

**WSR 10-24-001**  
**PROPOSED RULES**  
**TRANSPORTATION COMMISSION**

[Filed November 17, 2010, 12:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-096.

Title of Rule and Other Identifying Information: Toll and fee setting for toll facilities in Washington state.

Hearing Location(s): Sound Transit Board Room, Union Station, 401 South Jackson Street, Seattle, WA, on January 5, 2011, at 6:30 p.m.

Date of Intended Adoption: January 5, 2011.

Submit Written Comments to: Reema Griffith, P.O. Box 47308, Olympia, WA 98504-7308, e-mail [transc@wstc.wa.gov](mailto:transc@wstc.wa.gov), fax (360) 705-6802, by December 30, 2010.

Assistance for Persons with Disabilities: Contact Reema Griffith, P.O. Box 47308, Olympia, WA 98504-7308, e-mail [transc@wstc.wa.gov](mailto:transc@wstc.wa.gov), fax (360) 705-6802, by December 30, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission is required to establish toll rates and fees for vehicles using the proposed 520 Toll Bridge. The rates and fees must be adequate to cover the debt, operations and maintenance of the facility. The purpose of the proposed rules is to amend the transportation commission administrative codes to:

(1) Amend WAC 468-270-030 Definitions, to amend definitions and include new definitions relative to photo tolling.

(2) Amend WAC 468-270-050 What toll facilities are currently subject to this chapter?, to add the SR 520 Bridge.

(3) Create new section WAC 468-270-071 What are the toll rates and applicable fees for the SR 520 Bridge?, to establish what will be charged to use the SR 520 Bridge.

(4) Amend WAC 468-270-075 What are the toll rates for the SR 167 HOT lanes pilot project?, to remove effective date.

(5) Create new section WAC 468-270-091 What vehicles are exempt from paying tolls on the SR 520 Bridge?, to define vehicles eligible for toll exemption.

(6) Create new section WAC 468-270-300 What administrative fees may apply to toll customers?, to establish new fees and requirements as authorized by law.

Reasons Supporting Proposal: The transportation commission's proposed toll rates establish charges for vehicles using the SR 520 Bridge.

Statutory Authority for Adoption: RCW 47.56.030, 47.56.785, 47.56.795, 47.56.830, 47.56.850, 47.56.870.

Statute Being Implemented: RCW 47.56.870, 47.56.-785, 47.56.795, 47.56.830, 47.56.850.

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

Name of Proponent: Washington state transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting and Enforcement: Reema Griffith, Olympia, Washington, (360) 705-7070; and Implementation: Craig Stone, Seattle, Washington, (206) 464-1220.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not apply to "business in an industry," as described in RCW 19.85.030 (1)(a).

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to subsection (5) of RCW 34.05.328, RCW 34.05.328 does not apply to the transportation commission and it is not required to develop a cost-benefit analysis.

November 17, 2010

Reema Griffith

Executive Director

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

**WAC 468-270-030 Definitions. "Authorized emergency vehicle"** includes but is not limited to a vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private or any other emergency vehicle as defined in RCW 46.04.040.

**"Bona fide emergency"** occurs when an authorized emergency vehicle, as defined herein, responds to or returns from an emergency call.

**"Cash customer"** means a toll customer who (~~is heading eastbound and is paying~~) pays the toll on the Tacoma Narrows Bridge in cash ((on a trip by trip basis)).

**"Citizens advisory committee"** means the citizens committee established by RCW 47.46.090 that advises the transportation commission on Tacoma Narrows Bridge toll rates.

**"Customer-initiated payment"** means the method used to pay a photo toll when there is no prepaid toll account and the customer initiates payment prior to the issuance of a toll bill.

**"Department"** means the Washington state department of transportation (WSDOT).

~~("Electronic toll collection (ETC) lane" means a lane in which the electronic toll collection system will read the transponder of each vehicle and automatically collect the toll without requiring the vehicle to slow its speed or stop.)~~

**"Good To Go!™"** is the name of the department's ~~((electronic))~~ toll collection system.

~~("Good To Go!™ customer" means a toll customer who participates in the department's "Good To Go!™" toll collection system.)~~ **"Good To Go!™ Pass"** means the method used to pay a toll by a customer who has a prepaid toll account through the use of a Pass (transponder).

**"High-occupancy toll (HOT) lanes"** means one or more lanes of a highway that charges tolls as a means of regulating access to or the use of the lanes in order to maintain travel speed and reliability. HOT lane supporting facilities include, but are not limited to, approaches, enforcement areas, improvements, buildings, and equipment.

**"Pass"** means the transponder device used for electronic toll collection on the department's toll facilities.

**"Pay By Mail"** means the method used to pay a photo toll when a toll bill is mailed to the vehicle's registered owner.

**"Pay By Plate"** means the method used to pay a photo toll by a customer who has a prepaid toll account through the use of a photo toll system.

**"Photo toll"** means a charge associated with a particular vehicle that is identified by its license plate and includes Pay By Mail, Pay By Plate and customer-initiated payment. A photo toll may be paid through one of the following methods:

(a) A customer-initiated account that is prepaid (Pay By Plate) or postpaid (Customer-Initiated Payment); or

(b) In response to a toll bill that is sent to the registered owner of the vehicle incurring the photo toll charge (Pay By Mail).

**"Toll account"** means a prepaid account that is linked to a Pass (transponder) or license plates in order to pay a toll by automatic debit.

**"Transponder (Pass)"** means a (radio frequency identification (RFID) unit) device attached to a toll customer's vehicle that ((transmits a radio signal to a reader mounted in the toll facility. The purpose of the transponder is to)) automatically ((identify)) identifies the toll customer's vehicle as it passes through the toll facility. ((You will receive a transponder when you open a "Good to Go!" account.))

**"Transportation commission"** means the Washington state transportation commission whose duties and composition are set out in chapter 47.01 RCW.

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

**WAC 468-270-040 How are the tolls determined and adjusted?** In determining toll amounts, the transportation

commission considers data and information provided by the department of transportation, public opinion and advice from any required citizen advisory committee.

((For the)) (1) Tacoma Narrows Bridge ((only)). In accordance with chapter 47.46 RCW, the commission must consider the toll rate advice of the citizen advisory committee and must set toll amounts that cover the debt and operations and maintenance until the indebtedness is repaid as required by law.

(2) SR 520 Bridge.

(a) The commission must consider toll rates that will help maintain travel time, speed, and reliability on the corridor and must set and adjust toll rates to generate revenue sufficient and necessary to cover costs and obligations described in RCW 47.56.830 and 47.56.850.

(b) Starting July 1, 2012, the toll rates will increase two and one-half percent annually, subject to review and potential adjustment by the commission, in order to generate toll revenue sufficient to meet the costs and obligations listed in RCW 47.56.830 through 47.56.850.

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

**WAC 468-270-050 What toll facilities are currently subject to this chapter?** Currently, the Tacoma Narrows Bridge ((and)), SR 167 HOT lanes ((are covered by this chapter)) and SR 520 Bridge.

**TOLL RATES**

NEW SECTION

**WAC 468-270-071 What are the toll rates on the SR 520 Bridge?** Tables 2 through 6 show the applicable toll rates by vehicle axles, day and time of travel, and method of payment.

**Table 2  
SR 520 Bridge  
Two-Axle Vehicle Toll Rates**

<b>Mondays through Fridays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 6 a.m.	\$1.60	\$3.10	\$1.85	\$2.60
6 a.m. to 7 a.m.	\$2.80	\$4.30	\$3.05	\$3.80
7 a.m. to 9 a.m.	\$3.50	\$5.00	\$3.75	\$4.50
9 a.m. to 10 a.m.	\$2.80	\$4.30	\$3.05	\$3.80
10 a.m. to 2 p.m.	\$2.25	\$3.75	\$2.50	\$3.25
2 p.m. to 3 p.m.	\$2.80	\$4.30	\$3.05	\$3.80
3 p.m. to 6 p.m.	\$3.50	\$5.00	\$3.75	\$4.50
6 p.m. to 7 p.m.	\$2.80	\$4.30	\$3.05	\$3.80
7 p.m. to 9 p.m.	\$2.25	\$3.75	\$2.50	\$3.25
9 p.m. to 11 p.m.	\$1.60	\$3.10	\$1.85	\$2.60
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

<b>Mondays through Fridays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
<b>Saturdays and Sundays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$1.10	\$2.60	\$1.35	\$2.10
8 a.m. to 11 a.m.	\$1.65	\$3.15	\$1.90	\$2.65
11 a.m. to 6 p.m.	\$2.20	\$3.70	\$2.45	\$3.20
6 p.m. to 9 p.m.	\$1.65	\$3.15	\$1.90	\$2.65
9 p.m. to 11 p.m.	\$1.10	\$2.60	\$1.35	\$2.10
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: <sup>1</sup>For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.  
<sup>2</sup>For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

**Table 3**  
**SR 520 Bridge**  
**Three-Axle Vehicle Toll Rates**

<b>Mondays through Fridays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 6 a.m.	\$2.40	\$4.65	\$2.65	\$4.15
6 a.m. to 7 a.m.	\$4.20	\$6.45	\$4.45	\$5.95
7 a.m. to 9 a.m.	\$5.25	\$7.50	\$5.50	\$7.00
9 a.m. to 10 a.m.	\$4.20	\$6.45	\$4.45	\$5.95
10 a.m. to 2 p.m.	\$3.40	\$5.65	\$3.65	\$5.15
2 p.m. to 3 p.m.	\$4.20	\$6.45	\$4.45	\$5.95
3 p.m. to 6 p.m.	\$5.25	\$7.50	\$5.50	\$7.00
6 p.m. to 7 p.m.	\$4.20	\$6.45	\$4.45	\$5.95
7 p.m. to 9 p.m.	\$3.40	\$5.65	\$3.65	\$5.15
9 p.m. to 11 p.m.	\$2.40	\$4.65	\$2.65	\$4.15
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
<b>Saturdays and Sundays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$1.65	\$3.90	\$1.90	\$3.40
8 a.m. to 11 a.m.	\$2.50	\$4.75	\$2.75	\$4.25
11 a.m. to 6 p.m.	\$3.30	\$5.55	\$3.55	\$5.05
6 p.m. to 9 p.m.	\$2.50	\$4.75	\$2.75	\$4.25
9 p.m. to 11 p.m.	\$1.65	\$3.90	\$1.90	\$3.40
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: <sup>1</sup>For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.  
<sup>2</sup>For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

**Table 4**  
**SR 520 Bridge**  
**Four-Axle Vehicle Toll Rates**

<b>Mondays through Fridays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00

<b>Mondays through Fridays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
5 a.m. to 6 a.m.	\$3.20	\$6.20	\$3.45	\$5.70
6 a.m. to 7 a.m.	\$5.60	\$8.60	\$5.85	\$8.10
7 a.m. to 9 a.m.	\$7.00	\$10.00	\$7.25	\$9.50
9 a.m. to 10 a.m.	\$5.60	\$8.60	\$5.85	\$8.10
10 a.m. to 2 p.m.	\$4.50	\$7.50	\$4.75	\$7.00
2 p.m. to 3 p.m.	\$5.60	\$8.60	\$5.85	\$8.10
3 p.m. to 6 p.m.	\$7.00	\$10.00	\$7.25	\$9.50
6 p.m. to 7 p.m.	\$5.60	\$8.60	\$5.85	\$8.10
7 p.m. to 9 p.m.	\$4.50	\$7.50	\$4.75	\$7.00
9 p.m. to 11 p.m.	\$3.20	\$6.20	\$3.45	\$5.70
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
<b>Saturdays and Sundays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$2.20	\$5.20	\$2.45	\$4.70
8 a.m. to 11 a.m.	\$3.30	\$6.30	\$3.55	\$5.80
11 a.m. to 6 p.m.	\$4.40	\$7.40	\$4.65	\$6.90
6 p.m. to 9 p.m.	\$3.30	\$6.30	\$3.55	\$5.80
9 p.m. to 11 p.m.	\$2.20	\$5.20	\$2.45	\$4.70
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: <sup>1</sup>For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

<sup>2</sup>For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

**Table 5**  
**SR 520 Bridge**  
**Five-Axle Vehicle Toll Rates**

<b>Mondays through Fridays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 6 a.m.	\$4.00	\$7.75	\$4.25	\$7.25
6 a.m. to 7 a.m.	\$7.00	\$10.75	\$7.25	\$10.25
7 a.m. to 9 a.m.	\$8.75	\$12.50	\$9.00	\$12.00
9 a.m. to 10 a.m.	\$7.00	\$10.75	\$7.25	\$10.25
10 a.m. to 2 p.m.	\$5.65	\$9.40	\$5.90	\$8.90
2 p.m. to 3 p.m.	\$7.00	\$10.75	\$7.25	\$10.25
3 p.m. to 6 p.m.	\$8.75	\$12.50	\$9.00	\$12.00
6 p.m. to 7 p.m.	\$7.00	\$10.75	\$7.25	\$10.25
7 p.m. to 9 p.m.	\$5.65	\$9.40	\$5.90	\$8.90
9 p.m. to 11 p.m.	\$4.00	\$7.75	\$4.25	\$7.25
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
<b>Saturdays and Sundays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$2.75	\$6.50	\$3.00	\$6.00
8 a.m. to 11 a.m.	\$4.15	\$7.90	\$4.40	\$7.40
11 a.m. to 6 p.m.	\$5.50	\$9.25	\$5.75	\$8.75

<b>Mondays through Fridays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
6 p.m. to 9 p.m.	\$4.15	\$7.90	\$4.40	\$7.40
9 p.m. to 11 p.m.	\$2.75	\$6.50	\$3.00	\$6.00
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: <sup>1</sup>For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

<sup>2</sup>For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

**Table 6**  
**SR 520 Bridge**  
**Six-Axle or More Vehicle Toll Rates**

<b>Mondays through Fridays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 6 a.m.	\$4.80	\$9.30	\$5.05	\$8.80
6 a.m. to 7 a.m.	\$8.40	\$12.90	\$8.65	\$12.40
7 a.m. to 9 a.m.	\$10.50	\$15.00	\$10.75	\$14.50
9 a.m. to 10 a.m.	\$8.40	\$12.90	\$8.65	\$12.40
10 a.m. to 2 p.m.	\$6.75	\$11.25	\$7.00	\$10.75
2 p.m. to 3 p.m.	\$8.40	\$12.90	\$8.65	\$12.40
3 p.m. to 6 p.m.	\$10.50	\$15.00	\$10.75	\$14.50
6 p.m. to 7 p.m.	\$8.40	\$12.90	\$8.65	\$12.40
7 p.m. to 9 p.m.	\$6.75	\$11.25	\$7.00	\$10.75
9 p.m. to 11 p.m.	\$4.80	\$9.30	\$5.05	\$8.80
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00
<b>Saturdays and Sundays</b>	<b>Good To Go!™ Pass</b>	<b>Pay By Mail</b>	<b>Pay By Plate<sup>1</sup></b>	<b>Customer-Initiated Payment<sup>2</sup></b>
Midnight to 5 a.m.	0.00	0.00	0.00	0.00
5 a.m. to 8 a.m.	\$3.30	\$7.80	\$3.55	\$7.30
8 a.m. to 11 a.m.	\$4.95	\$9.45	\$5.20	\$8.95
11 a.m. to 6 p.m.	\$6.60	\$11.10	\$6.85	\$10.60
6 p.m. to 9 p.m.	\$4.95	\$9.45	\$5.20	\$8.95
9 p.m. to 11 p.m.	\$3.30	\$7.80	\$3.55	\$7.30
11 p.m. to 11:59 p.m.	0.00	0.00	0.00	0.00

Notes: <sup>1</sup>For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

<sup>2</sup>For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

AMENDATORY SECTION (Amending WSR 08-06-032, filed 2/26/08, effective 4/7/08)

**WAC 468-270-075 What ((will)) are the toll rates ((be)) for the SR 167 HOT lanes pilot project?** ((Effective April 7, 2008, a variable toll rate schedule will be applied by WSDOT.)) Toll rates will vary based upon several factors including time of day, traffic volumes, traffic demand, and overall corridor performance. The toll rate schedule shall be adjusted as needed by WSDOT to meet HOV performance criteria as defined in RCW 47.56.403 and WAC 468-300-828 in order to maintain average HOT lane vehicle speeds above forty-five miles per hour, at least ninety percent of the time during peak hours.

When the SR 167 HOT lanes are in operation, the minimum toll rate is \$0.50 and the maximum toll rate is \$9.00.

AMENDATORY SECTION (Amending WSR 07-13-010, filed 6/8/07, effective 7/9/07)

**WAC 468-270-080 When are ((these)) toll rates in effect?** The toll rates for each facility ((will)) take effect upon commencement of the tolling program on each new toll facility. Check the WSDOT web site at [wsdot.wa.gov/goodtogo](http://wsdot.wa.gov/goodtogo) for updated information on the opening dates for the tolling programs. Unless otherwise required by law, the collection of tolls on a facility will remain in effect until changed by the commission.

(1) For the Tacoma Narrows Bridge toll rates will remain in effect until changed by the commission or removed due to final repayment of the project as provided by law.

(2) For the SR 167 HOT lanes, the tolls will remain in effect until changed by the commission.

(3) For the SR 520 Bridge, the tolls will take effect upon certification by the secretary of transportation that the new statewide tolling operations center and photo toll system are fully operational as described in the note following RCW 47.56.795.

**EXEMPTIONS**

NEW SECTION

**WAC 468-270-091 What vehicles are exempt from paying tolls on the SR 520 Bridge?** Except as provided herein, all vehicles using the SR 520 Bridge must pay the required toll. Only qualified vehicles may be exempted from paying tolls. The registered owner and operator of the qualified vehicle must comply with the requirements of the department in order to maintain the exemption. Except as otherwise provided, the department may require a qualified vehicle to be equipped with a transponder, and the registered owner or operator of the vehicle to open and maintain a toll account. The following vehicles shall qualify for exemptions:

- (1) The department maintenance vehicles directly involved in bridge and roadway maintenance on the SR 520 Bridge, including the department's incident response vehicles responding to incidents and WSDOT tow trucks stationed on the bridge;
- (2) Washington state patrol vehicles directly providing service to the SR 520 Bridge corridor;
- (3) Publicly owned or operated transit buses;
- (4) Passenger motor vehicles used as ride-sharing as defined in RCW 46.74.010, and that are compliant with RCW 46.16.023 and 82.12.0282;
- (5) Privately owned and operated passenger buses with a carrying capacity of sixteen or more persons, including the

operator, as defined in WAC 468-510-010(2), all of which must be similarly marked or identified to display the business name and/or logo on the driver and passenger sides of the vehicle, and operate on a fixed schedule and fixed route, and meet the annual certification requirements of the department;

(6) Vehicles owned by foreign governments and international organizations. A vehicle transponder is not required for this exemption;

(7) Authorized emergency vehicles on bona fide emergencies. The vehicle must be equipped with a transponder associated with an authorized prepaid account or an authorized representative may apply for a toll credit for each emergency trip. The credit must be applied for within six months of the trip date. The department will establish and oversee the procedure for emergency vehicle toll credits.

AMENDATORY SECTION (Amending WSR 08-06-032, filed 2/26/08, effective 4/7/08)

**WAC 468-270-100 What vehicles are exempt from paying tolls on the SR 167 HOT lanes?** Vehicles described in RCW 47.56.403 and WAC 468-510-010 are exempt from paying tolls, including transit buses and vanpool vehicles owned or operated by any public agency. All other vehicles using the SR 167 HOT lanes must pay the required toll. All toll-paying vehicles must have a transponder and a valid ("~~Good To Go!~~<sup>TM</sup>") toll account.

**ADMINISTRATIVE FEES**

NEW SECTION

**WAC 468-270-300 What other fees and discounts may apply to toll customers?** The commission is authorized to adopt rules to assess administrative fees as appropriate for toll collection processes. Additionally, a toll customer may be required to pay fees set forth by state law for attempts to collect funds due to a state agency. The following table lists and explains the types and amount of administrative fees that a toll customer may be required to pay.

**Table 7  
Customer Fees and Discounts**

Fee and Discount Type	When is the administrative fee charged?	What is the fee amount?
Paper Statements and Reprinting Fee	Upon each mailing of a paper statement at the account holder's request.	\$0.50 per page (with a minimum fee of \$1.50)
Inactive Account Fee	After 24 months of no transactions on the account, this one-time fee will be assessed.	\$5.00
Reprocessing Fee	This fee will be assessed when the department sends a reminder notice of unpaid tolls. The reminder notice to pay may be a summary or itemization of amounts owed and included as part of a toll bill or in any other correspondence to collect tolls.	\$5.00 per reminder notice to pay unpaid tolls

Fee and Discount Type	When is the administrative fee charged?	What is the fee amount?
Pay By Plate Fee	A customer who establishes a prepaid toll account but passes through a toll facility without a pass will be assessed this fee in addition to the Good To Go!™ Pass toll rate.	\$0.25 per transaction
Customer-initiated Payment	A customer will receive a discount off the Pay By Mail toll rate, if the customer pays for the transaction not later than 72 hours after driving on the toll facility.	\$0.50 per transaction credit off the Pay By Mail toll rate

**WSR 10-24-002**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**  
 [Filed November 18, 2010, 8:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-15-093

Title of Rule and Other Identifying Information: Chapter 260-84 WAC, Penalties.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on January 13, 2011, at 9:30 a.m.

Date of Intended Adoption: January 13, 2011.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by January 10, 2011.

Assistance for Persons with Disabilities: Contact Patty Sorby by January 10, 2011, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends several penalty guidelines to reflect current practice. Also, removes most required referrals to the Washington horse racing commission (WHRC) and allows the board of stewards to admin-

ister the penalties that would be recommended to the commission.

