Juveniles only.

Thorton Creek (Skagit County): First Saturday in June through October 31 season. All species: Release all fish except up to two hatchery steelhead may be retained.

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

Tibbetts Creek (tributary to Lake Sammamish) (King County): The first Saturday in June through August 31 season. Juveniles only.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through October 31. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County): Closed waters: Clear Lake spillway channel and the river within 400' of Clear Lake Dam. Entire river, including that portion of the river that flows through the dry lakebed of Rimrock Reservoir: The first Saturday in June 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Tilton River (Lewis County), from mouth to West Fork: The first Saturday in June 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 first Saturday in June through December 31. Minimum length eight inches. First Saturday in June 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 Chinook. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Anti-snagging rule. 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. Anti-snagging rule. 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: The first Saturday in June through February 15 season. The first Saturday in June through November 30, selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

From falls upstream on North Fork: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From dam upstream on South Fork: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek the first Saturday in June through August 31 season.

South Fork: Upstream from Griffin Creek the first Saturday in June through August 31 season.

Wolf Fork: Upstream from Coates Creek the first Saturday in June 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: The first Saturday in June through November 30 season. Anti-snagging rule 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 2 may be adult Chinook. Release chum, wild coho, and wild Chinook.

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. The first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish except hatchery steelhead.

Trail's End Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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): The first Saturday in June 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 and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June 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. Unlawful to fish from a floating device equipped with an internal combustion motor. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucuala Lake (Kittitas County): The first Saturday in June 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 Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls the first Saturday in June through October 31 season: All species: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. All tributaries to this section and their tributaries: First Saturday in June through October 31 season.

From Alpine falls upstream including all tributaries: First Saturday in June through October 31 season.

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

Umtanum Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Uncle John Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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: First Saturday in June through August 15 season. All species: Release all fish.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From lower bridge on Old Belfair Highway upstream to watershed boundary: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): First Saturday in June through October 31 season. Juveniles only.

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 reduced fee license or a designated harvester card only. Trout: No more than two over 15 inches in length may be retained per day. Salmon: Landlocked 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: Landlocked 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: All species: Anti-snagging rule and night closure August 16 through November 30. Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish, of which no more than 2 may be adult fish. Release chum, Chinook and wild 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 falls under powerline upstream: First Saturday in June through October 31 season.

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: The first Saturday in June 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 the first Saturday in June through September 15. 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 16 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls: 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.

From Wallace Falls upstream: First Saturday in June through October 31 season.

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. 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. 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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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 Creek (Mason County): First Saturday in June through October 31 season.

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 less than fifteen inches in length are kokanee while those fifteen inches and over in length are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit 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: The first Saturday in June through March 15 season. Anti-snagging rule and stationary gear restriction July 1 through October 31. When anti-snagging rule 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 December 31. Daily limit 6 fish of which no more than 2 may be adult Chinook. Release chum, wild coho, and wild Chinook.

From mouth to Mt. Norway Bridge: Additional April 16 through the Friday before the first Saturday in June season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. 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: The first Saturday in June 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.

Wenaha River tributaries within Washington: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Release all steelhead.

Wenatchee Lake (Chelan County): Selective gear rules. 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): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: The first Saturday in June through last day in February season. Anti-snagging rule 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. Anti-snagging rule 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 Creek (Skagit County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

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. Selective gear rules. Trout: Minimum length fourteen inches. Anti-snagging rule and night closure October 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. Anti-snagging rule 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. Anti-snagging rule and night closure October 1 through October 31. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor 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): First Saturday in June through October 31 season. 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: Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Anti-snagging rule. Year-round season, except game fish other than steelhead closed April 1 through July 31. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through July 31, daily limit 2 salmon or 2 hatchery steelhead or one of each. Release wild Chinook. Salmon: Open August 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho and wild Chinook.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season, except salmon and steelhead, and trout closed April 1 through April 30. Trout: Minimum length fourteen inches. 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 Chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two salmon or two hatchery steelhead or one of each. Release wild Chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Juveniles only.

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. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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

Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Gale Creek: First Saturday in June through October 31 season.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Highway 6 Bridge: The first Saturday in June 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: The first Saturday in June 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. Release chum, wild coho, and wild Chinook.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. August 16 through October 31, anti-snagging rule and night closure. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork: The first Saturday in June through last day in February season. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through October 31. Anti-snagging rule 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): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an



internal combustion motor. 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): Juveniles only.

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. Trout: Minimum length fourteen inches. Night closure March 16 through June 30. May 1 through June 30: Anti-snagging rule from Burlington Northern Railroad Bridge upstream. August 1 through October 31: Anti-snagging rule. When anti-snagging rule is in effect, only fish hooked in the mouth may be retained. Salmon and steelhead: Open March 16 through June 30 daily limit 2 salmon or 2 hatchery steelhead or one of each. Release wild Chinook. 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 Chinook.