Reasons Supporting Proposal: Most penalties have been amended and lowered due to financial hardship within the industry, while remaining prohibitive enough to ensure compliance. Also, removing the required referrals to the commission will reduce the number of hearing[s] conducted by the commission and result in a cost savings for the agency.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: [WHRC], governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

November 18, 2010  
 Douglas L. Moore  
 Deputy Secretary

AMENDATORY SECTION (Amending WSR 09-05-066, filed 2/13/09, effective 3/16/09)

**WAC 260-84-060 Penalty matrixes.** (1) The imposition of reprimands, fines and suspensions will be based on the following penalty matrixes:

<b>Class A and B Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace WAC 260-80-140	Warning to \$200 and/or suspension	Warning to \$500 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$100	\$200	\$300
Unlicensed or improperly licensed personnel WAC 260-28-230, 260-36-150, and 260-28-295	\$100	\$200	\$300

<b>Class A and B Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Violation of any claiming rule in chapter 260-60 WAC	\$200 to \$500 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	\$75	\$100	\$200
Failure of jockey to report correct weight WAC 260-32-150	\$100	\$200	\$300
Failure of jockey to appear for films WAC 260-24-510	\$50	\$100	\$200
Failure of jockey to fulfill riding engagement WAC 260-32-080	\$100	\$150	\$200
Jockey easing mount without cause WAC 260-52-040	\$250 and/or suspension	\$500 and/or suspension	\$1000 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	<u>\$500 and/or suspension (riding days)</u> ( <del>and possible fine</del> )	<u>Suspension (riding days)</u>	
Rider's misuse of whip WAC 260-52-040	Warning to \$2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	\$200	\$200 to \$300	\$200 to \$500
Arriving late to the paddock or receiving barn WAC 260-28-200	Warning to \$50	\$50 to \$100	\$100 to \$200
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to \$50	\$50 to \$100	\$100 to \$200
Failure to obtain permission for equipment changes WAC 260-44-010	\$50	\$100	\$200
Failure to report performance records WAC 260-40-100	Warning to \$50	\$100	\$150
<u>Trainer failure to report proper identity of horses in their care WAC 260-28-295</u>	<u>\$50</u>	<u>\$100</u>	<u>\$200</u>
Failure to submit gelding report WAC 260-28-295	\$100	\$200	\$300

<b>Class C Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace WAC 260-80-140	Warning to \$100 and/or suspension	\$250 and/or suspension	Suspension



<b>Class C Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150
Unlicensed or improperly licensed personnel WAC 260-28-230, 260-36-150, and 260-28-295	\$50	\$100	\$200
Violation of any claiming rule in chapter 260-60 WAC	\$100 to \$250 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	\$25	\$50	\$100
Failure of jockey to report correct weight WAC 260-32-150	\$25	\$50	\$100
Failure of jockey to appear for films WAC 260-24-510	\$25	\$50	\$100
Failure of jockey to fulfill riding engagement WAC 260-32-080	\$50	\$100	\$200
Jockey easing mount without cause WAC 260-52-040	\$100	\$200 and/or suspension	\$400 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to <del>\$(750))</del> <u>500</u> and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	<u>\$100 to \$500 and/or suspension (riding days)</u> ( <del>and possible fine</del> )		
Rider's misuse of whip WAC 260-52-040	Warning to \$2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	<del>\$(100))</del> <u>50</u>	\$100 to \$200	\$200 to \$300
Arriving late to the paddock WAC 260-28-200	Warning to \$25	\$50	\$100
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to \$25	\$50	\$100
Failure to obtain permission for equipment change WAC 260-44-010	\$25	\$50	\$100
Failure to report performance records WAC 260-40-100	Warning to \$25	\$50	\$100
Failure to submit gelding report WAC 260-28-295	\$50	\$100	\$200

<b>Class A, B and C Licensed Facilities</b>			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	\$50	\$100	\$250 and/or suspension
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	\$200	\$500	\$1000 and/or suspension
Failure to post problem gambling signs WAC 260-12-250	Warning to \$50	\$100	\$200
Issuing a check to the commission with not sufficient funds WAC 260-28-030	\$50	\$100	\$200
Failure to ride in a safe or prudent manner WAC 260-80-145	<del>(\$50)</del> <u>Warning</u>	<del>\$(+00)</del> <u>50</u>	<del>(\$200)</del> <u>\$50 - subsequent offenses \$50 plus possible suspensions</u>
Use of improper, profane, or indecent language WAC 260-80-130	Warning to \$200	\$200 to \$300	\$300 to \$500
Failure to complete temporary license application within fourteen days WAC 260-36-200	\$100 and suspension of license	\$250 and suspension of license	\$500 and suspension of license
Failure to register employees with the commission (trainers responsibility) WAC 260-28-230	Warning to \$50	\$100	\$200
Failure to furnish fingerprints WAC 260-36-100	\$100 and suspension of license	\$250 and suspension of license	\$500 and suspension of license
Nonparticipation - licensing WAC 260-36-080	License canceled		
<del>((False application)) Pending felony charges or conviction - ineligible for licensing WAC ((260-36-050)) 260-36-120(2)</del>	<del>(\$50 to \$250 and/or possible))</del> <u>Denial, suspension or revocation of license</u>		
Failure to divulge a <del>((misdemeanor or gross misdemeanor)) felony conviction</del> WAC 260-36-050	<del>((Warning to))</del> <u>\$100 to \$250</u>		
<del>((Failure to divulge a felony)) False information or failure to provide accurate and complete information on application</del> WAC 260-36-050	<del>(\$100)</del> <u>Warning to \$250 ((and/or denial, suspension, or revocation of license))</u>		
Failure to provide full disclosure, refusal to respond to questions, or responding falsely to stewards or commission investigators WAC 260-24-510	\$500 fine and/or denial, suspension or revocation of license		
Failure to pay proper industrial insurance premium(s) WAC 260-36-220 and 260-36-230	In addition to being required to pay the full industrial insurance premium, the trainer will be assessed a fine equal to fifty percent of the <u>total</u> premium <del>((due))</del>		
Failure to pay L&I payment agreement (per contract)	Immediate suspension until premium paid and \$50 fine for each quarter payment is late		

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Financial responsibility WAC 260-28-030	<del>((Resolution with mutual agreement between the parties – failure to comply with the agreement will result in immediate))</del> Suspension of license until debt is satisfied (suspension may be stayed with a mutual payment agreement and licensee remains compliant with agreement)		
Failure to appear for a ruling conference WAC 260-24-510	Suspension (conference may be held in individual's absence)		
Failure to pay fine <del>((within 7 days of ruling conference))</del> when due (no extension granted or no request for hearing filed) WAC 260-24-510	Suspension until fine paid		
Possession or use of a stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	Immediate ejection from the grounds <del>((, 1 year suspension, and mandatory referral to commission for))</del> and permanent revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010	Immediate ejection from the grounds <del>((, 1 year suspension, and mandatory referral to commission for))</del> and permanent revocation		
Failure to wear proper safety equipment WAC 260-12-180 and 260-32-105	\$50	\$100	\$200
Horses shod with improper toe grabs WAC 260-44-150	Horse scratched and \$250 fine to trainer and plater	Horse scratched and \$500 fine to trainer and plater	Horse scratched and \$1000 fine to trainer and plater
Failure to display or possess license badge when in restricted area WAC 260-36-110	\$25	\$50	\$100

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee will include violations which occurred in Washington as well as any other recognized racing jurisdiction within the calendar year, absent mitigating circumstances. The stewards may impose more stringent penalties if aggravating circumstances exist. If a penalty is not listed under second or third/subsequent offense columns, the penalty listed in the "first offense" column will apply to each violation.

(3) Except as otherwise provided in this chapter, for any other violation not specifically listed above, the stewards have discretion to impose the penalties as provided in WAC 260-24-510 (3)(a). ~~((For violations considered minor, the fine can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year, or revocation.))~~

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty will include, but are not limited to, the following:

- (a) The past record of the licensee or applicant;
- (b) The impact of the offense on the integrity of the pari-mutuel industry;
- (c) The danger to human and/or equine safety;
- (d) The number of prior violations of these rules of racing or violations of racing rules in other jurisdictions; and/or
- (e) The deterrent effect of the penalty imposed.

(5) For violations covered by chapter 260-70 WAC, Medication, the stewards will follow the penalty guidelines as set forth in WAC 260-84-090, 260-84-100, 260-84-110, 260-84-120, and 260-84-130.

(6) The executive secretary or stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a referral will not preclude commission action in any matter. An executive secretary's or stewards' ruling will not prevent the commission from imposing a more severe penalty.

AMENDATORY SECTION (Amending WSR 09-05-066, filed 2/13/09, effective 3/16/09)

**WAC 260-84-065 Licensees—Drug and alcohol penalties.** (1) Engaging in the illegal sale or distribution of alcohol in violation of WAC 260-34-020(2).

- (a) First offense - ~~((thirty-day))~~ five-day suspension; ~~((and))~~
- (b) Second ~~((or subsequent))~~ offense - ~~((one-year))~~ thirty-day suspension ~~((and referral to the commission for revocation));~~
- (c) Third offense - one-year suspension; and
- (d) Subsequent offense, (within five years) - revocation.

(2) Possessing any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance, other than marijuana in

violation of WAC 260-34-020(5); or possessing or having within their body while on the grounds of a licensed race meet any illegal controlled substance, in violation of WAC 260-34-020 (1) or (4).

(a) First offense - thirty-day suspension; ~~((and))~~

(b) Second offense - one-year suspension ~~((and referral to the commission for revocation)); and~~

(c) Third and subsequent offenses - revocation.

(3) Possessing any equipment, products or materials of any kind, which are used or intended for use in ingesting, inhaling or otherwise introducing into the human body marijuana, in violation of WAC 260-34-020(5); or possessing or having within their body marijuana, an illegal controlled substance, while on the grounds of any licensed race meet, in violation of WAC 260-34-020(1).

(a) First offense - three-day suspension;

(b) Second offense - thirty-day suspension; ~~((and))~~

(c) Third ~~((or subsequent))~~ offense~~((s))~~ - one-year suspension ~~((and referral to commission for revocation)); and~~

(d) Subsequent offenses - revocation.

(4) Being under the influence of or affected by intoxicating liquor and/or drugs in violation of WAC 260-34-020(1), excluding persons on horseback.

(a) First offense - warning to one-day suspension;

(b) Second offense - three-day suspension;

(c) Third offense - thirty-day suspension; and

(d) Subsequent offenses - one-year suspension ~~((and referral to commission for revocation)).~~

(5) Being under the influence of or affected by intoxicating liquor and/or drugs, and being on horseback in violation of WAC 260-34-020(1).

(a) First offense - warning to three-day suspension;

(b) Second offense - ~~((up to a))~~ three to thirty-day suspension; ~~((and))~~

(c) Third offense - ~~((up to a))~~ thirty-day to one-year suspension ~~((and referral to commission for revocation)); and~~

(d) Subsequent offenses - revocation.

(6) Refusing to submit to a drug or alcohol test, in violation of WAC 260-34-020(6) will result in immediate ejection from the grounds and a penalty of a one-year suspension ~~((plus referral to the commission for))~~ or revocation.

(7) Possessing any equipment or material used to manufacture or distribute any controlled substance, or engaging in the sale, manufacturing or distribution of any illegal controlled substance or possessing an illegal controlled substance with intent to deliver on the grounds of any licensed race meet in violation of WAC 260-34-020 (3) or (5), immediate ejection from the grounds ~~((a one-year suspension plus referral to the commission for))~~ and revocation.

(8)(a) For violations of WAC 260-34-020 (1) and (4), the board of stewards may stay a suspension if the licensee or applicant shows proof of participation in a drug rehabilitation or alcohol treatment program approved or certified by the department of social and health services. Individuals will only be allowed a stay of a suspension under this subsection once in a five-year period. If during the period of the stay a licensee or applicant violates the provisions of chapter 260-34 WAC, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. Before being granted a stay of the suspension, the

licensee or applicant must also agree to comply with the following conditions during the duration of the treatment program:

(i) Remain in compliance with the rehabilitation and/or treatment program.

(ii) Submit to random drug or alcohol testing at the discretion of the board of stewards or commission security investigators.

(iii) Have no violations of chapter 260-34 WAC.

Upon completion of the rehabilitation or treatment program, the licensee or applicant must provide documentation of completion to the board of stewards. Upon making a determination that the licensee or applicant successfully completed the rehabilitation or treatment program, the board of stewards may direct that the final disposition of the violation will be that the licensee or applicant completed a treatment program in lieu of suspension.

(b) If the board of stewards ~~((after a conference,))~~ finds that the licensee or applicant failed to comply with the conditions required in (a)(iii) of this subsection, the board of stewards ~~((has discretion to))~~ may impose the original suspension ~~((authorized by this rule)).~~ If the failure to comply with the conditions of the stay is a violation of chapter 260-34 WAC, the board of stewards may also hold a ruling conference for that rule violation and impose such penalty as is provided for that violation.

(9) Any licensee or applicant who tests positive (presumptive or confirmatory) for the presence of an illegal controlled substance is prohibited from performing any duties for which a license is required until the licensee does not test positive (presumptive or confirmatory) for the presence of any illegal controlled substance.

(10) Any licensee or applicant who is affected by intoxicating liquor or who has an alcohol concentration of 0.08 percent or higher is prohibited from performing any duties for which a license is required until the licensee is not affected by intoxicating liquor and his/her alcohol concentration is below 0.08 percent.

(11) Any licensee or applicant who has an alcohol concentration of 0.02 percent or higher while on horseback is prohibited from being on horseback until his/her alcohol concentration is below 0.02 percent.

AMENDATORY SECTION (Amending WSR 08-05-086, filed 2/15/08, effective 3/17/08)

**WAC 260-84-100 Furosemide penalties.** (1) Penalties will be assessed against any person found to be responsible or party to the improper administration of furosemide or failure to administer furosemide when required, in chapter 260-70 WAC ~~((as follows:)).~~

The penalties may include a fine not to exceed three hundred dollars. Multiple violations by an individual within a three hundred sixty-five day period may ~~((be referred to the commission for further action, which may))~~ include ~~((an))~~ additional fines, and/or suspension, or revocation of license.

(2) Equine medication violations from Washington and all recognized racing jurisdictions, will be considered when assessing penalties.

AMENDATORY SECTION (Amending WSR 08-05-086, filed 2/15/08, effective 3/17/08)

**WAC 260-84-120 Penalties relating to permitted medication.** (1) Should the laboratory analysis of serum or plasma taken from a horse show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules the following penalties will be assessed:

- (a) For a first offense within a three hundred sixty-five day period - Fine not to exceed \$300;
  - (b) For a second offense within a three hundred sixty-five day period - Fine not to exceed \$750;
  - (c) For a third offense within a three hundred sixty-five day period - Fine not to exceed \$1,000.
- (2) Should the laboratory analysis of serum or plasma taken from a horse show the presence of phenylbutazone in excess of the quantities authorized by this rule, the following penalties will be assessed:

Concentration	1st offense within 365 days	2nd offense within 365 days	3rd and subsequent offenses within 365 days
> 5.0 but < 6.5 mcg/ml	Warning	Fine not to exceed \$300	Fine not to exceed \$500
> 6.5 but < 10.0 mcg/ml	Fine not to exceed \$300	Fine not to exceed \$500	Fine not to exceed \$1000
> 10.0 mcg/ml	Fine not to exceed \$500	Fine not to exceed \$1000	Fine not to exceed \$2500 and possible suspension

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of a permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action, which may include a fine not to exceed three hundred dollars. Multiple violations by an individual within a three hundred sixty-five day period may ~~((be referred to the commission for further action, which may))~~ include ~~((an))~~ additional fines and/or suspension or revocation.

(5) In assessing penalties for equine medication, prior offenses will count regardless of whether the violation(s) occurred in Washington or another recognized racing jurisdiction, and regardless of the prior concentration level.

AMENDATORY SECTION (Amending WSR 08-05-086, filed 2/15/08, effective 3/17/08)

**WAC 260-84-130 Penalties for prohibited practices.** For a person or persons found to be responsible for violation of WAC 260-70-545, including the treating veterinarian, the following penalties will be assessed:

- (1) For violations of WAC 260-70-545, except WAC 260-70-545 (4)(b);
  - (a) For first offense - Thirty day suspension and \$1,000 fine;
  - (b) For second offense - Sixty day suspension and \$2,000 fine;
  - (c) For third offense - One year suspension, \$2,500 fine; and ~~((a mandatory referral to the commission))~~
  - (d) For subsequent offense(s) - Revocation of license and a \$2500 fine.
- (2) For violations of WAC 260-70-545(4), the person or persons found to be responsible for the violation, including the treating veterinarian ~~((will be suspended for one year, pay))~~ a \$2,500 fine and ~~((referred to the commission))~~ revocation of license.

**WSR 10-24-003**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**

[Filed November 18, 2010, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-125.

Title of Rule and Other Identifying Information: WAC 260-24-500 Racing officials.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on January 13, 2011, at 9:30 a.m.

Date of Intended Adoption: January 13, 2011.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by January 10, 2011.

Assistance for Persons with Disabilities: Contact Patty Sorby by January 10, 2011, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To clarify who is considered a racing official and any restrictions placed upon them. The proposed language is supported by stakeholders.

Reasons Supporting Proposal: The current WAC does not address which licensees are racing official assistants and if they may be dual licensed. The amendment clearly defines which licensees are racing officials or assistants and defines restrictions that may be placed on certain categories.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: [Horse racing commission], governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

November 18, 2010  
Douglas L. Moore  
Deputy Secretary

AMENDATORY SECTION (Amending WSR 08-05-088, filed 2/15/08, effective 3/17/08)

**WAC 260-24-500 Racing officials.** (1) Officials at a race meet include the following:

- (a) Stewards;
- (b) Racing secretary;
- (c) Assistant racing secretary;
- ~~(d)~~ (d) Horsemen's bookkeeper;
- ~~((e))~~ (e) Mutuel manager or designee;
- ~~((f))~~ (f) Official veterinarian(s);
- ~~((g))~~ (g) Horse identifier;
- ~~((h))~~ (h) Paddock judge;
- ~~((i))~~ (i) Starter;
- ~~((j))~~ (j) Assistant starters;
- (k) Security director, association;
- ~~((l))~~ (l) Commission investigator(s);
- ~~((m))~~ (m) Commission auditor;
- ~~((n))~~ (n) Clerk of scales;
- ~~((o))~~ (o) Jockey room supervisor;
- ~~((p))~~ (p) Film analyst;
- ~~((q))~~ (q) Clocker(s);
- ~~((r))~~ (r) Race timer;
- ~~((s))~~ (s) Paddock plater;
- ~~((t))~~ (t) Mutuel inspector;
- ~~((u))~~ (u) Outrider(s);
- ~~((v))~~ (v) Any other person designated by the commission.

(2) The association officials of a race meet will include but are not limited to: Racing secretary, mutuel manager, starter, horsemen's bookkeeper, association security director, jockey room supervisor and outrider(s).

(3) Eligibility:

- (a) To qualify as a racing official, the appointee must be:
  - (i) Of good character and reputation;
  - (ii) Familiar with the duties of the position and with the commission's rules of racing;
  - (iii) Mentally and physically able to perform the duties of the job; and
  - (iv) In good standing and not under suspension or ineligible in any recognized racing jurisdiction.

(b) To qualify for appointment as a steward the appointee must be an (~~Association of Racing Commissioners International~~) Racing Officials Accreditation Program-accredited steward, unless the appointee has been appointed as a substitute steward as provided in WAC 260-24-510, and be in good standing with all Association of Racing Commissioners International member jurisdictions. The commission may waive this accreditation requirement for Class C race meets.

(4) The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

(5) While serving in an official capacity, racing officials (~~and their assistants~~) may not:

(a) (~~Participate in the sale, purchase, or ownership of any horse racing at the meet, unless disclosed in advance and approved by the board of stewards;~~

~~(b))~~ Sell or solicit horse insurance on any horse racing at the meet;

~~((c))~~ (b) Be licensed in any other capacity without permission of the (~~executive secretary, or in case of an emergency, the permission of the~~) board of stewards;

~~((d))~~ Make a wager on the outcome of any horse race at a race meet under the jurisdiction of the commission; or

~~((e))~~ If the board of stewards approves a racing official to be licensed in any other capacity, the board of stewards may impose conditions that may include participating in the sale, purchase, claim, or ownership of any horse racing at the meet;

(c) Consume or be under the influence of alcohol and/or drugs while performing official duties.

(6) The following association officials are prohibited from wagering on the outcome of any horse race at the race meet under the jurisdiction of the commission:

(a) Stewards;

(b) Racing secretary;

(c) Assistant racing secretary;

(d) Starter;

(e) Assistant starters;

(f) Jockey room supervisor;

(g) Paddock plater;

(h) Outriders;

(i) Mutuel manager or designee.

(7) Racing officials (~~and their assistants~~) must immediately report to the stewards every observed violation of these rules.

~~((7))~~ (8) Complaints against officials:

(a) Any complaint against an association racing official other than a steward will be made to the board of stewards in writing and signed by the complainant. The presiding steward will report to the executive secretary the action taken or recommended by the board of stewards. The executive secretary will determine whether the matter will be referred to the commission. The board of stewards will notify the complainant, in writing, of the action taken or recommended;

(b) Any complaint against a commission racing official, including an association steward, will be made to the executive secretary. The executive secretary will, if able, notify the complainant in writing of the action taken(~~;~~).

~~((8))~~ (9) Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards may appoint a substitute for the absent steward. If a substitute steward is appointed, the presiding steward will notify the executive secretary and the association.

**WSR 10-24-004**

**PROPOSED RULES**

**HORSE RACING COMMISSION**

[Filed November 18, 2010, 8:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-14-006.

Title of Rule and Other Identifying Information: WAC 260-40-010 Nominations and scratches.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on January 13, 2011, at 9:30 a.m.

Date of Intended Adoption: January 13, 2011.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail dmoore@whrc.state.wa.us, fax (360) 459-6461, by January 10, 2011.

Assistance for Persons with Disabilities: Contact Patty Sorby by January 10, 2011, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarifies the racing secretary's ability to accept "conditional entries." The proposed language is supported by the stakeholders.

Reasons Supporting Proposal: The racing secretary has accepted entries that were placed "conditionally" and these were allowed to scratch from the race based on predetermined circumstances. The amendment places into rule that the racing secretary has the authority to allow these types of entries.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: [Horse racing commission], governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

November 18, 2010

Douglas L. Moore  
Deputy Secretary

AMENDATORY SECTION (Amending WSR 07-07-010, filed 3/8/07, effective 4/8/07)

**WAC 260-40-010 Nominations and scratches.** (1) A horse may not be considered nominated or scratched out of an engagement until the owner, trainer or designee provides written notice to the racing secretary before the time set by the association.

(2) For stake races, if a horse is not named through the entry box before the close of entries for that race, the horse is automatically out.

(3) If the validity of any nomination is alleged, the complainant must provide satisfactory proof of the error that is alleged; otherwise, the nomination will be accepted.

(4) Any owner, trainer, or designee who has entered a horse will be allowed the right to scratch the horse from the race entered prior to the published scratch time, until no fewer than eight interests remain in the race. If there are more

requests to scratch than are available, permission to scratch must be decided by lot. However, in all races involving the daily double, no entry may be scratched that would reduce the starting field to less than the number designated by the racing secretary, without permission of the board of stewards. No other entries will be excused as provided above except upon receipt of a veterinarian's certificate of unfitness, change of track conditions since time of entry or other causes acceptable to the board of stewards.

(5) The racing secretary is authorized to accept entries that will be allowed to scratch based upon predetermined conditions established by the racing secretary at entry time.

(6) All horses must be scratched by the designated scratch time set by the association, and consistent with subsection (1) of this section.

~~((6))~~ (7) If the racing secretary does not designate a scratch time, no horse will be allowed to scratch without permission of the board of stewards.

~~((7))~~ (8) The scratch of a horse out of an engagement is irrevocable.

### WSR 10-24-012

#### PROPOSED RULES

#### OLYMPIC REGION

#### CLEAN AIR AGENCY

[Filed November 18, 2010, 2:18 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Olympic Region Clean Air Agency (ORCAA) regulations, amendments to Rule 1.4 Definitions and Rule 6.2 Outdoor Burning.

Hearing Location(s): Olympic Region Clean Air Agency, 2940 B Limited Lane N.W., Olympia, WA 98502, on February 9, 2011, at 10:00 a.m.

Date of Intended Adoption: February 9, 2011.

Submit Written Comments to: Robert Moody, 2940 B Limited Lane N.W., Olympia, WA 98502, e-mail robert.moody@orcaa.org, fax (360) 539-7610, by February 4, 2011.

Assistance for Persons with Disabilities: Contact Dan Nelson by February 4, 2011, (360) 539-7610.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The focus of this proposal is to align ORCAA's Rule 6.2 Outdoor Burning with chapter 173-425 WAC. Language was simplified and clarified throughout this revision. The following definitions were deleted from Rule 1.4: "Open Fire," "Outdoor Burning," "Recreational Fire," "Silvicultural Burning" and "Urban Growth Area." Definitions from WAC 173-425-030 and the words "Burn Ban" and "Extinguish" were placed in Rule 6.2.2 Definitions. Changes from the existing rule and not specified in chapter 173-425 WAC include Rules 6.2.3, 6.2.4, and 6.2.8. Rule 6.2.3 included the entire city of Hoquiam as an area where residential and land clearing burning are not permitted. Under current regulations (WAC) a portion of the city is regulated as a high density area where burning is not allowed. The same rule does not apply to the remaining por-

tion of the city. To simplify education and enforcement issues, the city of Hoquiam requested they be listed as a no-burn area. Rule 6.2.4 was added to provide enforcement ability for the Thurston County residential outdoor burning permit program. Residential fires ignited in Thurston County during the summer burn ban would be illegal under this rule and subject to enforcement. Rule 6.2.8 was added to clarify the basis for denial or revocation of a burn permit issued by ORCAA.

Statutory Authority for Adoption: Chapter 70.94 RCW.  
Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: ORCAA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert Moody, 2940 B Limited Lane N.W., (360) 539-7610.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the Regulatory Fairness Act (chapter 19.85 RCW) because air pollution control authorities are not deemed state agencies (RCW 70.94.141).

A cost-benefit analysis is not required under RCW 34.05.328. Air pollution control authorities are not deemed to be state agencies (RCW 70.94.141).

November 18, 2010

Francea L. McNair

Executive Director

**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 11-01 issue of the Register.

## WSR 10-24-014

### PROPOSED RULES

### GAMBLING COMMISSION

[Filed November 18, 2010, 5:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-18-042.

Title of Rule and Other Identifying Information: WAC 230-06-060 Maintain copy of commission rules on business premises.

Hearing Location(s): State Investment Board, 2100 Evergreen Park Drive S.W., Olympia, WA 98504, on January 13 or 14, 2011, at 9:00 a.m. or 1:00 p.m. NOTE: Meeting dates and times are tentative. Visit our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) and select public meeting about ten days before the meeting to confirm meeting date/location/start time.

Date of Intended Adoption: January 13 or 14, 2011. NOTE: Meeting dates and times are tentative. Visit our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) and select public meeting about ten days before the meeting to confirm meeting date/location/start time.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail [SusanA@wsgc.wa.gov](mailto:SusanA@wsgc.wa.gov), fax (360) 486-3625, by January 1, 2011.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by January 1, 2011, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Staff proposes repealing the rule requiring licensees to maintain a current version of gambling rules on their licensed premises.

Reasons Supporting Proposal: **History of the Rule, WAC 230-06-060:** This rule has been in place since 1974.

We have been considering repealing this requirement or allowing internet access in lieu of a paper manual for the past few years.

Gambling rules and laws are available on-line by visiting our web site and selecting Rules and Laws, and on the Washington state legislative web site. With modern technology we are seeing more licensees with access to the internet.

At the April 2010 study session, we asked licensees in attendance if the [they] preferred to access rules on-line or have a paper manual. Most attendees were house-banked card rooms and stated they preferred to access rules on-line.

In addition, field agents and licensing staff surveyed approximately two hundred licensees and about half prefer to access rules on-line and half prefer a paper manual. The license class did not seem to impact whether the licensee preferred to access rules on-line or have a paper copy on premises.

We surveyed field agents and found a majority felt licensees should not be required to maintain internet access to access rules. When licensees have questions, they typically call their local field agent, rather than refer to their rules manual. We have also found that rules manuals are often still in the cellophane wrapper from when they were new and mailed to licensees.

We asked several other state regulatory agencies and found they do not distribute paper manuals to their licensees. The agencies included: Employment security, horse racing commission (HRC), liquor control board (LCB), fish and wildlife, lottery commission (lottery), department of financial institutions, and the department of health (DOH). All provide access to rules/laws on their web sites and many provide brochures for specific activities they regulate. HRC, LCB, lottery, and DOH licensees sign a form agreeing to comply with rules when they apply for a license.

#### Impact on Licensees:

**Opt-in for Paper Manual:** If this rule is repealed, we plan to publish an article in the Focus on Gambling newsletter notifying licensees that if they want a paper rules manual they need to notify us (call us or sign-up on our web site) by a certain date.

Repealing this rule would also be one less rule for licensees to comply with.

**New Paper Manuals:** We anticipate printing enough 2011 edition of the rules manuals to provide copies for staff, licensees that request a copy in advance (opt-in), and extra copies to distribute upon request.

**Licensee Newsletters:** We will continue to provide a summary update of rules under review and the WAC text of adopted rule changes in our Focus on Gambling newsletter.

The last gambling rules manuals was [were] published in January 2008. Rules manuals are published every three years



because of the large number of adopted rule changes. Updated rules are inserted into rules manuals, which over time, are more voluminous than the original rules manuals. Following the three year publication timeline, new manuals are due to be published the end of this year/first of next year.

The cost to publish and mail rules manuals is approximately \$30,000. About seven thousand manuals are produced at each publication. About four thousand are mailed directly to all licensees, except card room employees. The remaining are distributed during the next three years with new organizational licensees (approximately thirty-forty manuals each month). New manuals are not distributed to licensees when they renew their license.

Repealing this rule could potentially save the agency \$15,000 to \$20,000 when publishing the 2011 edition of the gambling rules manual, depending on how many licensees opt-in to receive a manual.

Repealing this rule is in-line with HB 2287 which passed in 2009 requiring agencies to develop and implement a paper conservation program with a goal of reducing current paper use.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not prepared because the proposed rule change does not impose more than minor costs, as defined in chapter 19.85 RCW, to licensees.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

November 22 [18], 2010

Susan Arland  
Rules Coordinator

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-06-060	Maintain copy of commission rules on business premises.
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### WSR 10-24-031 PROPOSED RULES HORSE RACING COMMISSION

[Filed November 22, 2010, 7:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-20-037.

Title of Rule and Other Identifying Information: WAC 260-32-010 Minimum requirements to obtain a jockey's license.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on January 13, 2011, at 9:30 a.m.

Date of Intended Adoption: January 13, 2011.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail [dmoore@whrc.state.wa.us](mailto:dmoore@whrc.state.wa.us), fax (360) 459-6461 by January 10, 2011.

Assistance for Persons with Disabilities: Contact Patty Sorby by January 10, 2011, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends the minimum age for which an individual can obtain a jockey's license from eighteen to sixteen. The proposed language is supported by the stakeholders.

Reasons Supporting Proposal: ARCI model rules recommended in 2005 that the age limit be moved from sixteen to eighteen. The Washington horse racing commission adopted the recommendation, but virtually no other jurisdictions have made the change. This has put Washington at a disadvantage in utilizing capable young talent as jockeys as they simply move to other states to begin their careers.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: [Horse racing commission], governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

November 22, 2010  
Douglas L. Moore  
Deputy Secretary

AMENDATORY SECTION (Amending WSR 06-07-065, filed 3/10/06, effective 4/10/06)

**WAC 260-32-010 Minimum requirements to obtain a jockey's license.** In order to obtain a jockey license a person must meet the following minimum requirements:

- (1) Be at least (~~eighteen~~) sixteen years of age; and
- (2) Be engaged by a trainer to ride in a race.

**WSR 10-24-035**  
**PROPOSED RULES**

**BELLINGHAM TECHNICAL COLLEGE**

[Filed November 22, 2010, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-20-031.

Title of Rule and Other Identifying Information: Chapter 495B-120 WAC, Student code of conduct and WAC 495B-116-150 Vehicle parking permits.

Hearing Location(s): Bellingham Technical College, G Building, Conference Room A, 3028 Lindbergh Avenue, Bellingham, WA 98248, on January 11, 2011, at 3:15 p.m.

Date of Intended Adoption: January 20, 2011.

Submit Written Comments to: Ronda Laughlin, 3028 Lindbergh Avenue, Bellingham, WA 98248, e-mail rlaughlin@btc.ctc.edu, fax (360) 752-7134, by January 11, 2011.

Assistance for Persons with Disabilities: Contact Sue Kerrick-Degnan by January 7, 2011, TTY (360) 725-8515 or (360) 752-8367.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To update wording to accurately reflect acceptable conduct on campus by students and visitors; job titles; and disciplinary authority and appeal procedures. Also to clarify parking permits.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 28B.50.130.

Statute Being Implemented: RCW 28B.50.130.

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

Name of Proponent: Bellingham Technical College, governmental.

Name of Agency Personnel Responsible for Drafting: Ronda Laughlin, College Services, Room 213, (360) 752-8334; Implementation and Enforcement: Richard Meier, College Services, Room 206, (360) 752-8440.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendments to this rule do not have an economic impact to small business.

A cost-benefit analysis is not required under RCW 34.05.328. There is [are] not [no] costs imposed with the amendments to this rule.

November 22, 2010  
 Patricia L. McKeown  
 President

AMENDATORY SECTION (Amending WSR 05-06-011, filed 2/18/05, effective 3/21/05)

**WAC 495B-116-050 Vehicle parking permits.** ~~((+)) All part-time and full-time employees of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for day classes, in accordance with WAC 495B-116-040.~~

~~((2))~~ With the exception of visitor, as defined in WAC 495B-116-060, all persons parking in permit restricted areas on the campus shall secure and display a currently valid parking permit.

**Chapter 495B-120 WAC**

**~~((STUDENT))~~ CAMPUS CONDUCT CODE**

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-010 Definitions.** The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Bellingham Technical College.

(2) "College" means Bellingham Technical College.

(3) ~~((("Liquor")))~~ "Alcohol" or "alcoholic beverages" means the definition of liquor as contained within RCW 66.04.010 as now law or hereinafter amended.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50-201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary officials" means the ~~((hearing))~~ disciplinary committee as denominated in WAC 495B-120-170, the ~~((dean))~~ vice-president of student services, the vice-president ~~((for))~~ of instruction, and the president.

(8) "Student" means a person who is enrolled at the college.

(9) "Disciplinary action" means the reprimand, disciplinary warning, probation, ~~((expulsion,)) summary suspension, deferred suspension, suspension, or ~~((reprimand)) expulsion~~~~ of a student under WAC 495B-120-120 for the violation of a rule adopted in this chapter.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-020 Statement of purpose.** (1) Bellingham Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs ~~((will be dealt with))~~ may be applied by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

(4) The rules and regulations prescribed in this title shall be observed by guests and visitors while on campus, at all college functions and events, and on or within any other college-controlled or college-owned property.

Guests and visitors who willfully refuse to obey college security or other duly designated college authorities to desist from conduct prohibited by such rules and regulations may be ejected from the premises. Refusal to obey such an order may subject the person to arrest under the provisions of the Washington criminal trespass law, in addition to such other sanctions as may be applicable.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-030 Jurisdiction.** All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is on campus or is engaged in or present at a college-related activity whether occurring on or off college facilities.

AMENDATORY SECTION (Amending WSR 97-11-014, filed 5/9/97, effective 6/9/97)

**WAC 495B-120-035 Hazing.** (1) Bellingham Technical College prohibits college-sponsored organizations(~~(:)~~) or associations (~~((or living groups))~~) and their members from engaging individually or collectively in hazing activities.

(2) Hazing is defined as any method of initiation into a student organization(~~(:)~~) or association (~~((or living group))~~) or any pastime or amusement engaged in with respect to such an organization or (~~(living group))~~ association that causes(~~(:)~~) or is likely to cause(~~(:)~~) bodily danger or physical harm(~~(:)~~) or serious mental or emotional harm(~~(:)~~) to any student or other person attending any institution of higher education or post-secondary institution. "Hazing" does not include customary athletic events or other similar contests or competitions.

(3) Penalties.

(a) Any organization(~~(:)~~) or association (~~((or student living group))~~) that knowingly permits hazing shall:

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

(ii) Be denied recognition by Bellingham Technical College as an official organization(~~(:)~~) or association (~~((or student living group))~~) on the Bellingham Technical College campus. If the organization(~~(:)~~) or association (~~((or student living group))~~) is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) The (~~(student))~~ campus conduct code, WAC 495-120-040 through 495-120-150, may be applicable to hazing violations.

(c) Members of student organizations(~~(:)~~) or associations (~~((or living groups))~~) who participate in or conspire to participate in hazing activities will be subject to appropriate college disciplinary actions in accordance with the (~~(student))~~ campus conduct code.

(d) Other disciplinary actions for individuals of student organizations(~~(:)~~) or associations (~~((or living groups))~~) participating in hazing activities may include forfeiture of any enti-

tlement to state-funded grants, scholarships or awards for a period of time determined by the college.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(i) Impermissible conduct associated with initiation into a student organization(~~(:)~~) or association (~~((or living group))~~) or any pastime or amusement engaged in, with respect to the organization(~~(:)~~) or association (~~((or living group))~~), will not be tolerated.

(ii) Impermissible conduct (~~((which))~~) that does not amount to hazing may include conduct (~~((which))~~) that causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(iii) Impermissible conduct not amounting to hazing is subject to any sanctions available under the (~~(student))~~ campus conduct code(~~(:)~~) in WAC 495-120-040 through 495-120-150, depending upon the seriousness of the violation.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-040 Student misconduct.** Disciplinary action may be taken for a violation of any provision of this (~~(student))~~ campus conduct code, for a violation of other college rules (~~((which))~~) that may from time to time be properly adopted, or for any of the following types of misconduct including, but not limited to:

(1) Smoking is prohibited (~~((in all buildings and other areas so posted by college officials))~~) on campus except in designated smoking areas;

(2) The possession, use, being demonstrably under the influence of, sale, or distribution of any alcoholic beverage or illegal drug on the college campus (~~((is prohibited-))~~) and/or the use of any alcoholic beverage or illegal drug(~~((s by any student))~~) while attending a college-sponsored event (~~((is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on nonecollege property shall conform to state law))~~) on or off campus. Alcoholic beverages may be permissible, however, at sanctioned events where consumption of alcohol is approved by the president or designee in compliance with state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) (~~((Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;))~~) Presenting an imminent danger to staff, other students, or community members in college facilities on or off campus or while attending a college-sponsored event on or off campus;

(5) Engaging in academic dishonesty(~~(:)~~) including, but not limited to, cheating, plagiarism, or knowingly furnishing false information to the college;

(6) Willful failure or demonstrated inability to comply with (~~(school))~~ college standards (~~((regarding academic progress and attendance as set forth in the application for enrollment))~~);

(7) ~~((The intentional))~~ Intentionally making ~~((of))~~ false statements or filing ~~((of))~~ false charges against the college and/or members of the college community;

(8) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(9) ~~((Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;))~~ Intentional or negligent damage to or destruction of any college facility, equipment, or other private real or personal property;

(10) ~~((Failure))~~ Failing to comply with the direction of college officials acting in the legitimate performance of their duties;

(11) ~~((Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property;~~

~~((Sexual harassment.))~~ Carrying, exhibiting, displaying, or drawing any weapon (e.g., firearm, club, dagger, sword, knife, or other cutting or stabbing instrument), or incendiary device or explosive, or any facsimile weapon, or any other weapon apparently capable of producing bodily harm and/or property damage is prohibited on or in college-owned or college-operated facilities and premises and/or during college-sponsored events;

(12) Computer, telephone, or electronic technology violations. Conduct that violates the college-published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the internet;

(13) Engaging in unwelcome sexual advances, requests for sexual favors, and/or any other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance;

(14) Assault on, reckless endangerment of, intimidation of, or interference with another person;

(15) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or obstructs or disrupts teaching, research, or administrative functions;

(16) Failure to follow instructions. Inattentiveness, inability or failure to follow instructions of a college official, thereby infringing upon the rights and privileges of others;

(17) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of or related to that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability;

(18) Theft and robbery. Theft of the property of the college or of another as defined in the RCW 9A.56.010 through 9A.56.050 and 9A.56.100 as now law or hereafter amended. Includes theft of the property of the college or of another: actual or attempted theft of property or services belonging to the college, any member of its community, or any campus visitor; or knowingly possessing stolen property;

(19) Criminal law violations, illegal behavior, other unlawful violations. Any person can be reported to proper authorities for acts that constitute violations of applicable local, state, and federal laws;

(20) Violation of other published college policies, rules, or regulations.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-050 Civil disturbances.** In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs (1) and (2) above will be subject to disciplinary action and may be referred ~~((to the authorities))~~ for prosecution.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-060 Free movement on campus.** The president is authorized ~~((in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the dean of student services or any other person he may designate))~~ to prohibit the entry of or to withdraw the privileges of any person or group of persons to enter onto or remain upon any portion of the college campus if he/she deems that an individual or a group of individuals disrupts the ingress or egress of others from the college facilities. The president may act through the vice-president of student services or any other person he/she may designate.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-070 Right to demand identification.** For the purpose of determining whether probable cause exists for the application of any section of this code to ~~((any behavior by))~~ any person on ~~((a))~~ the college ((facility)) campus or at a college-sponsored event off campus, any college personnel or other authorized personnel may demand that any person on the college ((facilities)) campus or at a college-sponsored event off-campus produce evidence of student enrollment at the college.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-080 Academic dishonesty/classroom conduct.** (1) Academic dishonesty~~((:))~~. Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

~~((a))~~ ~~((It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.~~

~~((b))~~ Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

~~((c))~~ ~~((b))~~ Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in ~~((subparagraph (b) above))~~ subsection (a) of this section, shall be subject to disciplinary action.

~~((d))~~ ~~((c))~~ This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(2) Classroom conduct~~((:))~~. Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course~~((:))~~, provided that~~((:))~~ a student shall have the right to appeal ~~((such))~~ the disciplinary action ((to the dean of student affairs)) through the discipline appeal procedure (WAC 495B-120-180, discipline appeal procedure).

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-090 Campus speakers.** (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the

college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution ~~((which prohibits))~~ regarding religious worship, exercise, or instruction on state property.

(2) In order to ~~((insure))~~ ensure an atmosphere of open exchange and to ~~((insure))~~ ensure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting~~((, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor))~~ including, but not limited to, the time, the manner, and the place for the conduct of such a meeting. Likewise, the president may ~~((encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings))~~ require permission for comments and questions from the floor and/or may encourage the appearance of one or more additional speakers at a meeting or at a subsequent meeting so that other points of view may be expressed.

(3) A free speech area shall be designated by the college president and can be reserved by student groups and student organizations through the office of the vice-president of student services.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-100 Distribution of information.** (1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge by any student or students, or by members of recognized student organizations at locations specifically designated by the vice-president of ~~((instruction))~~ student services, provided such distribution does not interfere with the ingress or egress of persons or interfere with the instructional process or the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the vice-president of ~~((instruction))~~ student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution must not interfere with the instructional process or the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-110 Commercial activities.** (1) College facilities will not be used for a commercial solicitation,

advertising or promotional activities except when such activities clearly serve educational objectives(;) including, but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college(;) or the student association if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 495B-120-100.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-120 Disciplinary process.** (1) Any infractions of college rules may be referred by any college faculty or staff member to the (~~dean~~) vice-president of student services or ((in his or her absence the vice-president for instruction)) a designee. That official shall then follow the appropriate procedures for any disciplinary action (~~which~~) that he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken (~~by an instructor or faculty member~~) pursuant to the provisions in WAC 495B-120-180.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of (~~these rules~~) the disciplinary rules as defined in WAC 495B-120-130. If the student concludes that any sanction(~~s~~) imposed (~~are~~) is inappropriate, the student may appeal (~~to the student disciplinary committee~~).

(~~3~~) If a referral or an appeal is made to the student disciplinary committee, the committee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college.

(~~4~~) The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the student disciplinary committee. The decision of the president is final) the sanction pursuant to the provision in WAC 495B-120-180.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-130 Disciplinary terms.** The definitions set forth in this section apply throughout WAC 495B-120-135 through 495B-120-200.

(1) "Disciplinary warning" means oral notice of violation of college rules.

(2) "Reprimand" means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will

result in one or more serious disciplinary actions described below.

(3) "Disciplinary probation" means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period (~~which~~) that may extend to graduation or other termination of the student's enrollment in the college.

(4) "Summary suspension" means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days (~~which~~) that occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself, or to other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) "Deferred suspension" means notice of suspension from the college with the provision that the student may remain enrolled contingent on meeting a specified condition. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(6) "Suspension" means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(~~6~~) (7) "Expulsion" means dismissal from the college and termination of student status for an indefinite period of time or permanently for violation of college rules or for failure to meet the college standards of conduct (~~for an indefinite period of time or permanently~~).

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-135 Refunds and access.** (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct (~~which~~) that disrupted the orderly operation of the campus or any facility of the (~~district~~) college may be denied access to all or any part of the campus or other (~~district~~) college facility.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-140 Readmission after suspension or expulsion.** Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed

for readmission, the student may be readmitted following approval of a written petition submitted to the ~~((dean))~~ vice-president of student services. Such petition must state reasons ~~((which))~~ that support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

**AMENDATORY SECTION** (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-150 Reestablishment of academic standing.** Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495B-120-120 and 495B-120-130 and whose suspension upon appeal ~~((is found to have been unwarranted))~~ has been overturned pursuant to the appeal procedure set forth in WAC 495B-120-180 shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

**AMENDATORY SECTION** (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-160 Disciplinary authority of the ~~((dean))~~ vice-president of student services ~~((and vice-president for instruction))~~.** (1) The ~~((dean))~~ vice-president of student services ~~((, in his or her absence, the vice president for instruction of the college,))~~ a designee is responsible for initiating disciplinary proceedings for infractions of rules. The ~~((dean))~~ vice-president of student services ~~((or, in his or her absence, the vice president for instruction,))~~ may delegate this responsibility to members of ~~((their))~~ his/her staff and/or ~~((they may also))~~ establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial ~~((conference))~~ meeting or hearing of the several sanctions that may be ~~((involved))~~ applied for the misconduct.