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: 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. May 1 through June 30: Anti-snagging rule and night closure. When anti-snagging rule is in effect, only fish hooked in the mouth may be retained. September 16 through November 30 season, except salmon. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish. Salmon and additional steelhead season: Open May 1 through June 30. Daily limit 2 salmon or 2 hatchery steelhead or one of each.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: From weir at Wishkah Rearing Ponds, downstream 200 feet. Trout: Minimum length fourteen inches. Mouth to mouth of the West Fork: The first Saturday in June through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear rules, unlawful to fish from floating device equipped with an internal combustion motor, and all species: Release all fish, except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open October 1 through December 31. Daily limit 6 fish, of which no more

than 2 may be adult salmon. Release chum, Chinook, and wild coho.

From the mouth of the West Fork to two hundred feet below the weir at the Wishkah Rearing Ponds: The first Saturday in June through March 31 season. All species: March 1 through March 31, release all fish, except up to two hatchery steelhead may be retained per day, and selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Salmon: Open October 1 through December 31. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Woodard Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length 14 inches.

Wood Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Woodland Creek (Thurston County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: The first Saturday in June through March 31 season. Single point barbless hooks required August 16 through November 30. All species: Bait prohibited September 16 through October 31.

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): The first Saturday in June 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: Anti-snagging rule 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: Trout: Minimum length twelve inches and maximum length twenty inches. Additional season December 1 through last day in February - Whitefish gear rules apply.

From Sunnyside Dam to thirty-five hundred feet below Roza Dam: Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. All species: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches and maximum length twenty inches. Additional season December 1 through last day in February - Whitefish gear rules apply.

From thirty-five hundred feet below Roza Dam to Roza Dam December 1 through last day in February season. Whitefish gear rules apply.

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. Unlawful to fish from a floating device equipped with an internal combustion motor December 1 through the last day of 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. Landlocked salmon rules.

Yellowhawk Creek (Walla Walla County): Closed waters.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Yocum Lake (Pend Oreille County): Last Saturday in April through October 31 season. Unlawful to use fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 10-19-146

### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed September 22, 2010, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-12-089.

Title of Rule and Other Identifying Information: "Marketing materials" any marketing materials used by home inspectors may not be misleading when describing the inspector's qualifications. Any copy that describes an inspector as "certified" must be accompanied by language that clarifies what professional organization or franchise granted that certification. The Washington home inspector licensing advisory board is the only home inspector board recognized by the director, and does not certify home inspectors. Language that leads the public to believe an inspector is in any way certified or endorsed by the state of Washington or the home inspector licensing advisory board shall not be used, and the term "board certified home inspector" is expressly prohibited.

Hearing Location(s): 2000 4th Avenue West, 2nd Floor Conference Room, Olympia, WA 98507, on October 26, 2010, at 10:00 a.m.

Date of Intended Adoption: October 26, 2010.

Submit Written Comments to: Rhonda Myers, 2000 4th Avenue West, e-mail [rmyers@dol.wa.gov](mailto:rmyers@dol.wa.gov), fax (360) 586-0998, by October 25, 2010.

Assistance for Persons with Disabilities: Contact Sally Adams by October 9, 2010, TTY (360) 664-0116 or (360) 664-6526.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal will create clarification in the use of the "certified" for marketing materials used by home inspectors, and provide additional clarification for the public when they are working with home inspectors.

Reasons Supporting Proposal: This will allow clarification of the term "certified" for home inspectors.

Statutory Authority for Adoption: RCW 18.280.050.

Statute Being Implemented: RCW 18.280.060.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rhonda Myers, 2000 4th Avenue West, Olympia, WA 98507, (360) 664-6497.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule is for individual licensees and not small business enterprises.

A cost-benefit analysis is not required under RCW 34.05.328. The department of licensing is not one [of] the named agencies under this RCW.

September 22, 2010

Walt Fahrner

Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-13-001, filed 6/3/09, effective 7/4/09)

**WAC 308-408-010 Words and terms.** Words and terms used in these rules shall have the same meaning as each has under chapter 18.280 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(1) "Classroom" means training that takes place in a setting where individuals receiving training are assembled together and learn through lectures, study papers, class discussion, textbook study, or other means of organized formal education techniques, such as video, closed circuit, or other forms of electronic means.

(2) "Comment" means the act of stating one's observations clearly in the report.

(3) "Describe" means the act of stating one's observations clearly in the report.

(4) "Distance education" means a delivery method in which instruction takes place in other than a live classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods such as video-based instruction, computer conferencing, video conferencing, interactive audio, interactive computer software, correspondence or internet-based instruction are used.

(5) "Enter" means to physically go into an attic, crawlspace, or other area. Simply sticking one's head and shoulders into these areas is not entering.