(3) After considering the evidence in a case and interviewing the student or students involved, the ~~((dean))~~ vice-president of student services ~~((, or in his or her absence, the vice president for instruction,))~~ or a designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Directly impose any of the disciplinary sanctions ~~((directly))~~ that are outlined in WAC 495B-120-130, subject to the student's right of appeal ~~((as described in this chapter))~~ pursuant to WAC 495B-120-180. The student shall be notified in writing of the action taken except ~~((that))~~ where the disciplinary warning ~~((s may be))~~ is given verbally;

(d) Refer the matter to the student disciplinary committee for appropriate action (WAC 495B-120-170). The student shall be notified in writing that the matter has been referred to the committee.

(4) This section shall not be construed as preventing the appropriate official, as set forth in subsection (1) of this section, from summarily suspending a student. In the event of summary suspension, the student will be given oral or written notice of the charges, an explanation of the evidence, and an informal opportunity to present his or her side of the matter. ~~((The student will also be given an opportunity to invoke the formal hearing process set forth in this chapter.))~~ The student may elect, as well, to utilize the appeal procedures pursuant to WAC 495B-120-180.

#### **NEW SECTION**

**WAC 495B-120-165 Summary suspension.** The vice-president of student services or a designee may summarily suspend any student from the college if the vice-president has reason to believe that the student presents a danger either to self or to others on the college campus, threatens campus safety, or severely disrupts the educational process. The summary suspension procedure provides an emergency method of suspension for purposes of investigation, reviewing the impact on the campus community due to serious infraction of student behavior standards, or removing a threat to the safety and well-being of the college community.

(1) Initial summary suspension proceedings. If the vice-president of student services believes it is necessary to exercise the authority to summarily suspend a student, the vice-president shall notify the student of the alleged misconduct and violation(s) of the campus conduct code.

(a) This notification may initially be given orally, but written notification shall be sent by certified and regular mail to the student's last known address or shall be personally served.

(b) The notice shall be entitled "Notice of Summary Suspension Proceedings" and shall state:

(i) The charges against the student, including the reference to the law and/or code of conduct;

(ii) The specified date, time, and location that the student must appear before the vice-president for a hearing, which shall be held as soon as practical after the summary suspension;

(iii) A warning that the student shall be considered trespassing and that the police will be called if the student enters the college campus other than to meet with the vice-president of student services or to attend the disciplinary hearing described in subsection (2) of this section.

(2) Emergency procedure. The summary suspension procedure shall not prevent faculty members or college officials from taking reasonable summary action to maintain order if they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or where the student's conduct seriously disrupts the educational process. The faculty member or college official should immediately bring the matter to the attention of the vice-president of student services for appropriate disciplinary action.

(3) Procedures of summary suspension hearing.

(a) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon

as possible and the vice-president of student services will preside over the meeting.

(b) The vice-president of student services shall, at a summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(4) Decision by the vice-president of student services. The vice-president of student services may continue to enforce the suspension of the student from the college and may impose any other disciplinary action that is appropriate if the vice-president finds probable cause to believe that:

(a) The student against whom specific violations are alleged has actually committed one or more such violations; and

(b) Summary suspension of the student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) The violation or violations constitute grounds for disciplinary action.

The vice-president of student services is authorized to enforce the suspension in the event the student has been served according to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-170 Student disciplinary committee.**

(1) The student disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or appealed to it by students. The committee will be appointed by the president of the college or a designee and shall be composed of ~~((the following persons:~~

~~(a) An administrator appointed by the president of the college or a designee;~~

~~(b) Two members of the faculty, appointed by the college president or a designee;~~

~~(c) Two representatives from the student council, appointed by the college president or a designee;~~

~~(d) A counselor appointed by the college president or a designee))~~ one administrator, two members of the faculty, two representatives from the student council, and one counselor.

(2) None of the above-named persons shall sit on any case in which he or she is a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the college president or a designee. The disciplinary committee chairperson will be elected by the members of the disciplinary committee.

(3) ~~((The committee may decide that the student involved:))~~ After conducting its investigation, the disciplinary committee will recommend to the proper authority that the student in question:

(a) Be given a disciplinary warning; or

(b) Be given a reprimand; or

(c) Be placed on disciplinary probation; or

(d) ~~Be placed on deferred suspension; or~~

(e) Be given a suspension; or

~~((f))~~ (f) Be expelled; or

~~((g))~~ (g) Be exonerated with all proceedings terminated and with no sanctions imposed; and/or

~~((h))~~ (h) Be disqualified from participation in any (school-sponsored) college-sponsored activities.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-180 ~~((Procedural guidelines:))~~ Discipline appeal procedure.** ~~((1) The student, if he or she wishes to appeal, has a right to a fair and impartial hearing before the committee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.~~

~~(2) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.~~

~~(3) The student or his or her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The rules of evidence need not be applied at this hearing. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.~~

~~(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.~~

~~(5) The student may be represented by counsel and/or accompanied by an advisor of his choice.~~

~~(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the chairperson of the committee may exclude such persons from the hearing room.~~

~~(7) A majority of the committee shall set the time, place and available seating capacity for a hearing.~~



(8) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the committee. The student will also be advised of his or her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation is sent to the parents or guardian of the student.

(11) The committee chairman shall establish general rules of procedures for conducting hearings consistent with these procedural guidelines.

(12) The president of the college or a designated representative, after reviewing the case, including the report of the committee and any statement filed by the student, shall either indicate his approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing its decision. He or she shall then notify the official who initiated the proceedings, the student and the committee chairperson.)) Any disciplinary action taken resulting from the student disciplinary committee's recommendations as described in WAC 495B-120-170 may be appealed following the process outlined below.

(1) The student may file an appeal using the appropriate forms. (An appointment must be made with the vice-president of student services or designee to obtain the necessary form and information.)

(2) Appeals must be filed with the vice-president of student services or a designee.

(3) Appeals must be filed within ten calendar days of the college giving notice of the disciplinary action. The date of notification shall be deemed to be the date the notice is mailed by the college to the student.

(4) The vice-president of student services or a designee will monitor the appeal process.

(5) The student will receive acknowledgment of the filing of a formal appeal. The student may withdraw the appeal at any point during the formal procedure. The vice-president of student services or a designee will notify all parties involved.

(6) An appeal committee will be appointed annually by the college president and will consist of five individuals representing the various college constituencies. The committee will be made up of one administrator, two faculty members, and two support staff members. The complainant may request student representation on the committee. If requested, the president may select two students to substitute for a like number of existing members of the committee. Members of the committee will remove themselves from the

process if they deem themselves biased or personally interested in the outcome of the appeal.

(7) The committee will review the appeal and all other documentation related to the incident and the resulting discipline. They may request further investigation if facts warrant the need to do so. The vice-president of student services or a designee will serve as the investigating officer.

(8) If an investigation is ordered, the investigating officer will:

(a) Meet with the student and the staff member(s) who initiated the discipline;

(b) Examine documentation and interview witnesses;

(c) Consult with the appropriate vice-president or equivalent unit head and/or other appropriate administrator; and

(d) Prepare a written investigative report.

(9) After a full review, the committee's decision will be limited to one of the following statements:

(a) "Based on the evidence presented to us, we find probable cause for believing that an improper or unfair disciplinary decision or act has been committed"; or

(b) "Based on the evidence presented, we find no probable cause for believing that an improper or unfair disciplinary decision or act has been committed."

The committee will make its report in writing to the vice-president of student services or a designee. The deliberations of the committee will not be disclosed to anyone except the vice-president of student services or a designee who will hold them confidential.

(10) If no probable cause is found, the matter will be considered concluded. However, the student may submit a written appeal to the president within ten calendar days from the date the decision is made. The appeal must specify in detail what findings, recommendations, or other aspects of the decision were not acceptable. The appeal should also include what corrective action the student desires after consideration of the appeal by the president. The president may uphold the decision of the committee, and at that point no further appeals within the college will be considered. Or, the president may instruct the committee to go forward with an appeal hearing.

(11) If probable cause is found, a hearing will be held.

(a) The committee will select a chair. The chair of the committee will establish a date for the hearing. A notice establishing the date, time, and place of the hearing will be provided to all involved parties.

(b) The hearing will be held within thirty calendar days from the time of the hearing notice. The date of notification shall be deemed to be the date the notice is mailed by the college to the student.

(c) The student will have the privilege to challenge one member of the committee without cause (stated reason). Unlimited challenges may be issued if it is felt that a member of the committee is biased. In the case of a challenge for bias, a majority of the committee members must be satisfied that a challenged member cannot hear the case impartially before the member can be disqualified. In the case of removal of a member through the challenge process, the president will restore the committee to full membership.

(d) The hearing will be conducted as expeditiously as possible and on successive days, if possible.

(e) The student and any others the committee deems necessary to the proceedings will make themselves available to appear at the proceeding unless the individual can verify to the committee that their absence is unavoidable.

(f) The student will be permitted to have with him/her a party of his/her own choosing to act as advisor and counsel. The hearing may be monitored by the assistant attorney general assigned to the college.

(g) The hearing will be closed to all except those persons directly involved in the case as determined by the committee. Statements, testimony, and all other evidence given at the hearing will be confidential and will not be released to anyone and may be used by the committee only for the purpose of making its findings and recommendations to the president.

(h) The chair of the committee will convene and regulate the proceeding. The student, identified staff, and the members of the hearing panel must be present during the proceeding unless excused by the chair for good cause. Repeated failure, without reasonable explanation, of either the student or identified staff to appear will be grounds for defaulting that party's case. The student will have the burden of presenting the case and staff will have the burden of challenging the evidence presented.

(i) All parties will have the opportunity to present evidence, respond to evidence presented, and examine and cross examine witnesses.

(ii) The hearing committee will be empowered to examine witnesses and receive evidence; exclude any person(s) felt to be unreasonably disruptive of the proceedings; hold conferences for the settlement of the issues involved; make decisions or proposals for decisions; and take any other actions authorized by the rule consistent with this procedure.

(iii) No individual will be compelled to divulge information in any form that he/she could not be compelled to divulge in or in connection with court proceedings.

(i) Any legal opinion or interpretation given to the committee by the parties may be shared with all parties to the case.

(j) The committee will file its findings and recommendations with the president, the vice-president of student services, the student, and involved staff after the conclusion of the hearing. If the findings and recommendations of the committee are acceptable to the student, the president may direct implementation of the recommendations.

(12) If the student objects to the findings and recommendations and wishes to appeal, a written appeal may be submitted to the president within ten calendar days from the date the finding is issued. The appeal must specify in detail the findings, recommendations, or other aspects of the report or decision that are not acceptable. The appeal should also include what corrective action the student desires after consideration of the appeal by the president.

(13) After considering an appeal, the president will issue a written decision to the parties involved. The decision of the president will be final and no further appeals within the college will be considered.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-120-190 ((Appeals-)) Reporting.** ((Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the dean of student services within ten calendar days of the college's giving of the notice of the disciplinary action. Notice to the student of the disciplinary action shall be deemed complete when the final, written decision is either personally served, or is posted by either certified or registered mail to the address of record as maintained in the enrollment office.

(1) Disciplinary action by a faculty member or other college staff member may be appealed to and, if appealed, shall be reviewed by, the dean of student services, or in his or her absence, the vice president for instruction.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to and, if appealed, shall be reviewed by the student disciplinary committee.

(3) Disciplinary action by the student disciplinary committee may be appealed to and, if appealed, shall be reviewed by the college president or a designee.

(4) Disciplinary action by the president or designee shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. The decision of the president or his or her designee shall be final.) Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as is reasonably possible, for five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 495B-120-200	Reporting, recording and maintaining records.
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**WSR 10-24-036  
PROPOSED RULES  
HORSE RACING COMMISSION**

[Filed November 22, 2010, 1:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-15-056.

Title of Rule and Other Identifying Information: WAC 260-40-180 Horse on veterinarian's list and 260-70-580 Veterinarian's list.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98002, on January 13, 2011, at 9:30 a.m.

Date of Intended Adoption: January 13, 2011.

Submit Written Comments to: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail [dmoore@whrc.state.wa.us](mailto:dmoore@whrc.state.wa.us), fax (360) 459-6461, by January 10, 2011.

Assistance for Persons with Disabilities: Contact Patty Sorby by January 10, 2011, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends the time-frame for horses placed on the veterinarian's list for those horses that are not required to work. Due to the changes in entry schedule, the amendment would provide consistency for all horses placed on the veterinarian's list. Stakeholders support these amendments.

Reasons Supporting Proposal: When the original WAC was adopted entry time was forty-eight hours prior to racing, for various reasons the entry schedules now can range from three to seven days prior to racing. By changing the WAC for horses not required to work it would reinstate the intent of the original rule, horses not required to work could not race prior to thirteen days after being placed on the veterinarian[s] list.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: [Horse racing commission], governmental.

Name of Agency Personnel Responsible for Drafting: Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

November 22, 2010

Douglas L. Moore  
Deputy Secretary

AMENDATORY SECTION (Amending WSR 07-07-010, filed 3/8/07, effective 4/8/07)

**WAC 260-40-180 Horse on veterinarian's list.** A horse on the veterinarian's list (~~(may not be)~~) must comply with WAC 260-70-580 prior to being entered, or ((start)) starting in a race.

AMENDATORY SECTION (Amending WSR 07-07-036, filed 3/12/07, effective 4/12/07)

**WAC 260-70-580 Official veterinarian's list.** (1) An official veterinarian will maintain a list of all horses determined by an official veterinarian to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or other medical condition.

(2) A horse may be removed from the veterinarian's list when an official veterinarian determines the horse is capable of competing in a race.

(a) Horses placed on the veterinarian's list that are required to work prior to being removed from the list will remain on the list for a minimum of ten days. (For purposes of counting days, the first day is the day the horse is placed on the veterinarian's list.)

(b) (~~(After the tenth day, an owner or trainer may request a horse be removed from the veterinarian's list.)~~) Horses that must work to be removed from the veterinary list due to soreness, lameness, or certain injuries will be allowed to work no sooner than the eleventh day after being placed on the list.

(i) Works should be scheduled with an official veterinarian twenty-four hours in advance.

(ii) Horses must work a minimum distance to be determined by an official veterinarian in a time comparable for the track condition that day.

(iii) A blood test will be taken by an official veterinarian following the workout and medications levels may not exceed permitted post-race levels.

(c) Horses placed on the veterinarian's list that are not required to work may not race for a minimum of thirteen days from the date placed on the list. (For purposes of counting days, the first day is the day the horse is placed on the veterinarian's list.)

## WSR 10-24-039

### PROPOSED RULES

### BOARD OF ACCOUNTANCY

[Filed November 23, 2010, 12:32 p.m.]

Supplemental Notice to WSR 10-18-090.

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

Title of Rule and Other Identifying Information:

- Amend and decodify WAC 4-25-640 What are the requirements concerning records and clients confidential information?
- New WAC 4-30-051 What are the requirements concerning client records, including response to requests by clients and former clients for records?
- Amend and decodify WAC 4-25-670 What enforcement actions must be reported to the board?

Hearing Location(s): Washington State Criminal Justice Training Commission, Classroom # C-220, 19010 First Avenue South, Burien, WA 98148, on January 27, 2011, at 9:00 a.m.

Date of Intended Adoption: January 27, 2011.

Submit Written Comments to: Cheryl M. Sexton, Rules Coordinator, P.O. Box 9131, Olympia, WA 98507-9131, e-mail [cheryls@cpaboard.wa.gov](mailto:cheryls@cpaboard.wa.gov), fax (360) 664-9190, by January 18, 2011.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by January 20, 2011, TTY (800) 833-6384 or (360) 664-9194.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

WAC Section:	The Suggested Revision:	New WAC Section:	Grouping
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> <p>Revisions to original proposal heard October 29, 2010: None.</p>	4-30-050	Ethics and Prohibited Practices
New	<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> <li>• Conforms rule to AICPA Rule 501.</li> </ul> <p>Changes to original proposal heard October 29, 2010:</p> <ul style="list-style-type: none"> <li>• Subsection (1)(a) - deleted "or prepared by" Reason: To conform to the wording of AICPA Rule 501. This wording also created some confusion relating to client prepared analytical schedules that should be considered proprietary.</li> <li>• Subsection (1)(c) - included", closing, combining or consolidating" after "adjusting" in the second sentence. Deleted "depreciation and amortization schedules, schedules supporting general ledger accounts, and other schedules supporting data in a report or tax return" in the second sentence. Added "that are" prior to "produced" in the second sentence. Reason: To conform to the wording of Rule 501. The additional schedules were previously included to help provide clarification. They did not produce that result.</li> <li>• Subsection (1)(d) - deleted "and" prior to the word "analysis" and added "," after analysis, and replace [replaced] "other proprietary programs prepared by" with "schedules prepared by the client at the request of the." Reason: To conform to the wording of Rule 501. The other terminology was previously included to help provide clarification. It did not produce the desired result.</li> </ul>	4-30-051	Ethics and Prohibited Practices

WAC Section:	The Suggested Revision:	New WAC Section:	Grouping
	<ul style="list-style-type: none"> <li>• Subsection (2)(a) - changed the word "should" to "must." Reason: Although AICPA Rule 501 states that such records "should" be returned to the client, current WAC 4-25-640 states in subsection (5) that such records "must" be returned to the client. Conforming to Rule 501 would delete the protection currently provided to Washington citizens under the existing WAC and would not be in the public interest.</li> <li>• Subsection (2)(b) - changed the word "should" to "must." Reason: See above.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Subsection (2)(c) - changed the word "should" to "must." Reason: See above.</li> <li>• Subsection (4) - renumbered as (d) under subsection (2). Also deleted "in technologically based electronic formats (or technologically based electronic systems protected by copyright)" and replaced "every" with "a" prior to the word "reasonable" and deleted "technologically based electronic" in the first sentence. Also deleted the second sentence. Reason: Licensees found the references to electronic format and the definition of "reasonable" in the second sentence to be confusing. The remaining language in this section provides a clearer attempt to demonstrate the intent of the rule in protecting the public interest from punitive transition costs and allow them to prepare future reports prepared on a basis consistent with prior years.</li> <li>• Subsection (5) - renumbered to subsection (4). Also replaced "client records" with "records indicated in (1)(a), (1)(b) and (1)(c)." Reason: The use of the term "client records" inadvertently created a new term that was not defined. This change makes it clear which previously defined records are being referenced.</li> <li>• Subsection (6) - deleted. Reason: Wording in the Subsection was in conflict with other sections of the proposed WAC. It also created confusion with respect to which records are subject to client access.</li> <li>• Subsection (7) - renumbered as subsection (5). Reason: Changes to prior subsections.</li> <li>• Subsection (8) - renumbered as subsection (6). Reason: Changes to prior subsections.</li> <li>• Subsection (9) - renumbered as subsection (7). Reason: Changes to prior subsections.</li> <li>• Subsection (7)(b) - renumbered as (7)(c). Reason: See next change below.</li> </ul>		

WAC Section:	The Suggested Revision:	New WAC Section:	Grouping
	<ul style="list-style-type: none"> <li>• New Subsection (7)(b) - Added "Provide the requested records in any format usable by the client." Reason: This language is included in Rule 501. Adding it to the WAC conforms the WAC to AICPA Rule 501.</li> <li>• Subsection (10) - renumbered as subsection (8). Reason: Changes to prior subsections.</li> <li>• Subsection (11) - renumbered as subsection (9). Reason: Changes to prior subsections.</li> <li>• Subsection (12) - renumbered as subsection (10). Reason: Changes to prior subsections.</li> </ul>		
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). Revisions to original proposal heard October 29, 2010:</li> <li>• Deletes subsection (2) to remove any perception of preferential treatment to multiple owner firms. Subsection (3) remains to ensure the reader understands that CPA firms are responsible to report enforcement actions against a firm and individual CPAs are responsible to report enforcement actions against the individual.</li> </ul>	4-30-036	Board Administration

The proposals:

- Reorganize the rules resulting in renumbering and grouping into like functions.
- Reflect concerns expressed by stakeholders.

Reasons Supporting Proposal: The board previously received written and oral testimony on these proposals. After considering the testimony, the board revised the original proposals to reflect the comments received. The board is now presenting those revisions for public comment.

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: For WAC 4-25-640 and 4-30-051 is RCW 18.04.055(2), 18.04.390 (4)(b), 18.04.-405(1); and for WAC 4-25-670 is RCW 18.04.195 (13)(b), 18.04.215 (9)(b).

Statute Being Implemented: For WAC 4-25-640 and 4-30-051 is RCW 18.04.055(2), 18.04.390 (4)(b), 18.04.405 (1); and for WAC 4-25-670 is RCW 18.04.195 (13)(b), 18.04.215 (9)(b).

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

Name of Proponent: Primarily the Washington state 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.

November 23, 2011 [2010]

Richard C. Sweeney, CPA  
Executive Director

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

**WAC 4-25-640 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))~~ **(3)** 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.

NEW SECTION

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

Old WAC Number	New WAC Number
4-25-640	4-30-050
4-25-670	4-30-036

NEW SECTION

**WAC 4-30-051 What are the requirements concerning client records, including response to requests by cli-**

**ents 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 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, closing, combining or consolidating journal entries (including computations supporting such entries), that are produced by the licensee, CPA-Inactive certificate holder, and/or nonlicensee 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, analyses, and schedules prepared by the client at the request of the 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 must be returned to the client.

(b) Client records prepared by the licensee, CPA-Inactive certificate holder, and/or nonlicensee firm owner must 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 must be provided to the client.

(d) Persons subject to this subsection developing and maintaining such records, or schedules should make a reasonable effort to provide the required information and data to the client in a 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 record-keeping system.

(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) Licensees, CPA-Inactive certificate holders, nonlicensee firm owners, and/or employees of such persons must not refuse to return or provide records indicated in subsection (1)(a), (b), and (c) of this section including electronic documents, pending client payment of outstanding fees.

(5) 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.

(6) 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.

(7) 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) Provide the requested records in any format usable by the client;

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

(8) 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.

(9) 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.



(10) 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.

**WSR 10-24-040**  
**PROPOSED RULES**  
**SECRETARY OF STATE**  
 (Elections Division)

[Filed November 23, 2010, 12:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-10-021.

Title of Rule and Other Identifying Information: Military and Overseas Voter Empowerment Act, candidate filing, ballots, ballot measure text, and the state voters' pamphlet.

Hearing Location(s): Office of the Secretary of State, Elections Division, 520 Union Avenue S.E., Olympia, WA, on January 4, 2011, at 11:00 a.m.

Date of Intended Adoption: February 1, 2011.

Submit Written Comments to: Katie Blinn, P.O. Box 40220, Olympia, WA 98504-0220, katie.blinn@sos.wa.gov, fax (360) 586-5629, by January 4, 2011.

Assistance for Persons with Disabilities: Contact Carolyn Berger by January 3, 2011, (800) 448-4881.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules:

- Implement the federal Military and Overseas Voter Empowerment Act of 2009;
- Repeal outdated rules regarding municipal elections;
- Clarify procedures for filing fees, filing fee petitions, and withdrawal of candidacies;
- Provide standards for ballot design and layout;
- Clarify when a nonpartisan county office appears in the primary;
- Require ballot measure text printed on the petitions to be submitted when signature petitions are submitted; and
- Adjust requirements for submitting material for the state voters' pamphlet.

Reasons Supporting Proposal: Implementation of new federal law, clarification of existing state laws.

Statutory Authority for Adoption: RCW 29A.04.611, 29A.04.255.

Statute Being Implemented: RCW 29A.04.109, 29A.04.163, 29A.04.255, 29A.24.091, 29A.24.131, 29A.32.-060, 29A.32.080, 29A.32.110, 29A.36.161, 29A.40.150.

Rule is necessary because of federal law, P.L. 111-84.

Name of Proponent: Office of the secretary of state, elections division, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katie Blinn, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4168.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

November 23, 2010

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 08-15-052, filed 7/11/08, effective 8/11/08)

**WAC 434-208-060 Electronic filings.** (1) In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic transmissions of the following documents:

((+)) (a) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

((+)) (b) Any minor party or independent candidate filing material for president and vice-president, except nominating petitions;

((+)) (c) Lists of presidential electors selected by political parties or independent candidates;

((+)) (d) Voted ballots (~~provided the voter agrees to waive the secrecy of his or her ballot~~) and signed affidavits received no later than 8:00 p.m. on election day, as long as hard copies are received prior to certification of the election. Consistent with WAC 434-250-080, it is the first ballot and affidavit received that may be processed and counted. Voted ballots received electronically no later than 8:00 p.m. on election day are timely even if the postmark on the return envelope is after election day;

((+)) (e) Resolutions from cities, towns, and other districts calling for a special election; and

((+)) (f) Voter registration forms.

(2) If payment of a fee is required, acceptance of an electronic filing is conditional until the fee is received.

(3) If the original document must be signed, acceptance of an electronic filing is conditional until receipt of the original document. Except for mail ballots, the original document must be received no later than seven calendar days after receipt of the electronic filing.

(4) No initiative, referendum, or recall petition signatures may be filed electronically.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-208-070

Electronic filings not accepted.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-208-010	Advisory election upon contemplation of classification advancement.
WAC 434-208-020	Remedial steps—Third class city under mayor-council government.
WAC 434-208-030	Determination of original terms of councilmen—Second, third, or fourth class city or town.

NEW SECTION

**WAC 434-215-024 Insufficient payment of a filing fee.** If, after the last day to withdraw, a county auditor learns that a candidate provided insufficient funds for a filing fee, the county auditor must recoup that cost through other allowable means.

AMENDATORY SECTION (Amending WSR 10-03-072, filed 1/18/10, effective 2/18/10)

**WAC 434-215-025 Filing fee petitions.** (1) When a candidate submits a filing fee petition in lieu of his or her filing fee, as authorized by RCW 29A.24.091, voters eligible to vote on the office in the general election are eligible to sign the candidate's filing fee petition.

(2) The filing fee petition described in RCW 29A.24.101 (3) does not apply. The filing fee petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

"We, the undersigned registered voters of [the jurisdiction of the office], hereby petition that [candidate's] name be printed on the ballot for the office of [office for which candidate is filing a declaration of candidacy]."

(3) A candidate submitting a filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically.

(4) A candidate submitting a filing fee petition must submit all signatures when filing the declaration of candidacy. The candidate cannot supplement the signatures at a later date.

**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.

AMENDATORY SECTION (Amending WSR 10-14-091, filed 7/6/10, effective 8/6/10)

**WAC 434-215-065 Withdrawal of candidacy.** Consistent with RCW 29A.24.131, a candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file (~~under RCW 29A.24.050 by filing~~). The candidate must file a signed request that his or her name not be

printed on the ballot. This request to withdraw must be filed with the officer ((with whom)) who accepted the declaration of candidacy ((was filed, a signed request that his or her name not be printed on the ballot)) and, once filed, cannot be revoked. There shall be no withdrawal period for declarations of candidacy filed during special filing periods. The filing officer has discretion to permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary election ballots have not been formatted. If no primary election is held for that office, the filing officer has discretion to permit the withdrawal at any time before the general election ballots are formatted. If the jurisdiction is located in more than one county, withdrawal of a filing may only be accepted if ballots have not been formatted in all affected counties.

NEW SECTION

**WAC 434-230-012 Ballot design.** (1) The ballot must have a clear delineation between the ballot instructions and the first ballot measure or office through the use of white space, illustration, shading, color, symbol, font size, or bold type.

(2) The following standards for ballot design and layout are provided pursuant to RCW 29A.36.161:

(a) If space allows, allow the instructions to occupy their own column;

(b) Avoid the use of ALL CAPITAL LETTERS. Mixed-case letters are more legible than ALL CAPITAL LETTERS;

(c) Avoid centered type. Left-aligned type is more legible than centered type;

(d) Avoid using more than one font. Using multiple fonts requires the eye to stop reading and adjust. Use one font, preferably a sans-serif font such as Arial, Univers, or Verdana;

(e) Use color and shading consistently, such as to differentiate instructions from ballot section dividers and contest information;

(f) If space allows, use a 12-point type size. Do not use a type size lower than 8-point; and

(g) Maintain consistent font and type size throughout the ballot. For example, do not adjust type size for one race. Type size should be adjusted throughout all comparable areas of the ballot or, at a minimum, by page.

(3) The secretary of state shall publish and distribute an illustrated version of best practices for ballot design and layout.

NEW SECTION

**WAC 434-230-047 Nonpartisan county office.** No primary may be held for any nonpartisan county office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall, as soon as possible, notify all candidates so affected that the office for which they filed will not appear on the primary ballot. This section does not apply if a county charter specifically requires a primary.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

**WAC 434-235-010 Scope.** (1) This chapter implements the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff, and the provisions for service and overseas voters in Title 29A RCW.

(2) Uniformed service voter is defined in 42 U.S.C. Sec. 1973ff-6(1) as:

(a) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(b) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or

(c) A spouse or dependent who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(3) Service voter is defined in RCW 29A.04.163 as any elector of the state of Washington who:

(a) Is a member of the armed forces under 42 U.S.C. Sec. 1973ff-6 while in active service;

(b) Is a member of a reserve component of the armed forces;

~~(c)~~ (c) Is a student or member of the faculty at a United States military academy;

~~((e))~~ (d) Is a member of the merchant marine of the United States;

~~(d) Is a program participant as defined in RCW 40.24.020);~~ or

(e) Is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

(4) Overseas voter is defined in 42 U.S.C. Sec. 1973ff-6(5) as:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(5) Overseas voter is defined in RCW 29A.04.109 as any elector of the state of Washington outside the territorial limits of the United States ~~((or the District of Columbia)).~~

AMENDATORY SECTION (Amending WSR 09-18-098, filed 9/1/09, effective 10/2/09)

**WAC 434-235-020 Voter registration.** (1) A uniformed, service, or overseas voter may register to vote by providing:

(a) A voter registration application issued by the state of Washington;

(b) A federal post card application issued by the federal voting assistance program;

(c) A federal write-in absentee ballot issued by the federal voting assistance program;

(d) A national mail voter registration form issued by the election assistance commission; or

(e) An absentee ballot with a valid signature on the return envelope oath.

(2) Pursuant to RCW 29A.40.010, a uniformed, service, or overseas voter does not have to be registered in order to request an absentee ballot. Consequently, a uniformed, service, or overseas voter may request a ballot and be registered after the registration deadlines of RCW 29A.08.140 have passed.

(a) If the voter is not currently registered, the county auditor must register the voter immediately. The voter must be flagged in the voter registration system ~~((accordingly))~~ as a service or overseas voter.

(b) A uniformed, service, or overseas voter must use his or her most recent residential address in Washington, or the most recent residential address in Washington of a family member.

(c) If the county auditor is unable to precinct the voter due to a missing or incomplete residential address on the application, the county auditor must attempt to contact the voter to clarify the application. If, in the judgment of the county auditor, there is insufficient time to correct the application before the next election or primary, the county auditor must issue the absentee ballot as if the voter had listed the county auditor's office as his or her residence. A special precinct for this purpose may be created. Upon its return, the ballot must be referred to the county canvassing board. The only offices and issues that may be tabulated are those common to the entire county and congressional races based on the precinct encompassing the auditor's office. ~~((Such registrations are only valid for the primary or election for which the ballot was issued. If the actual precinct is not determined before the next primary or election, the registration must be canceled.))~~

(d) A voter who registers to vote by signing the return envelope of the absentee ballot is not required to provide a driver's license number, Social Security number or other form of identification as required in RCW 29A.08.107.

(3) The county auditor must offer a uniformed, service, or overseas voter the option of receiving blank ballots by e-mail or postal mail. This requirement is satisfied if the uniformed, service, or overseas voter registers on an application that offers electronic ballot delivery as an option, or if the voter expresses a preference when registering, updating a registration, or requesting a ballot. The county auditor must attempt to contact the voter by phone, e-mail, postal mail, or other means. If the voter does not indicate a preference or does not respond, the county auditor must send ballots by postal mail.

AMENDATORY SECTION (Amending WSR 09-18-098, filed 9/1/09, effective 10/2/09)

**WAC 434-235-030 Absentee voting.** (1) A uniformed, service, or overseas voter may request or return an absentee ballot by:

(a) Any manner authorized by WAC 434-250-030;

(b) A federal post card application issued by the federal voting assistance program; or

(c) A federal write-in absentee ballot issued by the federal voting assistance program.

(2) Pursuant to RCW 29A.40.070, absentee ballots issued to registered uniformed, service, or overseas voters must be mailed at least thirty days prior to the election or primary. Requests for absentee ballots received after that day must be processed immediately.

(3) The county auditor (~~(may)~~) must issue an absentee ballot by mail, e-mail, or fax (~~(, or other means as)~~) if specifically requested by the voter. A ballot does not have to be mailed if it is e-mailed or faxed to the voter. If an e-mail is returned as undeliverable and the voter has not provided an alternate e-mail address, then the ballot must be sent by postal mail.

(4) (~~Pursuant to RCW 29A.40.061, the county auditor shall provide the appropriate web site information with the absentee ballot.~~) Ballot materials must include the mailing address, phone number, fax number, e-mail address, and web site of the county auditor's office to enable a voter to contact the elections office for additional information about the election. Ballot materials must include instructions on how to confirm that the voted ballot has been received by the elections office. This information must be provided in a format that the voter can keep after the voted ballot has been returned.

(5) If the county auditor is unable to issue an absentee ballot due to insufficient information, the county auditor must attempt to contact the voter to clarify the request. If the county auditor is unable to obtain sufficient information to issue the absentee ballot, the county auditor must attempt to notify the voter of the reason that the ballot was not issued.

(6) Pursuant to RCW 29A.40.150, return envelopes must be printed to indicate that they may be returned postage-free.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

**WAC 434-235-040 Processing absentee ballots.** (1) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of a federal write-in absentee ballot or a special absentee ballot if the intention of the voter can be ascertained.

(2) (~~The absentee ballots referred to in this section must be received prior to certification of the election or primary.~~) The date on the envelope associated with the voter's signature, rather than the postmark on the envelope, determines the validity of the ballot. The signature on the oath must be dated no later than election day. (~~An absentee ballot returned electronically is invalid until the original is received.~~)

(3) Voted ballots returned by fax or e-mail must meet the requirements of RCW 29A.40.150 and WAC 434-208-060.

(4) The county auditor must provide statistics on voting by uniformed, service and overseas voters in the certification report required by RCW 29A.60.235 and in response to requests by the federal election assistance commission.

#### NEW SECTION

**WAC 434-235-050 On-line information.** The secretary of state and each county auditor must provide information on-line that includes, at a minimum, how to:

- (1) Register to vote using a paper or on-line application;
- (2) Confirm a registration;
- (3) Request a ballot or replacement ballot;
- (4) Update a residential address or mailing address;
- (5) Contact the elections office by phone, fax, e-mail, mailing address, and physical address;
- (6) Find information about the next election;
- (7) Confirm via phone, e-mail or web site that a voted ballot has been received; and
- (8) Find election results.

AMENDATORY SECTION (Amending WSR 10-14-091, filed 7/6/10, effective 8/6/10)

**WAC 434-250-030 Applications.** (1) Each county auditor who does not conduct all elections by mail must provide a form to allow a poll voter to become an ongoing absentee voter. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed; and

(c) A space for the voter to sign and date the application.

(2) As authorized by RCW 29A.40.020 and 29A.40.030, requests for a single absentee ballot may be made in person, by telephone, electronically, (~~or~~) in writing, (~~and may be made~~) or by a family member or registered domestic partner. With the exception of county auditors who conduct primaries and elections entirely by mail, each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed;

(c) A space for the voter to indicate for which election or elections the application is made; and

(d) A space for the voter to sign and date the application.

(3) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. In addition to the requirements for a single absentee ballot, as provided in subsection (2) of this section, the form must include:

(a) A space for an overseas or service voter not registered to vote in Washington to indicate his or her last residential address in Washington; and

(b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible.

The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time and then processed.

(4) As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care

facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.

**AMENDATORY SECTION** (Amending WSR 06-23-094, filed 11/15/06, effective 12/16/06)

**WAC 434-379-008 Signed petitions.** (1) To allow for sufficient personnel to accept and process signed petitions, the sponsor of an initiative or referendum must make an appointment with the elections division for submission of the signed petitions to the secretary. Petitions submitted prior to or at the appointment that clearly bear insufficient signatures must be rejected pursuant to RCW 29A.72.160. If the petitions are accepted and filed, additional petitions may be submitted until the applicable deadline established by RCW 29A.72.160. When submitting the petitions, the sponsor must also provide the text of the measure, exactly as it was printed on the circulated petitions, in an electronic Microsoft Word format.

(2) Signatures on initiative and referendum petitions submitted to the secretary may not be removed from the petition or eliminated from the signature count. Letters submitted to the secretary requesting the removal of one's own signature from a petition must be retained by the secretary as part of the public record for the petition.

**AMENDATORY SECTION** (Amending WSR 02-02-067, filed 12/28/01, effective 1/28/02)

**WAC 434-381-110 Candidate and committee contacts.** Every candidate or committee appearing in the state voters' pamphlet shall designate a contact person with whom the secretary shall communicate all matters related to the pamphlet. Within five business days of the appointment of the initial members, the committee shall provide a name, mailing address, telephone number, ~~(and)~~ fax number and e-mail address as applicable. In the case of candidates the secretary shall use the information on the declaration of candidacy unless the candidate provides different information pursuant to this section.

**AMENDATORY SECTION** (Amending WSR 09-03-110, filed 1/21/09, effective 2/21/09)

**WAC 434-381-120 Deadlines.** (1) Candidate statements and photographs shall be submitted to the secretary of state no later than the Friday following the last day of the filing period.

(2) For ballot measures, including initiatives, referenda, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than ~~((twenty calendar))~~ fifteen business days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than ~~((fourteen calendar))~~ ten business days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters' pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so. Once statements or arguments are submitted to the secretary, changes by the candidate or committee will not be accepted unless requested by the secretary.

**AMENDATORY SECTION** (Amending WSR 02-02-067, filed 12/28/01, effective 1/28/02)

**WAC 434-381-130 Size and quality of photographs.** Candidate photographs submitted for inclusion in the voters' pamphlet must have been taken within the past five years ~~((and should be sized between two and one-half inches by three inches and eight by ten inches))~~. Photos must be limited to the head and shoulders, with a light-colored background, but not a white background. Color photos are preferred, though black and white photos are acceptable. The photo size must be no smaller than two and one-half inches by three inches, and no larger than eight inches by ten inches. Photos submitted digitally must be a resolution no less than 300 dpi and not digitally altered. Lab processed no gloss prints meeting the size and quality specifications may also be submitted. The secretary may adjust or crop photos as necessary to fit the publication format. Photos not meeting the specifications may be rejected.

**AMENDATORY SECTION** (Amending WSR 10-03-072, filed 1/18/10, effective 2/18/10)

**WAC 434-381-170 Statement and argument format.**

(1) Statements or arguments submitted for inclusion in the voters pamphlet shall not exceed the word limit set by statute.

(a) Arguments for or against measures may contain up to four headings used to highlight major points in the argument

and will count toward the maximum word count set for arguments. Rebuttals may not contain headings;

(b) The four headings may not exceed fifteen words for each heading;

(c) Photographs or charts may be used in ~~((candidate))~~ statements or arguments substituting fifty words from the statement or argument for each square inch used by the photograph or chart. This subsection does not apply to the photographs submitted pursuant to WAC 434-381-130 (size and quality of photographs).

(2) Statements and arguments submitted to the secretary of state shall be printed in a format that in the opinion of the secretary will provide the best reproduction.

(a) Statements and arguments will be ~~((typeset))~~ laid out in a standard font without the use of boldface ~~((or))~~, underlining, or all caps;

(b) Italics may be used to add emphasis to statements or arguments;

(c) Argument headings will be ~~((typeset))~~ laid out in boldface letters; and

(d) Statements are limited to one paragraph per fifty words. Arguments are limited to four paragraphs. Rebuttals are limited to one paragraph.

AMENDATORY SECTION (Amending WSR 02-02-067, filed 12/28/01, effective 1/28/02)

**WAC 434-381-180 Editing statements and arguments.** The secretary of state is not responsible for the content of arguments or statements and shall not edit the content of statements or arguments:

(1) The secretary may correct obvious errors in grammar, spelling or punctuation;

(2) The secretary shall promptly attempt to notify any candidate or committee, by any means the secretary deems reasonable under the circumstances, if a statement or argument exceeds the maximum number of words. If the candidate or committee does not provide the secretary with a revised statement or argument that ~~((does not exceed))~~ meets the word limit within three business days after the deadline for submission of the statement or argument, then the secretary shall modify the statement to fit the limit by removing ~~((words or))~~ full sentences, starting at the end, until the maximum word limit is reached~~((More words than necessary to achieve the maximum word limit may be removed by the secretary so that the statement or argument ends in a complete sentence))~~);

(3) The secretary shall notify any committee that submits a title or identification for their members that does not conform to WAC 434-381-160(2). If the committee does not provide the secretary with a revised title or identification that meets the requirements established in WAC 434-381-160(2) within three business days after the deadline for submission, the secretary shall publish the name without any title or identification;

(4) Prior to publishing the pamphlet the secretary shall make a reasonable effort to provide a proof copy to the candidate or committee as it will appear showing any changes to the statement or argument; and

~~((After submission of the statement or argument to the secretary,))~~ Candidates or committees may only correct obvious errors or inaccuracies ~~((discovered))~~ made by the secretary that they discover in their own proof copy. Changes in content are not allowed. Changes must be received by the secretary within three business days after proofs are sent by the secretary.

AMENDATORY SECTION (Amending WSR 02-02-067, filed 12/28/01, effective 1/28/02)

**WAC 434-381-190 Prevention of art work, photographs or other material by candidate.** (1) The secretary shall be prohibited from using the art work, photography, or other materials provided by candidates for public office in the voters' pamphlet in which the candidate's name appears, except that required by law or rule for the candidate's statements or, information provided by the office that publishes the pamphlet;

(2) Prior to final printing of the voters' pamphlet ~~((a responsible employee of the office of))~~, the secretary ~~((of state))~~ will review complete "camera ready" copies of each edition of the voters' pamphlet;

(3) Language shall be placed into contracts, with the office of the secretary of state to produce the voters' pamphlet, to certify that those providing content materials for the voters' pamphlet are not candidates for public office and those individuals will not run for public office while their materials are being used in a state or local pamphlet produced in conjunction with the state voters' pamphlet.

#### WSR 10-24-077

#### WITHDRAWAL OF PROPOSED RULES LIQUOR CONTROL BOARD

[Filed November 30, 2010, 10:49 a.m.]

In accordance with the Governor's Executive Order 10-06, please withdraw WSR 10-17-045 dated August 11, 2010, review of chapter 314-44 WAC, Licensed agents.

If you have any questions please contact Karen McCall, rules coordinator, at (360) 664-1631 or [kjm@liq.wa.gov](mailto:kjm@liq.wa.gov).

Sharon Foster  
Board Chairman

#### WSR 10-24-079

#### WITHDRAWAL OF PROPOSED RULES LIQUOR CONTROL BOARD

[Filed November 30, 2010, 10:50 a.m.]

In accordance with the Governor's Executive Order 10-06, please withdraw WSR 10-21-038 dated October 13, 2010, creating a new section in chapter 314-24 WAC, Domestic wineries and wine distributors.

If you have any questions please contact Karen McCall, rules coordinator, at (360) 664-1631 or [kjm@liq.wa.gov](mailto:kjm@liq.wa.gov).

Sharon Foster  
Board Chairman

**WSR 10-24-094****PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed November 30, 2010, 3:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-24-065.

Title of Rule and Other Identifying Information: Professional boxing, wrestling, and martial arts: WAC 36-12-360 Promoters and 36-13-110 Miscellaneous provisions.

Hearing Location(s): Department of Licensing, Building 2, Conference Room 209, 405 Black Lake Boulevard S.W., Olympia, WA 98502, on January 6, 2011, at 9:00 a.m.

Date of Intended Adoption: January 7, 2011.

Submit Written Comments to: Cameron Dalmas, Professional Athletics Program, P.O. Box 9026, Olympia, WA 98507, e-mail ndalmas@dol.wa.gov, fax (360) 664-2550, by December 29, 2010.

Assistance for Persons with Disabilities: Contact Cameron Dalmas by December 29, 2010, TTY (360) 664-0116 or (360) 664-6643.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To require professional boxing, martial arts and wrestling promoters to provide an ambulance or paramedical unit to be equipped with transport and resuscitation capabilities and staffed by two attendants.

Reasons Supporting Proposal: Boxing, martial arts, and wrestling participants are at serious risk of being injured during an event, including death. Currently, RCW 67.08.160 requires a paramedical unit or ambulance to be on site at the event location. However, there is no requirement that they have to be equipped with transport and resuscitation capabilities. In a recent martial arts event a promoter provided an ambulance with only one attendant to drive and no attendant to provide medical care while in transport. The intent of this law was to have an ambulance or paramedical unit on site so that if a participant was seriously injured they would be able to receive immediate medical attention while in transport to the hospital. This amendment will clarify the law's intent to ensure the safety of the participant.

Statutory Authority for Adoption: RCW 67.08.017, 43.24.023.

Statute Being Implemented: RCW 67.08.017.

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: Susan Colard, 405 Black Lake Boulevard S.W., Olympia, WA 98502, (360) 664-6647.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules are exempt under RCW 34.05.32 [34.05.328].

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this rule revision.

Washington state department of licensing is not a named agency, therefore, exempt from the provision.

November 30, 2010

Walt Fahrer

Rule[s] Coordinator

AMENDATORY SECTION (Amending WSR 02-03-069, filed 1/11/02, effective 2/11/02)

**WAC 36-12-360 Promoters.** (1) Promoters shall not release the names of boxing contestants in an event to the media or otherwise publicize a contest unless a boxer/promoter contract has been signed and the contest approved by the department.

(2) Promoters shall not schedule an event intermission that exceeds twenty minutes.

(3) Promoters shall dispense drinks only in plastic or paper cups.