(6) "Field training" (~~(is it)~~) means an addition to the one hundred twenty hours of classroom instruction and shall be done on actual inspection sites. Field training must include forty hours of instruction with a minimum of five actual complete home inspections done to the standards of practice under the supervision of an experienced inspector. The applicant will be required to complete written reports for each inspection and the supervisor will review the reports and certify that they are in full compliance with the standards of practice. The forty hours of supervised instruction will not include travel time to and from inspection, meals, and report writing time. Instructors providing the forty hours of field training must meet the following requirements:

(a) Be a Washington state licensed home inspector.

(b) Have completed a minimum of five hundred fee-paid home inspections.

(c) Have a minimum of five years experience in the home inspection profession.

Field training shall not exceed a maximum of five students per instructor and may not exceed one student per instructor if the training is performed on a fee-paid standard home inspection.

(7) "Interactive" means the course structure and technologies promote active student involvement with the course content, including the ability to:

(a) Access or bypass optional content, if applicable;

(b) Submit questions or answer test items, and receive direct feedback; and

(c) Communicate with the instructor and/or other students on an immediate or reasonably delayed basis.

Interactive instruction specifically excludes courses that only provide passive delivery of instructional content.

(8) "Passive" means there is no required or actual interaction or feedback between the student and instructor.

(9) "Preinspection agreement" (~~(is)~~) means a written contract signed by the client that outlines the standards and work to be performed by the home inspector.

(10) "Preoffer consultation" (~~(is)~~) means a verbal report that is limited in scope performed by a licensed home inspector. A preinspection agreement must be signed by the client and describe the limited scope of the consultation. This preoffer consultation is conducted only prior to mutual acceptance.

(11) "Readily accessible" means available for visual inspection without requiring moving personal property, dismantling, destructive measures, or any action that likely will involve risk to persons or property.

(12) "Record" means the act of stating one's observations clearly in the report.

(13) "Report" means the act of stating one's observations clearly in the report.

(14) "Standard home inspection" (~~(is)~~) means a prelisting or presale written report that contains all or most of the components listed in the standards of practice. The components must be listed in the preinspection agreement. This standard home inspection report cannot be delivered verbally and must be in writing.

(15) "Technically exhaustive" (~~(is)~~) means an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations or other means.

(16) "Traverse" means the act of physically moving through a crawlspace or attic or over the surface of a roof during an inspection when it is safe to do so.

(17) "Marketing materials" means any marketing materials used by home inspectors may not be misleading when describing the inspector's qualifications. Any copy that describes an inspector as "certified" must be accompanied by language that clarifies what professional organization or franchise granted that certification. The Washington home inspector licensing advisory board is the only home inspector board recognized by the director, and does not certify home inspectors. Language that leads the public to believe an inspector is in any way certified or endorsed by the state of Washington or the home inspector licensing advisory board shall not be used, and the term "board certified home inspector" is expressly prohibited.

**WSR 10-19-147  
PROPOSED RULES  
NOXIOUS WEED  
CONTROL BOARD**

[Filed September 22, 2010, 11:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-14-105.

Title of Rule and Other Identifying Information: Chapter 16-750 WAC, State noxious weed list and schedule of

monetary penalties, the board is proposing to amend the state noxious weed list.

Hearing Location(s): Public Works - Maintenance and Operations, 1216 South 18th Street, Yakima, WA 98901, on November 2, 2010, at 12:00 - 2:00.

Date of Intended Adoption: November 3, 2010.

Submit Written Comments to: Alison Halpern, P.O. Box 42560, Olympia, WA 98504-2560, e-mail ahalpern@agr.wa.gov, fax (360) 902-2053, by November 1, 2010.

Assistance for Persons with Disabilities: Contact Cindy Orr by October 25, 2010, TTY (800) 902-6388 or (360) 902-2053.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state noxious weed list provides the basis for noxious weed control efforts for county and district weed control boards and other entities. It also provides guidelines for the state noxious weed control board. This proposal amends chapter 16-750 WAC by:

- Changing yellow archangel, *Lamium galeobdolon*, from Class C to Class B.
- Changing hairy willow-herb, *Epilobium hirsutum*, from Class C to Class B.
- Changing the designation of hoary alyssum, *Berteroa incana*, on the Class B list.
- Changing the designation of houndstongue, *Cynoglossum officinale*, on the Class B list.
- Changing the designation of Eurasian watermilfoil, *Myriophyllum spicatum*, on the Class B list.
- Adding English holly, *Ilex aquifolium*, (except where commercially grown) to the Class C list.

Reasons Supporting Proposal: Yellow archangel and hairy willow-herb have been proposed to be changed from Class C to Class B noxious weeds, now that the distribution and potential spread of both species are better understood. Both species would be designated for control where they are not widespread or where county weed boards want to mandate control. County noxious weed control boards have pro-

posed that the designation of three Class B noxious weeds be amended to improve effectiveness of their control from a statewide management perspective. English holly has been proposed as a Class C due to concern that it is becoming invasive in forested areas of western Washington.