(4) Promoters shall not schedule less than twenty-six rounds of boxing without approval of the department.

(5) Advance notices for all boxing shows must be in the office of the department seven days prior to the holding of any boxing show. In addition to the regular scheduled boxers the advance notice must show the names of boxers engaged by the promoter for an emergency bout.

(6) Changes in announced or advertised programs for any contest must be approved prior to the contest by the department. Notice of such change or substitution must also be given to the press, conspicuously posted at the box office, and announced from the ring before the opening contest. If any ticket holders desire a refund, such refund shall be made at the box office prior to the start of the first contest.

(7) The promoter of an event shall contract with each boxer for a contest. Original contracts shall be filed with the department at least five days prior to the event. The contract shall be on a form supplied by the department and contain at least the following:

(a) The weight of the boxer at weigh-in;

(b) The amount of the purse to be paid for the contest;

(c) The date and location of the contest;

(d) Any other payment or consideration provided to the boxer;

(e) List of all fees, charges and expenses including training expenses that will be assessed to the boxer or deducted from the boxer's purse;

(f) Any reduction in a boxer's purse contrary to a previous agreement between the promoter and the boxer; and

(g) The amount of any compensation or consideration that a promoter has contracted to receive from a match.

(8) If a boxer/promoter contract is renegotiated, the promoter shall provide the department with the contract at least two hours prior to an event's scheduled start time.

(9) If the information from the contract in subsection (7)(e), (f) and (g) of this section is discloseable under Washington state public disclosure law, the promoter may instead provide the information to the Association of Boxing Commissions instead of including the information in the boxer/promoter contract.

(10) A promoter for an event shall not be a manager for a boxer who is contracted for ten rounds or more of boxing at

that event or have direct or indirect financial interest in a boxer in the event.

(11) The promoter of an event shall provide payments for the boxers' purses and event official's fee in the form of checks or money orders to the department prior to an event. The department may allow other forms of payment if arranged in advance. The department shall pay the boxers and officials immediately after the event, but not later than seventy-two hours from the conclusion of the event.

(12) Promoters shall provide seats for event officials and department representatives at ringside for each event.

(13) Promoters shall provide an ambulance or paramedical unit with transport and resuscitation capabilities, with a minimum of two attendants, to be present at the event location at all times during the event.

AMENDATORY SECTION (Amending WSR 02-20-094, filed 10/1/02, effective 1/1/03)

**WAC 36-13-110 Miscellaneous provisions.** (1) Dangerous conduct; punishment. The referee shall not permit physically dangerous conduct or tactics by any participant. Any participant who fails to discontinue such tactics, after being warned by the referee or a department official shall be disqualified and subject to disciplinary action.

(2) Wrestling participants or other licensees shall not engage in the practice known as "juicing." "Juicing" is the practice of using a razor blade or similar contrivance, or any other means to draw blood from oneself, one's opponent, or from any other participant of the wrestling exhibition or show. The referee shall immediately terminate any match in which blood from a participant appears from "juicing," and the participants shall cease the wrestling match and return to the dressing room. Should an accidental cut to a wrestling participant occur, the match may continue but should be concluded as soon as possible at the discretion of the referee.

(3) Duties of licensees. It shall be the duty of the promoter, his/her agents, employees, and the participants in any wrestling show or exhibition to maintain peace, order, and decency in the conduct of any show or exhibition. There shall be no abuse of a department official at any time. Foul and profane language by participants is prohibited.

(4) Responsibility of promoter.

(a) Each promoter shall be directly responsible to the department for the conduct of its employees and any violation of the laws, rules, or regulations of the department by any employee of a promoter shall be deemed to be a violation by the promoter.

(b) Promoters are responsible for any violations of the law or department rules by their participants.

(c) Promoters shall provide an ambulance or paramedical unit with transport and resuscitation capabilities, with a minimum of two attendants, to be present at the event location at all times during the event.

(5) Postponement or cancellation. A small advance sale of tickets shall not be regarded as a legitimate reason for a postponement or cancellation. Indoor wrestling shows or exhibitions shall not be canceled for any reason except with the approval of the department.

(6) Discrimination. Discrimination against any participant in regard to sex, race, color, creed or national origin shall be referred to the human rights commission.

(7) Appeals.

(a) Licensees may appeal any suspension or revocation to the department in the manner provided in chapter 34.05 RCW.

(b) Such appeals must be received in the department office within twenty days from the date of the notice sent by the department.

## WSR 10-24-095

### PROPOSED RULES

#### OFFICE OF

#### INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-07—Filed December 1, 2010, 7:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-16-130.

Title of Rule and Other Identifying Information: Mandatory on-line licensing for certain licenses.

Hearing Location(s): OIC Tumwater Office, Training Room 120, 5000 Capitol Boulevard, Tumwater, WA, <http://www.insurance.wa.gov/about/directions.shtml>, on January 5, 2011, at 11:00 a.m.

Date of Intended Adoption: January 28, 2011.

Submit Written Comments to: Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail [kacys@oic.wa.gov](mailto:kacys@oic.wa.gov), fax (360) 586-3109, by January 4, 2011.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by January 4, 2011, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These proposed rules will establish electronic licensing as the exclusive process for licensing transactions relating to certain licenses issued by the office. These proposed rules will provide clarity and consistency for electronic licensing resulting in a streamlined process.

Reasons Supporting Proposal: The insurance commissioner has offered the option to apply on-line to obtain and renew certain producer licenses for several years. The process has improved the efficiency of the state insurance producer licensing process and made it more accessible for all parties involved as well as saving costs in the printing and mailing of licenses.

Statutory Authority for Adoption: RCW 48.15.015 and 48.17.005.

Statute Being Implemented: Chapter 48.17 RCW.

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

Name of Proponent: Mike Kreidler, insurance commissioner, [governmental].

Name of Agency Personnel Responsible for Drafting: Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0248 [98504-0258], (360) 725-7041



Implementation: John Hamje, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7262; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule will primarily affect insurance producers, the insurers and business entities that appoint producers or affiliate with them, and providers/instructors of continuing insurance education courses and prelicensing education courses. For any business with a computer and an internet connection the cost of making an electronic filing and paying fees electronically to the office of the insurance commissioner is almost nonexistent and is well within the definition of "minor costs" contained in the law. Therefore, no small business economic impact statement is required.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3109, e-mail kacys@oic.wa.gov.

December 1, 2010

Mike Kreidler  
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-001 Definitions.** For purposes of this chapter, unless the context requires otherwise:

(1) "Affiliation" is a type of appointment whereby a business entity authorizes an individual insurance producer or surplus line broker to represent it when conducting insurance business.

(2) "Business entity" has the meaning set forth in RCW 48.17.010(2) and includes a sole proprietorship having associated licensees authorized to act on its behalf in the business or trade name of the sole proprietorship.

(3) "Days" means calendar days including Saturday and Sunday and holidays, unless otherwise specified.

(4) "Electronic submission" or "submitted electronically" means submission of a licensing process by an applicant, licensee, insurer, or education provider by means of the commissioner's web site or a third-party licensing provider.

(5) "File" means a record in any retrievable format, and unless otherwise specified, includes paper and electronic formats.

~~((5))~~ (6) "Home state" has the meaning set forth in RCW 48.17.010(3).

~~((6))~~ (7) "Insurer" has the meaning set forth in RCW 48.17.010(6).

~~((7))~~ (8) "Licensee" means a person licensed by the commissioner under Title 48 RCW to sell, solicit or negotiate insurance and includes adjusters and surplus line brokers.

~~((8))~~ (9) "Line of authority" means a license issued in one or more lines of insurance listed in RCW 48.17.170.

~~((9))~~ (10) "NAIC" means the National Association of Insurance Commissioners.

~~((10))~~ (11) "Third-party licensing provider" is designated on the commissioner's web site at: www.insurance.wa.gov.

(12) "Reinstatement" means the reissuance by the commissioner of a license that was not renewed more than sixty days but fewer than twelve months after its expiration date.

~~((11))~~ (13) "Resident" means a person who has elected to make Washington his or her home state, or, in the case of a business entity, has a place of business in this state.

~~((12))~~ (14) "Sending written notice" or "sending a copy of the written notice" means transmitting the required information in writing and, where required, on forms designated by the commissioner for that purpose, via first class mail, commercial parcel delivery company, telefacsimile, or electronic transmission, unless a specific method of transmission is specified.

~~((13))~~ (15) "Surety" means that limited line of authority of insurance or bond that covers obligations to pay the debts of, or answer for the default of another, including faithlessness in a position of public or private trust.

~~((14))~~ (16) "Travel insurance" means that limited line of authority of insurance coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability, and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier.

~~((15))~~ (17) "Written" or "in writing" means any retrievable method of recording an agreement or document, and, unless otherwise specified, includes paper and electronic formats.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-005 Address of record.** (1) The address of record used by the commissioner will be:

(a) For disciplinary orders, the last U.S. mailing address provided by the person or business entity to the commissioner;

(b) For all other matters, the last e-mail address provided by the person or business entity to the commissioner.

(2) Licensees must advise the commissioner of any change of address within thirty days after a change of address. This includes any change in the person's residence, mailing, business or e-mail address. Failure to advise the commissioner of a change of address may subject a licensee to disciplinary action under RCW 48.17.530 and 48.17.560.

## LICENSING PROCESSES

### NEW SECTION

**WAC 284-17-055 Electronic submission of licensing processes—Implementation dates.** (1) Beginning May 1, 2011, all company appointments including new, renewal, and terminations must be submitted electronically.

(2) Beginning June 1, 2011, all license renewals, both individual and business entity, must be submitted electronically.

(3) Beginning July 1, 2011, all applications for licenses, including affiliations, must be submitted electronically.

(4) Beginning July 1, 2011, all processes determined by the commissioner to be exclusive on-line licensing processes must be completed electronically through the commissioner's web site or through a third-party licensing provider. A list of exclusive on-line licensing processes is available on the commissioner's web site at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

(5) The commissioner will no longer print or mail any document generated as part of a licensing process which the commissioner has determined to be an exclusive on-line licensing process.

**NEW SECTION**

**WAC 284-17-065 Required e-mail address for licensing transactions.** (1) Each applicant, individual or business entity licensee, insurance education provider, and insurer must provide the commissioner with a valid e-mail address. As provided in WAC 284-17-005 (1)(b), the e-mail address will be the official contact address for all communication regarding licensing processes.

(2) Each applicant, individual or business entity licensee, insurance education provider, and insurer must notify the commissioner of any change to their e-mail address within thirty days after the change.

(3) This section applies to an insurer when appointing, terminating, or renewing the appointment of a licensee.

**AMENDATORY SECTION** (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-120 Resident insurance producer licensees—Examination required, procedures.** Prior to the transaction of insurance, an applicant for a resident insurance producer's license must take and pass the required examination for each line of authority (~~to be~~) applied for, submit an application form with the required attachments and fees, and receive a license from the commissioner.

**(1) Examinations.**

(a) Any resident person applying to take an examination for a license listed in this section must submit a registration form and the applicable examination fee to an independent testing service designated by the commissioner.

(i) The examination fee is not refundable.

(ii) Registration forms and information about examinations may be obtained from the commissioner or from the independent testing service under contract with the commissioner to conduct licensing examinations in this state.

(iii) An examination registration form can be downloaded through the commissioner's web site and current information about registered testing services, fees, dates, and other information is available through the commissioner's web site at [www.insurance.wa.gov](http://www.insurance.wa.gov).

(b) The examinations required for each line of authority are identified (~~in the following table~~) on the commissioner's web site at: [www.insurance.wa.gov](http://www.insurance.wa.gov). The independent testing service will conduct these examinations at least once each month at predetermined locations.

((LINE OF AUTHORITY OR TYPE OF LICENSE	REQUIRED EXAMINATION(S)
Life	Life
Disability	Disability
Life and disability	Life and disability
Property	Property
Casualty	Casualty
Property and casualty	Property and casualty
Personal lines	Personal lines
Adjusters (independent or public)	Adjuster
Limited line credit insurance	Credit
Surety	Surety
Surplus line	Surplus line
Variable life and variable annuity products	Life))

(c) If an applicant fails to take a scheduled examination, and requests to take the exam at a later date, a new examination date must be scheduled and a new examination fee must be paid, unless repayment of the fee is waived by the commissioner because the commissioner agrees that a serious emergency prevented the applicant's attendance at the scheduled date.

(d) Examinations will be graded by the independent testing service and each applicant will be provided a score report.

(2) **Application for a license.** The application for a license must be accompanied by all of the following: The score report from the testing service, a completed insurance license application, one fingerprint card and the applicable license, appointment and filing fees. Specific instructions for applying for a license may be found on the commissioner's web site at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

(3) **Approval by the commissioner.** The commissioner will review the application and if all requirements have been met will issue the license(s) (~~(applied for)~~).

**AMENDATORY SECTION** (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-122 Applications for nonresident licensees.** ~~((+))~~ Applicants who are not residents of Washington may be licensed as nonresident insurance producers without taking the required Washington examinations specified in WAC 284-17-120 (1)(b) if:

~~((a))~~ (1) The applicant has and maintains in good standing a similar license in his or her home state for the applicable line(s) of authority defined in RCW 48.17.170; and

~~((b))~~ (2) The home state reciprocates and licenses Washington's insurance producers as nonresident insurance producers.

~~((2) Nonresident applicants whose home state requires submission of a fingerprint card for conducting background checks in connection with resident insurance producer (or equivalent) license, need not provide a fingerprint card to the commissioner.~~

(a) A list of states that the commissioner believes require a fingerprint card will be available on the commissioner's web site at [www.insurance.wa.gov](http://www.insurance.wa.gov).

(b) If the home state of an applicant does not appear on that list and the applicant believes that list should include his or her home state, the applicant may provide information concerning the requirements of his or her home state for the commissioner's review. The commissioner will consider that information and determine whether the applicant's home state should be added to that list.)

AMENDATORY SECTION (Amending Matter No. R 2008-09, filed 11/24/08, effective 12/25/08)

**WAC 284-17-262 Certification by insurer of completion of long-term care insurance education due date.** Beginning January 1, 2009:

(1) Each insurer that has long-term care policies approved for sale in this state must certify annually that all of its insurance producers engaged in the sale, solicitation or negotiation of long-term care insurance coverage in this state have:

(a) Completed the eight-hour, one-time long-term care education and training course required by RCW 48.83.130 (2)(a)(i) prior to selling, soliciting, or negotiating the company's long-term care insurance coverage in this state; or

(b) Completed the required long-term care continuing education requirement imposed by RCW 48.83.130 (2)(b).

(2) The certification must be provided to the commissioner by the insurer annually on or before March 31st. The certification must be sent via e-mail to the licensing and education program manager in the commissioner's office. A form for this purpose is available on the commissioner's web site at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-278 Approval of a continuing insurance education course.** (1) Requests for approval of a continuing insurance education course must be ~~((submitted))~~ sent via e-mail or electronic telefacsimile to the commissioner no fewer than twenty days prior to the first date the course is offered for credit. The request must include all of the following, as applicable:

(a) **Lecture (classroom) courses:**

(i) Completed course approval request form;

(ii) Content outline, including a list of topics to be covered and an estimate of the time to be spent on each topic;

(iii) Biography or resume of instructor(s); and

(iv) Date(s) that course will be offered.

(b) **Self-study courses:**

(i) Completed course approval request form;

(ii) Study material; and

(iii) Sample exams.

(2) Continuing insurance education courses eligible for approval to satisfy the continuing insurance education requirement include:

(a) Courses demonstrating a direct and specific application to insurance; and

(b) Courses presenting information relevant to insurance-related statutory and regulatory requirements.

(3) General education, sales, motivation, management, leadership, and automation courses are not eligible unless the insurance education provider demonstrates to the satisfaction of the commissioner that a substantial portion of the course relates to the business of insurance and is not solely focused on a particular insurer's products.

(4) Prelicensing insurance education courses are not eligible for approval for continuing insurance education credit.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-429 Appointments and affiliations of licensees.** (1) An insurance producer may be appointed or affiliated(~~(=~~

~~(a))~~ by submitting electronically the notice of appointment or affiliation ~~((electronically))~~ through a third-party online licensing provider or the commissioner's on-line services, available at [www.insurance.wa.gov](http://www.insurance.wa.gov) ~~(= or~~

~~(b) By submitting the notice of appointment or affiliation to the commissioner using the form provided by the commissioner for that purpose available on the commissioner's web site at [www.insurance.wa.gov](http://www.insurance.wa.gov))).~~

(2) Insurance producers upon initial appointment by an insurer or upon initial affiliation by a business entity must be authorized to transact at least one line of authority within the authority of the insurer or the business entity.

(3) Initial appointments and affiliations are continuous. Each appointment or affiliation is effective until the first of the following occurs:

(a) The insurance producer's license is revoked, terminated, or nonrenewed;

(b) The appointment or affiliation renewal fee is not paid; or ~~((written))~~

(c) Notice of termination is ~~((received by))~~ electronically submitted to the commissioner ~~((= whichever occurs first)).~~

(4) The insurer is obligated to ensure that its appointed insurance producers are licensed for the proper line of authority for which the insurance producer submits an application for insurance.

(5) Individual surplus line brokers may be affiliated with a business entity possessing a surplus line broker license in the manner set forth in subsection (1) of this section.

(6) Business entities are obligated to ensure that all affiliated insurance producers for the proper line of authority for which the insurance producer submits an application for insurance and that surplus line brokers are properly licensed.

(7) The applicable initial and renewal appointment and affiliation fees, as set forth in RCW 48.14.010, must be paid at the time of appointment, affiliation, or their renewals.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-435 Notification of appointments and affiliations.** The commissioner will confirm the licensee's appointment or affiliation by sending an electronic message to the insurer or business entity within fifteen days after the commissioner receives the notice from an insurer or business

entity. ~~((If an insurer or business entity is not registered with the commissioner's on-line services, notice will be sent to the address of record.))~~

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-443 Renewal ~~((fee for an)) of appointments or affiliations.~~** (1) ~~((Insurer and business entities that are not registered with the commissioner's on-line services.~~

~~((a))~~ At least forty-five days prior to the renewal date, an appointment or affiliation list will be sent to the insurer or business entity identifying all of the licensees appointed by or affiliated with the insurer or business entity whose appointments or affiliations are due to expire.

~~((b))~~ The insurer or business entity must verify that the list is accurate, make any changes, and return the list with the correct fees to the commissioner.

~~((c))~~ The verified and corrected list and fees are due to the commissioner no later than the renewal date.

~~((2))~~ **Insurer and business entities that are registered with the commissioner's on-line services.**

~~((a))~~ At least sixty days prior to the renewal date, an appointment or affiliation renewal ~~((fee))~~ notice will be sent to the insurer or business entity ~~((electronically))~~ via e-mail.

~~((b))~~ (2) The insurer or business entity may review the ~~((on-line))~~ list ~~((of appointees or affiliates))~~ on-line, make any changes, and must remit the correct fees via electronic submission to the commissioner.

~~((c))~~ (3) The on-line appointment or affiliation renewal and payment of fees must be completed no later than the renewal date.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-445 Termination of an appointment or affiliation by an insurer or business entity.** (1) An insurer ~~((or business entity))~~ may terminate an appointment ~~((or affiliation))~~ of an insurance producer ~~((or surplus line broker))~~:

~~((a))~~ Through the commissioner's web site ~~((if the insurer or business entity is registered for on-line services by sending written notice of termination to the insurance producer or surplus line broker with a copy to the commissioner.))~~; or

~~((b))~~ Through a third-party on-line licensing provider. ~~((A form for that purpose is available on the commissioner's web site at www.insurance.wa.gov.))~~

(2) ~~((The effective date of the termination is the date of receipt by the commissioner.))~~ A business entity may terminate an affiliation of an insurance producer or surplus line broker through the commissioner's web site.

(3) The effective date of the termination is the date of receipt by the commissioner.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-449 Termination of an affiliation for cause.** If a business entity or its authorized representative ter-

minates the affiliation of an insurance producer or surplus line broker for cause, the commissioner must receive notice of that termination by ~~((mail or))~~ electronic ~~((facsimile))~~ submission within thirty days following the effective date of the termination.

(1) A form for this purpose is available on the commissioner's web site at [www.insurance.wa.gov](http://www.insurance.wa.gov).

(2) Upon the request of the commissioner, additional information, documents, records or other data pertaining to the for-cause termination or activity of a licensee's affiliation must be provided promptly to the commissioner.

(3) The reasons an insurance producer may be terminated for cause are set forth in RCW 48.17.530 and 48.17-595. The reasons a surplus line broker may be terminated for cause are set forth in RCW 48.15.140.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-473 Affiliation requirements.** Individual licensees that represent a business entity or act on its behalf must be affiliated with the licensed business entity. A business entity must have at least one affiliated individual licensee in order to transact insurance business. Each business entity must provide the commissioner with the names of all individual licensees authorized to represent the business entity and act on its behalf ~~((using the form provided by the commissioner for that purpose))~~ by electronic submission and ~~((paying))~~ pay the applicable fees ~~((or by using the on-line services available through the commissioner's web site at www.insurance.wa.gov)).~~

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-483 Termination of an appointment or affiliation by an insurance producer.** (1) An insurance producer or surplus line broker may terminate its appointment or affiliation with an insurer or business entity by sending advance written notice to the insurer or business entity ~~((with))~~ and send a copy via e-mail to the commissioner.

(2) The notice must state that the insurance producer or surplus line broker will no longer transact insurance on behalf of the business entity, as the case may be.

(3) The effective date of the termination is the date of receipt by the commissioner.

AMENDATORY SECTION (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-490 Late renewal or reinstatement.** If a request for renewal of a license is received by the commissioner after its due date, the licensee must not transact insurance under the license until the renewal or reinstatement is completed.

(1) As a precondition to late renewal or reinstatement of a license, payment of the following late fees, as set forth in RCW 48.17.170 (6) and (7), is required:

Days Late	Surcharge
First 30 days late	50% of the license renewal fee
31-60 days late	100% of the license renewal fee
61 days to twelve months late	200% of the license renewal fee

(2) If no request for late renewal is received by the commissioner within sixty days after expiration of a license, the license and all associated appointments and affiliations will be terminated. All authority conferred by the license ends on its expiration date.

(3) If a license is expired for more than sixty days but less than twelve months, a licensee may request its reinstatement. A license is not eligible for reinstatement if the reinstatement application is received by the commissioner more than twelve months after its expiration date.

(4)(a) A licensee may request reinstatement of a license without retesting if no more than twelve months has passed since the expiration or cancellation date of the license, whichever is earlier. All of the following must accompany the request for reinstatement:

(i) A completed application for reinstatement;

(ii) Certificates for twenty-four credit hours of continuing insurance education, including three hours of ethics education, completed during the twenty-four months prior to the date of application for reinstatement, as set forth in WAC 284-17-224; and

(iii) The fee and surcharge applicable to the reinstatement, as set forth in subsection (1) of this section.