Statutory Authority for Adoption: Chapter 17.10 RCW. Statute Being Implemented: Chapter 17.10 RCW.

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

Name of Proponent: Washington state noxious weed control board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alison Halpern, 1111 Washington Street S.E., Olympia, WA, (360) 902-2053.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency prepare a small business economic impact statement for proposed rules that impose more than a minor cost on businesses in an industry. An analysis of the direct economic effects of the proposed six rule amendments indicates that costs to small businesses would be negligible or none at all. To summarize the analysis, none of the proposals seek to prohibit sales of these species (some of which are already quarantined), and few if any small businesses will be impacted from the three changes in Class B designations. The state weed board does not require control of Class C noxious weeds, and English holly that is commercially grown is exempt from any control that might be required by county weed boards. A copy of the analysis can be obtained by contacting Cindy Orr, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 725-5764, fax (360) 902-2094, e-mail corr@agr.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state noxious [weed] control board is not one of the agencies listed in this section.

September 15, 2010

Alison Halpern

Executive Secretary

AMENDATORY SECTION (Amending WSR 09-01-071, filed 12/15/08, effective 1/16/09)

**WAC 16-750-011 State noxious weed list—Class B noxious weeds.**

Name	Will be a "Class B designate" in all lands lying within:
(1) alyssum, hoary <i>Berteroa incana</i>	(a) regions 1, 2, 5, 6, 8, 9, 10
	(b) region 3, except Okanogan County
	(c) Okanogan County, of region 3, except Ranges 29 through 31 East of Townships 37 through 40 North
	(d) <u>Ferry County of region 4 south of Hwy 20</u>
	(e) Adams and Whitman counties of region 7.
(2) <u>archangel, yellow <i>Lamium galeobdolon</i></u>	(a) <u>Clallam County of region 1</u>
	(b) <u>San Juan County of region 2</u>
	(c) <u>Cowlitz and Skamania counties of region 8.</u>
(3) arrowhead, grass-leaved <i>Sagittaria graminea</i>	(a) regions 1, 3, 4, 6, 7, 8, 9, 10
	(b) region 2 except Lake Roesiger, Lake Serene, Lake Loma and Echo Lake in Snohomish County
	(c) region 5 except Mason Lake in Mason County.

Name	Will be a "Class B designate" in all lands lying within:
<del>((3))</del> (4) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7.
<del>((4))</del> (5) blueweed <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
<del>((5))</del> (6) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3, 4, 6, 7, 9, 10.
<del>((6))</del> (7) bryony, white <i>Bryonia alba</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except Whitman County (c) Franklin and Asotin counties of region 10.
<del>((7))</del> (8) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.
<del>((8))</del> (9) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North (d) Asotin County of region 10.
<del>((9))</del> (10) butterfly bush <i>Buddleja davidii</i>	(a) Pend Oreille County of region 4 (b) Grays Harbor County, and that portion of Thurston County lying below the ordinary high-water mark of the Nisqually River in region 5 (c) Kittitas County of region 6 (d) Lincoln County of region 7.
<del>((10))</del> (11) camelthorn <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 9 (b) region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County (c) Franklin, Columbia, Garfield, and Asotin counties of region 10

Name	Will be a "Class B designate" in all lands lying within:
<del>((11))</del> <u>(12)</u> carrot, wild <i>Daucus carota</i>	<p>(d) an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning.</p> <p>(a) regions 3, 7 (except where intentionally cultivated)</p> <p>(b) Spokane and Ferry counties of region 4 (except where intentionally cultivated)</p> <p>(c) region 6, except Yakima County (except where intentionally cultivated)</p> <p>(d) region 9, except Yakima County (except where intentionally cultivated)</p> <p>(e) region 10, except Walla Walla County (except where intentionally cultivated).</p>
<del>((12))</del> <u>(13)</u> catsear, common <i>Hypochaeris radicata</i>	<p>(a) regions 3, 4, 6, 7, 10</p> <p>(b) region 9 except Klickitat County.</p>
<del>((13))</del> <u>(14)</u> chervil, wild <i>Anthriscus sylvestris</i>	<p>(a) regions 1, 3, 4, 5, 6, 7, 9, 10</p> <p>(b) region 2 except Guemes Island in Skagit County</p> <p>(c) region 8 except Clark County.</p>
<del>((14))</del> <u>(15)</u> cinquefoil, sulfur <i>Potentilla recta</i>	<p>(a) regions 1, 3, 8, 10</p> <p>(b) region 2 except Skagit County</p> <p>(c) region 4 except Stevens, Ferry, and Pend Oreille counties</p> <p>(d) region 5 except Thurston County</p> <p>(e) region 6 except Yakima County</p> <p>(f) region 7 except Spokane County</p> <p>(g) region 8 except Lewis County</p> <p>(h) region 9 except Klickitat County.</p>
<del>((15))</del> <u>(16)</u> daisy, oxeye <i>Leucanthemum vulgare</i>	<p>(a) regions 7, 10</p> <p>(b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East</p> <p>(c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.</p>
<del>((16))</del> <u>(17)</u> elodea, Brazilian <i>Egeria densa</i>	<p>(a) regions 3, 4, 6, 7, 9, 10</p> <p>(b) Lewis County of region 8</p> <p>(c) Clallam County of region 1</p> <p>(d) King County of region 5, except lakes Washington, Sammamish, Union and Fenwick.</p>
<del>((17))</del> <u>(18)</u> fanwort <i>Cabomba caroliniana</i>	<p>(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10</p> <p>(b) region 8 except T8N, R3W of Cowlitz County.</p>
<del>((18))</del> <u>(19)</u> fennel, common <i>Foeniculum vulgare</i> (except var. <i>azoricum</i> )	<p>(a) regions 3, 4, 6, 7, 8, 9, 10</p> <p>(b) region 1 except the incorporated areas of Port Townsend</p> <p>(c) region 2 except the incorporated areas of Anacortes and Mount Vernon</p> <p>(d) region 5 except King and Kitsap counties.</p>

Name	Will be a "Class B designate" in all lands lying within:	
<del>((19))</del> <u>(20)</u> fieldcress, Austrian <i>Rorippa austriaca</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
	(b)	regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.
<del>((20))</del> <u>(21)</u> floating heart, yellow <i>Nymphoides peltata</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
	(b)	region 4 except the Spokane River between Long Lake Dam and Nine Mile Dam.
<del>((21))</del> <u>(22)</u> gorse <i>Ulex europaeus</i>	(a)	regions 1, 3, 4, 6, 7, 9, 10
	(b)	Skagit, Island, and Whatcom counties of region 2
	(c)	Thurston, Kitsap, Pierce, and King counties of region 5
	(d)	Wahkiakum, Clark, Skamania, Cowlitz, and Lewis counties of region 8.
<del>((22))</del> <u>(23)</u> hawkweed, mouseear <i>Hieracium pilosella</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
	(b)	region 5 except Thurston County
	(c)	Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4.
<del>((23))</del> <u>(24)</u> hawkweed, orange <i>Hieracium aurantiacum</i>	(a)	regions 1, 3, 6, 9, 10
	(b)	Skagit County of region 2
	(c)	Ferry County of region 4
	(d)	Pierce, Thurston and King counties of region 5
	(e)	Lincoln and Adams counties of region 7
	(f)	Lewis County of region 8.
<del>((24))</del> <u>(25)</u> hawkweed, polar <i>Hieracium atratum</i>	(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
	(b)	region 5 outside the boundaries of Mt. Rainier National Park.
<del>((25))</del> <u>(26)</u> hawkweed, queen-devil <i>Hieracium glomeratum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
	(b)	Ferry County of region 4.
<del>((26))</del> <u>(27)</u> hawkweed, smooth <i>Hieracium laevigatum</i>	(a)	regions 1, 3, 4, 5, 6, 7, 8, 9, 10
	(b)	San Juan, Island, and Skagit counties of region 2.
<del>((27))</del> <u>(28)</u> hawkweed, yellow <i>Hieracium caespitosum</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 10
	(b)	region 4 except Stevens and Pend Oreille counties
	(c)	region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.
<del>((28))</del> <u>(29)</u> helmet, policeman's <i>Impatiens glandulifera</i>	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
	(b)	region 2 except Whatcom County
	(c)	region 5 except Thurston County.
<del>((29))</del> <u>(30)</u> herb-Robert <i>Geranium robertianum</i>	(a)	regions 3, 4, 6, 7, 9, 10
<del>((30))</del> <u>(31)</u> houndstongue <i>Cynoglossum officinale</i>	(a)	Kittitas County of region 6
	(b)	<u>region 5</u>
	(c)	Douglas and Chelan counties of regions 3 and 6.
<del>((31))</del> <u>(32)</u> indigobush <i>Amorpha fruticosa</i>	(a)	regions 1, 2, 3, 4, 5, 6
	(b)	regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
	(c)	regions 8, 9, and 10 except within 200 feet of the Columbia River.