(b) After twelve months, the licensee must retake and pass all applicable preclicensing insurance education courses and the applicable license examinations. A new license application, including fingerprint card, and all required fees are also required. A new fingerprint card is not required if the licensee has other active licenses or held another license during the past year.

(5)(a) If a licensee cancels a license prior to its renewal date and later asks that it be reissued and the request to reissue is submitted prior to the license renewal date, the licensee must submit an application and must pay the applicable fee prior to the license renewal date.

(b) If a licensee cancels a license prior to its renewal date and a request to reissue the license is made after the license renewal date but before twelve months after the date the license was canceled, the request to reissue will be treated as though it were a late renewal or reinstatement and the late fee will be calculated from the cancellation date.

(c) If the request to reissue is made more than twelve months after the license renewal date, it cannot be reissued.

(d) The renewal date of any reissued license will be on the same renewal cycle as the original license.

(6) Information regarding renewal or reinstatement of a license and the ~~((necessary forms are))~~ electronic submission process is available at the commissioner's web site at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

(7) License renewals and reinstatements may be submitted by licensees that are registered with the commissioner's

on-line services through the web site at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

**AMENDATORY SECTION** (Amending Matter No. R 2008-06, filed 1/6/09, effective 7/1/09)

**WAC 284-17-530 Requirements applicable to all preclicensing insurance education providers.** This section applies to all persons seeking to be approved by the commissioner to act as preclicensing insurance education providers.

(1) **Approval to act as preclicensing education providers.** Persons seeking to be approved as preclicensing insurance education providers must obtain the written approval of the commissioner prior to offering any preclicensing insurance education course for credit.

(a) Requests for approval must include all information, disclosures, statements and certifications required by the commissioner. An approved form for this purpose is available on the commissioner's web site at: [www.insurance.wa.gov](http://www.insurance.wa.gov).

(b) The provider must comply with the standards for licensing and regulating this state's private vocational schools, but need not be actually licensed as a private vocational school.

(c) The commissioner may grant approval of the preclicensing insurance education provider upon a showing that the provider has satisfied all requirements of this chapter.

(d) Approval of a preclicensing education provider is valid for a period of twelve months.

(2) **Approval of the preclicensing insurance education provider's program director.**

(a) The preclicensing insurance education provider must identify its proposed program director, must complete a background investigation of that person, must certify that the qualifications of the proposed program director meet or exceed the requirements of WAC 284-17-535 and must verify that the proposed program director is trustworthy.

(b) The commissioner's approval of the program director is valid for twelve months.

(c) The provider must certify on its annual renewal notice that the approved individual continues to act as its program director.

(d) The provider must apply for an amendment to its approval at least ten days before changing its program director, unless the change is required due to an emergency.

(e) The commissioner retains discretion to determine whether the qualifications of each proposed program director meet the minimum scholastic and professional criteria required for approval.

(3) **Approval of the provider's instructors.**

(a) The provider must identify each proposed instructor, conduct a background investigation of each individual, certify that each proposed instructor's qualifications meet or exceed the requirements in WAC 284-17-537, and verify that each proposed instructor is trustworthy.

(b) Approval of each instructor is valid until the next renewal date of the preclicensing education provider.

(c) The provider must state on its annual renewal notice whether each individual continues to act as its instructor.

(d) The provider must apply to the commissioner for amended approval at least ten days before adding a new instructor, except if an instructor vacancy is created by an emergency.

(e) The commissioner retains discretion to determine whether the qualifications of each proposed instructor meet the minimum scholastic and professional criteria required for approval.

**(4) Approval of courses.**

(a) Course materials must be ~~((submitted))~~ sent via e-mail or electronic telefacsimile to the commissioner prior to use.

(b) The provider must provide all of the following information to the commissioner with its request for course approval:

(i) The total tuition to be charged to students; and

(ii) The provider's referral and rebate policy.

(c) No course may be advertised until the provider has been finally approved by the commissioner in writing.

**(5) Duties of approved providers.** Throughout any period of approval to act as a preclicensing insurance education provider, the provider must:

(a) Retain all student enrollment and performance data, personnel records, and copies of course materials and student evaluations for each course and make them available to the commissioner upon request;

(b) Continually monitor its program director's supervision of instruction;

(c) Immediately remove the program director if that individual violates any law or rule related to insurance;

(d) Apply for amended approval to act as a provider at least ten days prior to a change of ownership, the executive officer, or of the program director. Amended approval, if granted, is valid only until the original provider approval expiration date;

(e) Report to the commissioner by the fifteenth day of each month the name of each student receiving a certificate of completion for each approved course offered during the previous calendar month;

(f) Permit the commissioner or the commissioner's designee to conduct unannounced audits of any approved course in order to monitor the provider's continuing compliance with WAC 284-17-530 through 284-17-580;

(g) Provide a true and complete copy of the provider's instructional plan for each approved course, upon request;

(h) Notify the commissioner if it intends to terminate its preclicensing education program at least thirty days prior to the date of termination;

(i) Notify the commissioner at least ten days in advance of its intent to change the tuition amount, the referral or rebate policy, or initiate a referral or rebate policy with a person other than a full-time employee of the provider.

**(6) Provider advertising and name.** A provider must not:

(a) Use license examination performance data for advertising or promotional purposes; or

(b) Use any name that implies or suggests that the provider is affiliated with either the commissioner or with the independent testing service that conducts the examination.

**(7) Renewal requirements for all providers.**

(a) At the time of renewal all providers must provide all of the following information:

(i) List of preclicensing education courses currently offered and the tuition for each and verify that the course curricula meet the requirements of WAC 284-17-550;

(ii) A description of the instruction method used for each course, lecture, proctored self-study, or home self-study;

(iii) List of all active instructors and verify that each has complied with the requirements of WAC 284-17-537;

(iv) Verify that the program director has complied with WAC 284-17-535; and

(v) Confirm the address and contact information for each business location.

(b) The commissioner may approve renewal of the preclicensing insurance education provider upon a showing that the provider has satisfied all requirements of this chapter required for renewal, including the annual renewal requirements provided in WAC 284-17-547.

(c) Detailed information related to course standards is available on the commissioner's web site at [www.insurance.wa.gov](http://www.insurance.wa.gov).

**(8) Required disclosures to students.**

(a) The preclicensing insurance education provider must disclose to prospective students the total amount of tuition that will be charged for each proposed course.

(b) The provider must post in a conspicuous location at the preclicensing insurance education site a note containing all of the following:

(i) Procedures for applying for an insurance license, including all preexamination qualifications;

(ii) A notice of prohibited examination behavior; and

(iii) The tuition for each approved course.

(c) If the provider has a referral or rebate program, it must be fully disclosed to each student in writing.

(i) The disclosure must state the amount of the course tuition that will be paid to persons other than the provider's full-time employees as compensation for referring students to the provider; and

(ii) The full text of the policy must be posted, including the specific amount of tuition payable to persons other than full-time employees of the provider as compensation for referring students to the provider, and the names of any individuals to whom referral fees or rebates may be paid.

**(9) Penalties.**

(a) The commissioner may refuse to renew or immediately terminate a provider for the following reasons:

(i) Failure to notify the commissioner that a course will be terminated at least thirty days prior to the date of termination;

(ii) Failure to respond to an inquiry of the commissioner within the time limit specified in the inquiry.

(b) A provider is responsible for the conduct of its employees and may be subject to disciplinary action for failure of any employee to comply with the requirements of this chapter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-17-650                      Transition rules—July 1, 2009.

**WSR 10-24-096**  
**PROPOSED RULES**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2010-10—Filed December 1, 2010, 7:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-17-112.

Title of Rule and Other Identifying Information: Crop adjusters.

Hearing Location(s): Insurance Commissioner's Office, TR 120, 5000 Capitol Boulevard, Tumwater, WA 98504-02555 [98504-0255], on January 5, 2011, at 1:30 p.m.

Date of Intended Adoption: January 6, 2011.

Submit Written Comments to: Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail [jimt@oic.wa.gov](mailto:jimt@oic.wa.gov), fax (360) 586-3109, by January 4, 2011.

Assistance for Persons with Disabilities: Contact Lorrie Villaflores by January 4, 2011, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 67, Laws of 2010, provides for the separate licensing of crop adjusters and for the commissioner to adopt rules regarding the prelicensing education, examination, continuing education requirements, and renewal of the license. The proposed rules will set forth these educational, examination, and licensing requirements.

Reasons Supporting Proposal: The United States Department of Agriculture has indicated that if states did not enact statutes and adopt rules requiring crop adjuster licensing and compliance with their requirements that the department would preempt state regulation of crop adjusters. These rules are being proposed to be adopted to require crop adjusters to comply with the education, examination, and continuing education requirements of the risk management agency of the United States Department of Agriculture.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.005, and sections 4 and 5, chapter 67, Laws of 2010.

Statute Being Implemented: Chapter 67, Laws of 2010.

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

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Jim Tompkins, P.O. Box 40528 [40258], Olympia, WA 98504-0258, (360) 725-7036; Implementation and Enforcement: Jeff Baughman, P.O. Box 40257, Olympia, WA 98504-0257, (360) 725-7156.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule essentially establish[es] two classes of crop adjusters: (A) Those that are certified to adjust crop losses insured under a federal program ("federally qualified"); and (B) those qualified only to adjust crop losses not insured under a federal program ("state qualified"). The proposed rule does not impose new testing requirements, but just reiterates the requirement in state statute that crop adjusters must pass a written examination unless otherwise specifically exempted under the law. The proposed rule does allow those who have met the requirements of the federal program (they are "federally qualified") to submit documentation of their federal certification in lieu of taking a state examination.

Therefore, the only additional requirement imposed by the proposed rule is that "federally qualified" crop adjusters must submit documentation to the commissioner to verify that they have passed the federal certification.

From a cost perspective, this proposed rule therefore affects only "federally qualified" crop adjusters and authorized insurers or licensed managing general agents who are having salaried employees act in [on] their behalf as "federally qualified" crop adjusters.

The costs of these filings and the extra copies that will accompany them is projected to be quite small, easily less than \$10 annually for each employee on the list in terms of paper and postage cost and less than \$30 annually per employee on the list even when clerical labor is considered. The projected annual cost of compliance per business is well within the definition of "minor costs" contained in the law.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7036, fax (360) 586-3109, e-mail [jimt@oic.wa.gov](mailto:jimt@oic.wa.gov).

December 1, 2010

Mike Kreidler

Insurance Commissioner

**CROP ADJUSTERS**NEW SECTION

**WAC 284-17-700 Definitions.** As used in WAC 284-17-705 through 284-17-730, the terms below have the following meaning unless the context clearly requires otherwise:

"Certification program" means any crop adjuster educational and examination program meeting the federal Risk Management Agency requirements.

"Crop adjuster" has the meaning set forth in RCW 48.17.010 (1)(c).

"Risk Management Agency" or "RMA" means the Risk Management Agency of the United States Department of Agriculture.

NEW SECTION

**WAC 284-17-705 Crop adjuster prelicensing education and examination requirements.** (1) An applicant for a

crop adjuster's license to adjust crop losses insured through a federal crop insurance program must complete all educational and examination requirements of a certification program. With the application, an applicant for a crop adjuster's license must submit to the commissioner true and accurate documentation of their certification program completion. A copy of the documentation demonstrates compliance with the prelicensing education and examination requirements necessary for a crop adjuster license.

(2) An applicant for a crop adjuster's license to adjust crop losses that are not insured through a federal crop insurance program:

- (a) Is not required to complete a prelicensing education course;
- (b) Must pass the state's crop adjuster licensing exam; and
- (c) Must not adjust crop insurance losses that are insured through a federal crop insurance program.

#### NEW SECTION

**WAC 284-17-720 Crop adjuster license renewal requirements.** (1) On or before February 28th of each year, every licensed crop adjuster adjusting crop insurance losses insured through a federal insurance program must file with the commissioner a true and accurate copy of documents establishing their certification program completion. Failure to timely file a copy of the documentation with the commissioner is a sufficient basis for the commissioner to suspend, revoke, or refuse to renew a crop adjuster license.

(2) Every licensed crop adjuster adjusting crop losses not insured through a federal crop insurance program:

- (a) Must renew their license on or before the expiration of the license; and
- (b) Are not required to take continuing education.
- (3) Crop adjusters who do not renew their license prior to the expiration date must pay the surcharge under RCW 48.17.170.

#### NEW SECTION

**WAC 284-17-730 Crop adjusters who are salaried employees of an insurance company or of a managing general agent.** (1) All authorized insurance companies and licensed managing general agents must annually, on or before February 28th of each year, file with the commissioner a list of all salaried employees who act on their behalf as crop adjusters adjusting losses insured through a federal crop insurance program and a true and accurate copy of the documentation establishing completion of the crop adjuster certification program.

(2) Each insurance company and its managing general agents must file with the commissioner any changes to the list within thirty days of a change. If the change includes the addition of a new crop adjuster to the list, the insurance company and managing general agent must also file a copy of the documentation establishing the crop adjuster's completion of the certification program.

#### **WSR 10-24-097**

#### **PROPOSED RULES**

#### **OFFICE OF**

#### **INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2010-12—Filed December 1, 2010, 7:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-18-086.

Title of Rule and Other Identifying Information: Rate cap rules, transition rating rules, rate stability formulas, and other rating methods for property and casualty insurance.

Hearing Location(s): Insurance Commissioner's Office, TR 120, 5000 Capitol Boulevard, Tumwater, WA 98504-0255, on January 6, 2011, at 10:00 a.m.

Date of Intended Adoption: January 7, 2011.

Submit Written Comments to: Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail jimt@oic.wa.gov, fax (360) 586-3109, by January 5, 2011.

Assistance for Persons with Disabilities: Contact Lorrie Villaflores by January 5, 2011, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules:

1. Specify situations in which these rules, formulas and other rating methods would or would not result in rates that are unfairly discriminatory;
2. Clarify the meaning of RCW 48.19.040 as it applies to these rules, formulas and other rating methods and the rate manuals which they involve; and
3. Establish processes and procedures that insurers must use when implementing rate cap rules, transition rating rules, rate stability formulas, and other rating methods.

Reasons Supporting Proposal: Using advanced information technology and predictive modeling methods, property and casualty insurers are implementing increasingly sophisticated systems for calculating insurance premiums. When new rating factors are inserted into premium formulas and then applied to an existing book of business, many policyholders may see significant premium changes. To mitigate this effect, insurers often propose rating rules or formulas that reduce the magnitude of the premium changes for certain policyholders, which may be contrary to RCW 48.18.480. The proposed rule will specify the situations in which these rating rules or formulas would or would not result in rates that are unfairly discriminatory. The proposed rule also clarifies how the requirements of RCW 48.19.040 apply to these situations. The proposed rule will provide the commissioner with objective standards by which to evaluate and approve or disapprove insurers' proposed rating rules or formulas, and consumers will be better protected from unfairly discriminatory rates.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.18.480 and 48.19.040.

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

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.



Name of Agency Personnel Responsible for Drafting and Implementation: Lee Barclay, P.O. Box 40255, Olympia, WA 98504-0258 [98504-0255], (360) 725-7115; and Enforcement: Beth Berendt, P.O. Box 40255, Olympia, WA 98504-0258 [98504-0255], (360) 725-7117.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule affects only issuers of personal lines of property and casualty insurance. None of the current domestic issuers of personal lines insurance meet the definition of a small business under the law. Therefore, no small business economic impact statement is required.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7036, fax (360) 586-3109, e-mail jimt@oic.wa.gov.

December 1, 2010

Mike Kreidler  
Insurance Commissioner

#### NEW SECTION

**WAC 284-24-130 Rate stability rules.** (1) This section prescribes standards that apply to insurers' rate stability rules, which are also sometimes called "transition rules" or "premium-capping rules." For the purposes of this section, a "rate stability rule" means a rating rule created by an insurer to limit premium changes experienced by policyholders due to the insurer's:

- (a) Revision of its own rating plan;
- (b) Acquisition or planned acquisition of a book of business from an unaffiliated insurer; or
- (c) Moving or receiving business from an affiliated insurer.

(2) Insurers must file rate stability rules with the commissioner under RCW 48.19.040(1) and 48.19.043(2). If an insurer has a rate stability rule, it must be included in its filed manual of rates and rules.

(3) Subsections (4) through (13) of this section apply only to personal lines of property and casualty insurance and only to rate stability rules filed on or after the effective date of this section.

(4) Rate stability rules that do not satisfy the requirements of this section are considered to be unfairly discriminatory and in violation of RCW 48.19.020.

(5) Insurers must not use rate stability rules as:

- (a) A means of extending the applicability of a previously filed rate stability rule; or
- (b) A substitute for multiple filings of base rate changes or other rate changes that have similar premium effects on all policyholders. For example, if an insurer desires a twenty-one percent rate increase across the board, it cannot file a rate stability rule that has the effect of implementing two ten percent changes one year apart.

(6) In each rate filing that proposes a rate stability rule the insurer must describe the circumstances, under subsection (1) of this section, that make a rate stability rule necessary.

(7) Each rate stability rule must specify the class or classes of risks to which it applies. Only policyholders

affected by one of the situations described in subsection (1) of this section may be subject to a rate stability rule.

(8) Each rate stability rule must apply only to that portion of the premium change that results from one of the situations described in subsection (1) of this section. A rate stability rule must not apply to premium changes resulting from changes in coverage, exposure, classification, normal variation in rating due to changes in policyholder characteristics over time, or subsequent rate changes by the insurer.

(9) Each rate stability rule must state the date or number of renewals after which the rule will no longer be in effect. A rate stability rule may not continue to affect premiums for new or renewal policies having effective dates that are more than three years after the effective date of the rate stability rule.

(10) A rate stability rule must affect only policyholders who would otherwise experience a premium change of more than ten percent due to one of the situations described in subsection (1) of this section. The rate stability rule must not limit the policyholder's premium change to less than ten percent at each renewal.

(11) In each rate filing after the implementation of a rate stability rule, the insurer must take into consideration, in an actuarially sound manner, the effect of the rate stability rule on the indicated rate level.

(12) At least twenty days before a rate stability rule first affects a policyholder's premium, the insurer must disclose in writing to the policyholder:

- (a) The fact that a rate stability rule is being applied;
- (b) The reason for applying a rate stability rule;
- (c) How long the policyholder's premium will be affected by the rate stability rule;
- (d) What the premium for the upcoming policy term will be; and
- (e) What the premium for the upcoming policy term would be in the absence of the rate stability rule.

(13) When an insurer files a rate stability rule, it must include in its rate filing a sample copy of the disclosure notice it proposes to use to meet the requirements of subsection (12) of this section.

#### **WSR 10-24-100**

#### **PROPOSED RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Child Support)

[Filed December 1, 2010, 8:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-14-064.

Title of Rule and Other Identifying Information: The DSHS division of child support (DCS) proposes to adopt changes to chapter 388-14A WAC to implement changes to the rules regarding distribution of child support collections, namely WAC 388-14A-5001, 388-14A-5002, 388-14A-

5003, 388-14A-5004, 388-14A-5005, 388-14A-5006, and 388-14A-5010.

WAC 388-14A-5001 What procedures does DCS follow to distribute support collections?, 388-14A-5002 How does DCS distribute support collections in a nonassistance case?, 388-14A-5003 How does DCS distribute support collections in an assistance case?, 388-14A-5004 How does DCS distribute support collections in a former assistance case?, 388-14A-5005 How does DCS distribute federal tax refund offset collections?, 388-14A-5006 How does DCS distribute support collections when the paying parent has more than one case?, and 388-14A-5010 How does the division of child support distribute federal tax refund offset collections from joint returns?

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 January 4, 2011, at 10:00 a.m.

Date of Intended Adoption: Not earlier than January 5, 2011.

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 January 4, 2011.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by December 21, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [johnsj14@dshs.wa.gov](mailto:johnsj14@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCS is amending its distribution rules in accordance with the budget for state fiscal year 2011, which requires the division of child support to apply collections from federal tax refund offsets (1) only to child support arrears and (2) first to debt that has been assigned to the state.

Statutory Authority for Adoption: RCW 26.23.035, 34.05.350 (1)(c).

Statute Being Implemented: RCW 26.23.035.

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: Nancy Koptur, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not have an economic impact on small businesses. It only affects individuals who have support obligations or individuals who are owed child support.

A cost-benefit analysis is not required under RCW 34.05.328. The rule does meet the definition of a significant legislative rule but DSHS/DCS rules relating to the care of

dependent children are exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii).

November 19, 2010

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-02-059, filed 1/5/09, effective 1/27/09)

**WAC 388-14A-5001 What procedures does DCS follow to distribute support collections?** (1) When distributing support collections, the division of child support (DCS) records collections in exact amounts of dollars and cents.

(2) DCS distributes support collections within two days of the date DCS receives the collection, unless DCS is unable to distribute the collection for one or more of the following reasons:

(a) ~~((The location of))~~ DCS is unable to locate the payee ((is unknown)) and the payee has not signed up for electronic funds transfer (EFT) of disbursements;

(b) DCS does not have sufficient information to identify the accounts against which or to which it should distribute the money;

(c) An action is pending before a court or agency which has jurisdiction over the issue to determine whether child support is owed or how DCS should distribute the collection.

(d) DCS receives prepaid child support and is holding it for distribution in future months under ~~((subsection (2)(e) of this section))~~ WAC 388-14A-5008;

(e) DCS mails a notice of intent to distribute support money ~~((to the custodial parent (CP)))~~ under WAC 388-14A-5050;

(f) DCS receives federal tax refund offset collections, which are distributed according to WAC 388-14A-5005 and 388-14A-5010.

(g) DCS may hold funds and not issue a check to the family for amounts under one dollar. DCS must give credit for the collection, but may delay disbursement of that amount until a future collection is received which increases the amount of the disbursement to the family to at least one dollar. If no future collections are received which increase the disbursement to the family to at least one dollar, DCS transfers the amount to the department of revenue under RCW 63.29.130. This subsection does not apply to disbursements which can be made by ~~((electronic funds transfer (-)EFT((-); or to refunds of federal tax refund offset collections));~~ or

~~((g))~~ (h) Other circumstances exist which make a proper and timely distribution of the collection impossible through no fault or lack of diligence of DCS.

(3) DCS distributes support collections based on the date DCS receives the collection, except as provided under WAC 388-14A-5005. DCS distributes support collections based on the date of collection. DCS considers the date of collection to be the date that DCS receives the support collection, no matter when the money was withheld from the noncustodial parent (NCP).

(4) Under state and federal law, the division of child support (DCS) disburses support collections to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family;

(b) Payee under the order, or to the custodial parent (CP) of the child according to WAC 388-14A-5050;

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

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

(e) Persons or entity making the payment when DCS is unable to identify the person to whom the support is payable after making reasonable efforts to obtain identification information.

(5) If DCS is unable to disburse a support collection because the location of the family or person is unknown, it must exercise reasonable efforts to locate the family or person. When the family or person cannot be located, DCS handles the collection in accordance with chapter 63.29 RCW, the uniform unclaimed property act.

(6) WAC 388-14A-5000 through 388-14A-5015 contain the rules for the distribution of support collections by DCS.