Name	Will be a "Class B designate" in all lands lying within:
<del>((32))</del> <u>(33)</u> knapweed, black <i>Centaurea nigra</i>	(a) regions 1, 2, 3, 4, 7, 9, 10 (b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties (c) region 6 except Kittitas County (d) region 8 except Clark County.
<del>((33))</del> <u>(34)</u> knapweed, brown <i>Centaurea jacea</i>	(a) regions 1, 2, 3, 4, 7, 9, 10 (b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties (c) region 6 except Kittitas County (d) region 8 except Clark County.
<del>((34))</del> <u>(35)</u> knapweed, diffuse <i>Centaurea diffusa</i>	(a) regions 1, 2, 5, 8 (b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M. (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6 (d) Franklin County of regions 9 and 10.
<del>((35))</del> <u>(36)</u> knapweed, meadow <i>Centaurea jacea x nigra</i>	(a) regions 1, 2, 3, 4, 7, 9, 10 (b) region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties (c) region 6 except Kittitas County (d) region 8 except Clark County.
<del>((36))</del> <u>(37)</u> knapweed, Russian <i>Acroptilon repens</i>	(a) regions 1, 2, 5, 7, 8 (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County (c) Adams County of region 6 except for the area west of Highway 17 and North of Highway 26 (d) Intercounty Weed District No. 52 (e) region 10 except Franklin County.
<del>((37))</del> <u>(38)</u> knapweed, spotted <i>Centaurea stoebe</i>	(a) regions 1, 2, 3, 5, 6, 9 (b) Ferry County of region 4 (c) Adams and Whitman counties of region 7



Name	Will be a "Class B designate" in all lands lying within:
	(d) region 8, except that portion of Lewis County below the ordinary high watermark of the Tilton River from Hwy. 508 to Lake Mayfield
	(e) region 10 except Garfield County.
<del>((38))</del> <u>(39)</u> knotweed, Bohemian <i>Polygonum bohemicum</i>	(a) Kittitas County of region 6 (b) Chelan and Douglas counties of regions 3 and 6 (c) Pend Oreille County of region 4 (d) Asotin County of region 10.
<del>((39))</del> <u>(40)</u> knotweed, giant <i>Polygonum sachalinense</i>	(a) Kittitas County of region 6 (b) Pend Oreille County of region 4 (c) Asotin County of region 10.
<del>((40))</del> <u>(41)</u> knotweed, Himalayan <i>Polygonum polystachyum</i>	(a) Kittitas County of region 6 (b) Pend Oreille County of region 4 (c) Lewis County of region 8 (d) Asotin County of region 10.
<del>((41))</del> <u>(42)</u> knotweed, Japanese <i>Polygonum cuspidatum</i>	(a) Kittitas County of region 6 (b) Chelan and Douglas counties of regions 3 and 6 (c) Pend Oreille County of region 4 (d) Asotin County of region 10.
<del>((42))</del> <u>(43)</u> kochia <i>Kochia scoparia</i>	(a) Regions 1, 2, 5, 8 (b) Pend Oreille County of region 4 (c) Kittitas County of region 6.
<del>((43))</del> <u>(44)</u> laurel, spurge <i>Daphne laureola</i>	(a) regions 3, 4, 6, 7, 8, 9, 10 (b) San Juan, Snohomish and Skagit counties of region 2 (c) Grays Harbor and Mason counties of region 5.
<del>((44))</del> <u>(45)</u> lawnweed <i>Soliva sessilis</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except King and Thurston counties.
<del>((45))</del> <u>(46)</u> lepyrodielis <i>Lepyrodielis holosteoides</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except an area within Whitman County east of the Pullman—Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
<del>((46))</del> <u>(47)</u> loosestrife, garden <i>Lysimachia vulgaris</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except King County (c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.
<del>((47))</del> <u>(48)</u> loosestrife, purple <i>Lythrum salicaria</i>	(a) regions 1, 4, 7, 8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) Grays Harbor, Mason, Kitsap, and Thurston counties of region 5

Name	Will be a "Class B designate" in all lands lying within:
<del>((48))</del>	loosestrife, wand <i>Lythrum vir-</i>
<u>(49)</u>	<i>gatum</i>
<del>((49))</del>	nutsedge, yellow <i>Cyperus escul-</i>
<u>(50)</u>	<i>entus</i>

- (e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line
- (f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections
- (g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
- (h) region 9 except Benton County
- (i) region 10 except Walla Walla County
- (j) Intercounty Weed Districts No. 51 and No. 52.
- (a) regions 1, 4, 7, 8
- (b) region 2 except Snohomish County
- (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
- (d) region 5 except King County
- (e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line
- (f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
- (g) region 9 except Benton County
- (h) region 10 except Walla Walla County
- (i) Intercounty Weed Districts No. 51 and No. 52.
- (a) regions 1, 2, 3, 4, 5, 7, 8
- (b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.
- (c) region 9 except:
  - (i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point

Name	Will be a "Class B designate" in all lands lying within:
<del>((50))</del> <u>(51)</u> oxtongue, hawkweed <i>Picris hieracioides</i>	beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
<del>((51))</del> <u>(52)</u> parrotfeather <i>Myriophyllum aquaticum</i>	(ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
<del>((52))</del> <u>(53)</u> pepperweed, perennial <i>Lepidium latifolium</i>	(d) region 10 except Walla Walla County. (a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except Skamania County. (a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except Clark, Cowlitz, and Wahkiakum counties. (a) regions 1, 2, 3, 4, 5, 7, 8, 10 (b) Intercounty Weed Districts No. 51 and 52 (c) Kittitas County of region 6 (d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
<del>((53))</del> <u>(54)</u> poison-hemlock <i>Conium maculatum</i>	(a) Clallam County and that area lying within Port Townsend city limits in Jefferson County of region 1 (b) Snohomish and San Juan counties of region 2 (c) Pend Oreille County of region 4 (d) Kitsap and Thurston counties of region 5 (e) Kittitas County of region 6 (f) Lincoln County of region 7 (g) Clark County of region 8.
<del>((54))</del> <u>(55)</u> primrose, water <i>Ludwigia hexapetala</i>	(a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except T8N, R3W, S14 of Cowlitz County.
<del>((55))</del> <u>(56)</u> puncturevine <i>Tribulus terrestris</i>	(a) Skagit County of region 2 (b) Kittitas County of region 6 (c) Adams County (d) Clallam County of region 1.
<del>((56))</del> <u>(57)</u> ragwort, tansy <i>Senecio jacobaea</i>	(a) regions 3, 4, 6, 7, 9, 10 (b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.

Name	Will be a "Class B designate" in all lands lying within:
<del>((57))</del> <u>(58)</u> reed, common, nonnative geno types <i>Phragmites australis</i>	(a) region 1 (b) Island, San Juan and Snohomish counties of region 2 (c) Okanogan County of region 3 (d) Pend Oreille and Stevens counties of region 4 (e) region 5 except Grays Harbor and Pierce counties (f) Kittitas County of region 6 (g) Yakima County of regions 6 and 9 (h) Lincoln County of region 7 (i) Clark and Lewis counties of region 8 (j) Klickitat County of region 9 (k) Asotin County of region 10.
<del>((58))</del> <u>(59)</u> Saltcedar <i>Tamarix ramosissima</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, unless intentionally established prior to 2004 (b) region 6 except Grant County, unless intentionally established prior to 2004 (c) region 9 except Benton and Franklin counties, unless intentionally established prior to 2004 (d) region 10 except Franklin County, unless intentionally established prior to 2004.
<del>((59))</del> <u>(60)</u> sandbur, longspine <i>Cenchrus longispinus</i>	(a) regions 1, 2, 3, 4, 5, 7, 8 (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52 (c) Intercounty Weed District No. 51 (d) Kittitas County of region 6 (e) Asotin County of region 10.
<del>((60))</del> <u>(61)</u> skeletonweed, rush <i>Chondrilla juncea</i>	(a) regions 1, 2, 3, 5, 8 (b) Franklin County except T13N, R36E; and T14N, R36E (c) Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line. (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road I Northwest (e) Stevens County north of Township 33 North of region 4 (f) Ferry and Pend Oreille counties of region 4 (g) region 9 except the Dallesport area in Klickitat County lying within Township 2N, Ranges 13 and 14 (h) Asotin County of region 10 (i) Garfield County south of Highway 12 (j) Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road

Name	Will be a "Class B designate" in all lands lying within:
	(k) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.
<del>((61))</del> (62) sowthistle, perennial <i>Sonchus arvensis ssp. arvensis</i>	(a) regions 1, 2, 3, 4, 7, 8, 9, 10 (b) Adams County of region 6 (c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.
<del>((62))</del> (63) spurge, leafy <i>Euphorbia esula</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except as follows: (i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.
<del>((63))</del> (64) spurge, myrtle <i>Euphorbia myrsinites L</i>	(a) Pend Oreille County of region 4 (b) Along the Asotin, Grande Ronde, and Snake rivers and in all other areas that are not an actively cultivated garden in Asotin County of region 10.
<del>((64))</del> (65) starthistle, yellow <i>Centaurea solstitialis</i>	(a) regions 1, 2, 3, 5, 6, 8 (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25 (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (d) Franklin County (e) region 9 except Klickitat County (f) lands west of Shumaker Grade and south of Mill Road in Asotin County.
<del>((65))</del> (66) Swainsonpea <i>Sphaerophysa salicifolia</i>	(a) regions 1, 2, 3, 4, 5, 7, 8 (b) Columbia, Garfield, Asotin, and Franklin counties (c) an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning (d) Weed District No. 3 of Grant County (e) Adams County of region 6.

Name	Will be a "Class B designate" in all lands lying within:	
<del>((66))</del> <u>(67)</u> thistle, musk <i>Carduus nutans</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
	(b)	Spokane and Pend Oreille counties.
<del>((67))</del> <u>(68)</u> thistle, plumeless <i>Carduus acanthoides</i>	(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
	(b)	region 4 except those areas within Stevens County lying north of State Highway 20.
<del>((68))</del> <u>(69)</u> thistle, Scotch <i>Onopordum acanthium</i>	(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
	(b)	region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
	(c)	Franklin County.
<del>((69))</del> <u>(70)</u> toadflax, Dalmatian <i>Linaria dal- matica ssp. dalmatica</i>	(a)	regions 1, 2, 5, 8, 10
	(b)	Douglas County of region 3 lying south of T25N and west of R25E
	(c)	Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E
	(d)	Kittitas, Chelan, Douglas, and Adams counties of region 6
	(e)	Intercounty Weed District No. 51
	(f)	Weed District No. 3 of Grant County
	(g)	Lincoln and Adams counties
	(h)	The western two miles of Spokane County of region 7
	(i)	region 9 except as follows:
	(i)	those areas lying within Yakima County
	(ii)	those areas lying west of the Klickitat River and within Klickitat County.
<del>((70))</del> <u>(71)</u> watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a)	regions 1, 9, 10
	(b)	<del>((region 7 except Spokane County))</del> <u>Okanogan and Chelan counties of region 3</u>
	(c)	<del>((region 8 except within 200 feet of the Columbia River))</del> <u>in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4</u>
	(d)	<del>((Adams County))</del> <u>Chelan and Adams counties of region 6</u>
	(e)	<del>((in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.))</del> <u>region 7 except Spokane County</u>
	(f)	<u>region 8 except within 200 feet of the Columbia River.</u>
<u>(72)</u> willow-herb, hairy <i>Epilobium hirsutum</i>	(a)	<u>regions 1, 3, 4</u>
	(b)	<u>region 2 except Whatcom and Island counties</u>
	(c)	<u>region 5 except Thurston County</u>
	(d)	<u>region 6 except Grant County</u>
	(e)	<u>region 7 except Whitman County</u>
	(f)	<u>region 8 except Skamania County</u>
	(g)	<u>Yakima County of region 9</u>
	(h)	<u>region 10 except Franklin County.</u>

AMENDATORY SECTION (Amending WSR 09-01-071, filed 12/15/08, effective 1/16/09)

**WAC 16-750-015 State noxious weed list—Class C noxious weeds.**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Common Name</b>	<b>Scientific Name</b>
((archangel, yellow	<del><i>Lamium</i></del>	tansy, common	<i>Tanacetum vulgare</i>
babysbreath	<del><i>Gypsophila</i></del>	thistle, bull	<i>Cirsium vulgare</i>
beard, old man's	<i>Clematis vitalba</i>	thistle, Canada	<i>Cirsium arvense</i>
bindweed, field	<i>Convolvulus arvensis</i>	toadflax, yellow	<i>Linaria vulgaris</i>
blackberry, evergreen	<i>Rubus laciniatus</i>	water lily, fragrant	<i>Nymphaea odorata</i>
blackberry, Himalayan	<i>Rubus armeniacus</i>	whitetop, hairy	<i>Cardaria pubescens</i>
canarygrass, reed	<i>Phalaris arundinacea</i>	((willow-herb, hairy	<del><i>Epilobium hirsutum</i></del> )
cockle, white	<i>Silene latifolia ssp. alba</i>	wormwood, absinth	<i>Artemisia absinthium</i>
cocklebur, spiny	<i>Xanthium spinosum</i>		
crass, hoary	<i>Cardaria draba</i>		
dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>		
<u>holly, English (except where com-</u>	<u><i>Ilex aquifolium</i></u>		
<u>mercially grown)</u>			
goatgrass, jointed	<i>Aegilops cylindrica</i>		
groundsel, common	<i>Senecio vulgaris</i>		
hawkweed, common	<i>Hieracium lachenalii</i>		
hawkweed, other nonnative species	<i>Hieracium sp.</i> , except species designated in the note in the left-hand column		
<b>Note:</b>			
This listing includes all species of <i>Hieracium</i> , except the following:			
• Species designated as Class A noxious weeds in WAC 16-750-005;			
• Species designated as Class B noxious weeds in WAC 16-750-011;			
• Native species designated below:			
– Canada hawkweed ( <i>H. canadense</i> )			
– houndstongue hawkweed ( <i>H. cynoglossoides</i> )			
– long-beaked hawkweed ( <i>H. longiberbe</i> )			
– narrow-leaved hawkweed ( <i>H. umbellatum</i> )			
– slender hawkweed ( <i>H. gracile</i> )			
– western hawkweed ( <i>H. albertinum</i> )			
– white-flowered hawkweed ( <i>H. albiflorum</i> )			
– woolley-weed ( <i>H. scouleri</i> )			
henbane, black	<i>Hyoscyamus niger</i>		
iris, yellow flag	<i>Iris pseudacorus</i>		
ivy, English, 4 cultivars only:	<i>Hedera hibernica</i> 'Hibernica'		
	<i>Hedera helix</i> 'Baltica'		
	<i>Hedera helix</i> 'Pittsburgh'		
	<i>Hedera helix</i> 'Star'		
mayweed, scentless	<i>Matricaria perforata</i>		
pondweed, curly-leaf	<i>Potamogeton crispus</i>		
rye, cereal	<i>Secale cereale</i>		
spikeweed	<i>Hemizonia pungens</i>		
St. Johnswort, common	<i>Hypericum perforatum</i>		