(7) DCS changes the distribution rules based on changes in federal statutes and regulations. DCS may also change the distribution rules based on the state budget, but only to the extent allowed by federal law.

AMENDATORY SECTION (Amending WSR 09-02-059, filed 1/5/09, effective 1/27/09)

**WAC 388-14A-5002 How does DCS distribute support collections in a nonassistance case?** (1) A nonassistance case is one where the family has never received a cash public assistance grant.

(2) Subject to the exceptions provided under WAC 388-14A-5005, the division of child support (DCS) applies support collections within each Title IV-D nonassistance case:

(a) First, to satisfy the current support obligation for the month DCS received the collection;

(b) Second, to the noncustodial parent's support debts owed to the family;

(c) Third, to prepaid support as provided for under WAC 388-14A-5008.

(3) DCS uses the fee retained under WAC 388-14A-2200 to offset the fee amount charged by the federal government for IV-D cases that meet the fee criteria in WAC 388-14A-2200(1).

AMENDATORY SECTION (Amending WSR 09-02-059, filed 1/5/09, effective 1/27/09)

**WAC 388-14A-5003 How does DCS distribute support collections in an assistance case?** (1) An assistance case is one where the family is currently receiving a TANF grant.

(2) Subject to the exceptions provided under WAC 388-14A-5005, the division of child support (DCS) distributes support collections within each Title IV-D assistance case:

(a) First, to satisfy the current support obligation for the month DCS received the collection;

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

(c) Third:

(i) To satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance paid to the family; or

(ii) To satisfy support debts which are conditionally assigned to the department. Support collections distributed to conditionally assigned arrears are disbursed according to WAC 388-14A-2039.

(d) Fourth, to satisfy support debts owed to the family;

(e) Fifth, to prepaid support as provided for under WAC 388-14A-5008.

AMENDATORY SECTION (Amending WSR 09-02-059, filed 1/5/09, effective 1/27/09)

**WAC 388-14A-5004 How does DCS distribute support collections in a former assistance case?** (1) A former assistance case is one where the family is not currently receiving a TANF grant, but has at some time in the past.

(2) Subject to the exceptions provided under WAC 388-14A-5005, the division of child support (DCS) distributes support collections within each Title IV-D former-assistance case:

(a) First, to satisfy the current support obligation for the month DCS received the collection;

(b) Second, to satisfy support debts owed to the family;

(c) Third, to satisfy support debts which are conditionally or temporarily assigned to the department. These collections are disbursed according to WAC 388-14A-2039;

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

(e) Fifth, to prepaid support as provided for under WAC 388-14A-5008.

AMENDATORY SECTION (Amending WSR 09-02-059, filed 1/5/09, effective 1/27/09)

**WAC 388-14A-5005 How does DCS distribute federal tax refund offset collections?** The division of child support (DCS) distributes federal tax refund offset collections in accordance with 42 U.S.C. Sec. 657, as follows:

(1) ~~((First, to satisfy the current support obligation for the month in which DCS received the collection;~~

~~(2) Second;))~~ DCS distributes ~~((any amounts over current support))~~ federal tax refund offset collections to arrears only, and not to current support.

(2) DCS distributes federal tax refund offset collections within an individual case depending on the type of case to which the collection is distributed:

(a) In a never assistance case, all ~~((remaining))~~ amounts are distributed to family arrears, meaning those arrears which have never been assigned.

(b) In a former assistance case, all ~~((remaining))~~ amounts are distributed first to ~~((family))~~ permanently assigned arrears, then to ~~((permanently))~~ conditionally assigned arrears, then to ~~((conditionally assigned))~~ family arrears.

(c) In a current assistance case, all ~~((remaining))~~ amounts are distributed first to permanently assigned arrears, then to temporarily assigned arrears (if they exist), then to conditionally assigned arrears, and then to family arrears.

(3) Federal tax refund offset collections distributed to assigned support are retained by the state to reimburse the cumulative amount of assistance which has been paid to the family.

(4) DCS may distribute federal tax refund offset collections only to certified support debts ~~((and to current support obligations on cases with certified debts))~~. DCS must refund any excess to the noncustodial parent (NCP).

(5) DCS may retain the twenty-five dollar annual fee required under the federal deficit reduction act of 2005 and RCW 74.20.040 from federal tax refund offset collections distributed to nonassistance cases.

(6) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a collection from a federal tax refund offset is from a tax refund based on a joint return, DCS follows the procedures set forth in WAC 388-14A-5010.

AMENDATORY SECTION (Amending WSR 09-02-059, filed 1/5/09, effective 1/27/09)

**WAC 388-14A-5006 How does DCS distribute support collections when the paying parent has more than one case?** ~~((When the NCP has more than one Title IV-D case))~~ Subject to the exceptions provided under WAC 388-14A-5005, the division of child support (DCS) distributes support collections in the following manner when the non-custodial parent (NCP) has more than one Title IV-D case:

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

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

(3) Third, within each Title IV-D case according to WAC 388-14A-5002, 388-14A-5003, or 388-14A-5004.

AMENDATORY SECTION (Amending WSR 09-02-059, filed 1/5/09, effective 1/27/09)

**WAC 388-14A-5010 How does the division of child support distribute federal tax refund offset collections from joint returns?** (1) The division of child support (DCS) collects child support through the interception of federal tax refunds. This section deals with the issues that arise when the Secretary of the Treasury intercepts a tax refund based on a joint tax return filed by a noncustodial parent (NCP) and the NCP's spouse who does not owe child support.

(2) When the Secretary of the Treasury, through the federal Office of Child Support Enforcement (OCSE), notifies DCS that a collection on behalf of an NCP is from an intercepted tax refund based on a joint return, DCS may distribute fifty percent of that collection as provided in WAC 388-14A-5005 and hold the remainder for up to six months in case the NCP's spouse is entitled to a share of the federal tax refund.

(3) DCS distributes fifty percent of the collection according to WAC 388-14A-5005.

(4) DCS holds the other fifty percent of the collection in suspense until the earlier of the following:

(a) DCS is notified by OCSE or the Secretary of the Treasury whether DCS must pay back the unobligated spouse's portion of the refund; or

(b) For a period not to exceed six months from notification of the offset.

(5) After DCS holds part of a collection under subsection (4) of this section, DCS distributes the remainder of the collection to the NCP's support ~~((obligations if))~~ arrears according to WAC 388-14A-5005, unless DCS is ((not)) required to return the unobligated spouse's portion of the refund. The CP may:

(a) Request that DCS distribute the payment to the NCP's support obligation sooner upon a showing of hardship to the CP; and

(b) Request a conference board if the CP disagrees with DCS' denial of a hardship claim.

## WSR 10-24-101

### PROPOSED RULES

### DEPARTMENT OF FISH AND WILDLIFE

[Filed December 1, 2010, 8:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-19-110 on September 21, 2010.

Title of Rule and Other Identifying Information: WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules, the changes in this proposal are specific to waters of the Elwha River system from the mouth to the Olympic National Park boundary, including Lake Sutherland.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on January 7-8, 2011, at 8:30 a.m.

Date of Intended Adoption: On or after February 4, 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 December 31, 2010.

Assistance for Persons with Disabilities: Contact Susan Galloway by December 31, 2010, at (360) 902-2267 or via TTY at 1-800-833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule change would close the portions of the Elwha River and its tributaries, including Lake Sutherland, to fishing where those waters are under state jurisdiction.

Reasons Supporting Proposal: These changes represent a component of the Elwha River restoration plan. The department, in conjunction with the Olympic National Park and the Lower Elwha Klallam Tribe, is recommending this closure to create a complete recreational, commercial, and

subsistence fishing moratorium on the Elwha River system. The moratorium is anticipated to last five years, to provide maximum opportunity for survival and recolonization of the middle and upper watershed by anadromous fish species that have been denied access since 1913 with the construction of the lower of two hydroelectric dams. The dams are scheduled to be removed beginning in 2011.

Statutory Authority for Adoption: RCW 77.04.012, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.12.-045, and 77.12.047.

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: Michael Gross, 48 Devonshire Road, Montesano, WA 98563, (360) 249-1210; 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. This proposal involves sportfishing rules, not commercial fishing rules. As such, it is not expected to affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not involve hydraulics.

December 1, 2010

Lori Preuss  
Rules Coordinator

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) As used in this section, "lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method. "Lead weight" means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

(3) 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. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree.

~~((3))~~ (4) 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))~~ (5) 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))~~ (6) 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 floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional sea-

son, 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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis. 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 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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis. 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, sockeye, 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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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: Percival 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 (~~Ohanapeecosh~~) Ohanapeecosh 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: Land-locked 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): Through February 28, 2012: 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. Beginning March 1, 2012: From mouth upstream to Olympic National Park boundary, including all tributaries and remaining waters of Lake Aldwell and Lake Mills: Closed waters. As the Elwha and Glines Canyon dams are removed, Lake Aldwell and Lake Mills will recede.

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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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. Selec-

tive 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) (Suittle 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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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 Gridale: 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 closure 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.

Ilahahe 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. Whitefish gear rules apply.

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

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

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

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. 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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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 tempo-

rary 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 Nat-

ural 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 floating 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 1)) 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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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 fourteen 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. 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.

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 Quinalt 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.

Skookum Lake, South (Pend Oreille County): Unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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.

Stevens 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. Beginning November 1, 2011: Closed waters.

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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

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 steel-

head 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.

Tucquala 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 float-

ing 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 lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

**WSR 10-24-103**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed December 1, 2010, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-14-052.

Title of Rule and Other Identifying Information: New WAC 388-71-06020 through 388-71-06420, home care referral registry.

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 January 4, 2011, at 10:00 a.m.

Date of Intended Adoption: Not earlier than January 5, 2011.

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 January 4, 2011.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by December 21, 2010, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at [johnsj14@dshs.wa.gov](mailto:johnsj14@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is adopting new WAC 388-71-06020 through 388-71-06420. As a result of the 2009-2011 supplemental budget (ESSB 6444), the home care quality authority is no longer funded and the home care referral registry program moved to the home and community services division effective July 1, 2010. A CR-103 Emergency rule was filed to meet the effective date of the rules.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: ESSB 6444.

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: Susan Engels, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2554.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The preparation of a small business economic impact statement is not required, as no new costs will be imposed on small businesses or nonprofits as a result of this rule amendment.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(v),

rules the content of which is [are] explicitly and specifically dictated by statute.

November 19, 2010  
Katherine I. Vasquez  
Rules Coordinator

### Referral registry

#### NEW SECTION

**WAC 388-71-06020 What is the purpose of WAC 388-71-06020 through 388-71-06420?** The purpose of this chapter is to ensure compliance by the department with the provisions of RCW 74.39.250. The department is authorized to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

#### NEW SECTION

**WAC 388-71-06040 What definitions apply to WAC 388-71-06020 through 388-71-06420?** The following definitions apply to this chapter:

"AAA" refers to the local area agency on aging.

"ALJ" refers to administrative law judge.

"Consumer/employer" refers to an adult or child with functional or developmental disabilities who qualifies for and uses personal care or respite care paid for through medicaid or state-only funds.

"Consumer representative" refers to an individual who is acting on behalf of the consumer/employer.

"Department" means the department of social and health services.

"DSHS" refers to the department of social and health services.

"Emergency provider" means an individual provider who is employed as a back-up for a provider who did not show up or who was unable to work due to unexpected circumstances.

"Employer" refers to the consumer.

"HCRR" refers to the home care referral registry.

"Home care referral registry operations" refers to the activities carried out at the local level to recruit and register individual providers or prospective individual providers for the referral registry and assist consumers to utilize the referral registry to find qualified individual providers.

"Individual provider" means a person, regardless of relationship, including a personal aide working for a consumer under self-directed care, who has a contract with the department of social and health services to provide personal care or respite care services to adults or children with functional or developmental disabilities and is reimbursed for those services through medicaid or state-only funding.

"IP" refers to an individual provider.

"Malfeasance" means any unlawful act committed by the provider, whether in the course of employment or otherwise.

"Mandatory reporter" is an employee of DSHS; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, wel-

fare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian science practitioner; or health care provider subject to chapter 18.130 RCW.

**"Misfeasance"** means performance of a workplace duty in an improper manner; including events which jeopardize the health and safety of persons, unresolved pattern of performance, issues related to truth or dishonesty, including failure to report a criminal conviction.

**"OAH"** refers to the office of administrative hearings.

**"Prospective individual provider"** refers to someone who is seeking employment with a consumer/employer.

**"Provider"** means an individual provider.

**"Referral registry"** is a data base that is designed to assist consumers with finding individual providers and to assist individual providers to find employment.

**"Respite provider"** means an individual provider who is employed on a prearranged short-term basis to fill in for a routine caregiver.

**"Routine provider"** means an individual provider who is employed on a regularly scheduled basis.

#### NEW SECTION

**WAC 388-71-06060 What is the purpose of the referral registry?** The purpose of the referral registry was to increase consumer/employer choice while providing assistance in finding individual providers and prospective individual providers. In addition, the referral registry:

- (1) Takes into account the consumer/employer needs and preferences when identifying potential individual providers;
- (2) Provides for reasonable standards of accountability providers and prospective individual providers listed through the registry;
- (3) Is voluntary for individual providers and prospective individual providers and consumers/employers;
- (4) Promotes job opportunities for individual providers and prospective individual providers;
- (5) Provides access to the data base for consumer/employers who want to query a referral independently; and
- (6) Increases a consumer/employer's choice of individual providers and prospective individual providers via an established pool of available individual providers and prospective individual providers on the registry.

#### NEW SECTION

**WAC 388-71-06080 Who is eligible to request a referral from the referral registry?** The following people are eligible to request a referral from the referral registry:

- (1) Consumer/employers who are adults or children with functional or developmental disabilities who qualify for and use personal care or respite care paid for through medicaid or state-only funds.
- (2) People who are authorized to request a referral on behalf of a consumer including family members, area agency on aging case managers, department social workers and/or a consumer representative.

#### NEW SECTION

**WAC 388-71-06100 What is the difference between an individual provider and a prospective individual provider?** The difference between an individual provider and a prospective individual provider is

- (1) An individual provider is someone who has signed a department contract.
- (2) A prospective individual provider is someone who is seeking employment with a consumer/employer and who has not yet signed a DSHS contract.

#### NEW SECTION

**WAC 388-71-06120 What qualifies an individual provider or prospective individual provider to be on the referral registry?** In order for an individual provider or prospective individual provider to be qualified to be on the referral registry, the individual provider or prospective individual provider must:

- (1) Prior to January 1, 2012 satisfactorily complete a Washington state patrol background check and not be convicted of a disqualifying crime or negative action based on the applicable department list of disqualifying crimes and negative actions; and
- (2) Complete an FBI fingerprint-based background check if the person has lived in the state of Washington less than three consecutive years immediately before the background check. An individual provider or prospective individual provider that has lived in Washington state less than three consecutive years may be included on the referral registry for a one hundred twenty-day provisional period as allowed by law or program rules when:
  - (a) A fingerprint-based background check is pending; and
  - (b) The individual provider or prospective individual provider is not disqualified based on the immediate result of the Washington state patrol background check.
- (3) Not be listed on any long-term care abuse and neglect registry used by the department;
- (4) Be eighteen years of age or older;
- (5) Provide a valid Washington state driver's license or other valid picture identification;
- (6) Have a Social Security card or proof of authorization to work in the United States as required on the employment verification form; and
- (7) Comply with requirements listed in WAC 388-71-06180 and other applicable requirements in chapter 388-71 WAC.
- (8) Effective January 1, 2012, be screened through the department's fingerprint-based background check, as required by RCW 74.39A.055.

#### NEW SECTION

**WAC 388-71-06130 What information will be considered cause for denying an individual provider or prospective individual provider placement on the referral registry?** An individual provider or prospective individual provider will be denied placement on the referral registry when:



(1) A background check that reveals a disqualifying crime or negative action listed on an applicable department list of disqualifying crimes and/or negative actions;

(2) He or she is listed on any state abuse or neglect registry;

(3) He or she is subject to a current and valid protective order that was issued in the state of Washington barring or restricting contact with children, vulnerable adults or persons with disabilities;

(4) The department individual provider contract is denied; or

(5) He or she is found ineligible per WAC 388-71-0540.

#### NEW SECTION

**WAC 388-71-06135 What information may be considered cause for denying an individual provider or prospective individual provider placement on the referral registry?** The following information may be considered cause for denying an individual provider or prospective individual provider placement on the referral registry:

(1) He or she failed to disclose pending charges, criminal convictions, or negative actions on background authorization form;

(2) The department has a reasonable, good faith belief that he or she is unable to meet the care needs of consumers;

(3) The background check reveals an offense or pattern of offenses, not listed on the applicable list of disqualifying crimes, that the department determines may put consumers at risk; or

(4) Information found in WAC 388-71-0543.

#### NEW SECTION

**WAC 388-71-06140 How does an individual provider or prospective individual provider apply to be on the referral registry?** In order for an individual provider or prospective individual provider to apply to be on the registry, he or she must:

(1) Contact their local home care referral registry operations;

(2) Request and complete an application packet; and

(3) Meet the qualifications specified in WAC 388-71-06120.

#### NEW SECTION

**WAC 388-71-06160 Does an individual provider or prospective individual provider have any ongoing responsibilities in order to continue to be listed on the referral registry?** (1) In order for an individual provider or prospective individual provider to stay on the registry, he or she must:

(a) Contact the referral registry office once a month to verify that the information in the system is accurate and up-to-date; and

(b) Successfully complete the criminal history background check process every twelve months, described in WAC 388-71-06130 and 388-71-0513.

(2) Failure to comply with ongoing responsibilities will result in placing the individual provider or prospective indi-

vidual provider in an "inactive" status. The provider will not be referred to a consumer/employer when in "inactive" status.

#### NEW SECTION

**WAC 388-71-06180 Are there any training requirements for being on the referral registry?** In order for an individual provider or prospective individual provider to be listed on the referral registry, he or she must complete the "Becoming a Professional IP" training prior to being referred to a consumer, unless the person has already worked as an individual provider for more than three months under DSHS contract. All other mandatory training requirements for long-term care workers per chapter 388-71 WAC are applicable.

#### NEW SECTION

**WAC 388-71-06200 Will an individual provider or prospective individual provider be removed from the referral registry?** An individual provider or prospective individual provider will be removed from the referral registry when he or she:

(1) Fails to meet the qualifications identified in WAC 388-71-06120 and 388-71-06180;

(2) Committed misfeasance in the performance of his or her duties as an individual provider;

(3) Committed malfeasance in the performance of his or her duties as an individual provider;

(4) Requests that their name be removed from the registry;

(5) Has his or her individual provider contract with the department terminated for cause;

(6) Has a cause for denial, as listed in WAC 388-71-06130, exists; or

(7) Fails to meet qualifications found in WAC 388-71-0510 and 388-71-0540.

#### NEW SECTION

**WAC 388-71-06220 What is the procedure for removing an individual provider or prospective individual provider from the referral registry?** The procedure for removing an individual provider or prospective individual provider from the referral registry is as follows:

The department and/or its designee, will review all complaints and disqualification information received and:

(1) For those complaints that fall under the legal jurisdiction of law enforcement or adult protective services (APS) or child protective services (CPS), an immediate referral will be made to the appropriate agency.

(a) The department may initiate an emergency proceeding to inactivate the individual provider or prospective individual provider on the registry pending the investigation.

(b) If APS, CPS, and/or law enforcement declines the referral, the complaint will proceed to assessment, recommendation and decision.

(c) If APS, CPS, and/or law enforcement accepts the complaint, then action beyond the emergency adjudicative process per RCW 34.05.479 will be stayed pending APS, CPS, and/or law enforcement action.

(2) For those complaints not forwarded to APS, CPS, or law enforcement, the department will conduct an internal assessment.

(a) Upon assessment, a decision will be made and notification will be sent, in writing to the individual provider or prospective individual provider.

(b) The individual provider or prospective individual provider has the right to appeal an adverse decision.

(c) The appeal must be sent in writing to the office of administrative hearings (OAH) as designated on the formal notice within twenty-eight days of the date the formal notice was mailed by the department.

(d) OAH will schedule the hearing and notify interested parties.

(e) An administrative law judge (ALJ) from OAH will act as presiding officer for the adjudicative proceeding as provided in RCW 34.05.425 (1)(c).

(f) The ALJ will render an initial decision.

(g) The initial decision will be reviewed and final agency action will be taken by the department board of appeals, either adopting, modifying, or reversing the initial decision.

(h) The final order is the final department action and will be provided to all interested parties and to the individual provider or prospective individual provider along with information regarding the right to seek judicial review in superior court when applicable.

(i) The final order will include, or incorporate by reference to the initial order, all matters required by RCW 34.05.461(3).

#### NEW SECTION

**WAC 388-71-06240 What is the procedure for the denial of an individual provider or prospective individual provider's application to be on the referral registry?** Upon receipt of an individual provider or prospective individual provider's application to be on the referral registry, the department will utilize the following procedure to determine whether the individual provider or prospective individual provider meets the minimum qualifications and whether he or she will be able to appropriately meet the care needs of consumers:

(1) An internal assessment will be conducted, a decision will be made and notification will be sent, in writing to the individual provider or prospective individual provider.

(2) The individual provider or prospective individual provider has the right to appeal an adverse decision.

(3) The appeal must be sent in writing to the office of administrative hearings (OAH) as designated on the formal notice within twenty-eight days of the date the formal notice was mailed by DSHS.

(4) OAH will schedule the hearing and notify interested parties.

(5) An administrative law judge from OAH will act as presiding officer for the adjudicative proceeding as provided in RCW 34.05.425 (1)(c).

(6) The ALJ will render an initial decision.

(7) The initial decision will be reviewed and final department action will be taken by the department board of appeals, either adopting, modifying, or reversing the initial decision.

(8) The final order is the final department action and will be provided to all interested parties and to the individual provider or prospective individual providers along with information regarding the right to seek judicial review in superior court when applicable.

(9) The final order will include, or incorporate by reference to the initial order, all matters required by RCW 34.05.461(3).

#### NEW SECTION

**WAC 388-71-06260 Who must be notified if a complaint is received about an individual provider?** If, in the course of carrying out its duties, the department or its designee, receives a complaint regarding the services being provided by an individual provider, the department, or its designee, must notify the relevant area agency on aging case manager or DSHS social worker regarding such concerns per RCW 74.39A.250 (1)(h).

#### NEW SECTION

**WAC 388-71-06280 Are referral registry staff considered mandatory reporters?** Any department staff, or subcontracted staff working for the referral registry are considered mandatory reporters.

#### NEW SECTION

**WAC 388-71-06300 What is reasonable cause for mandatory reporting?** RCW 74.34.035 outlines reasonable cause for mandatory reporting.

#### NEW SECTION

**WAC 388-71-06320 Does an individual provider or prospective individual provider have the right to appeal being removed from the referral registry?** The individual provider or prospective individual provider or the consumer/employer, to whom the individual provider is providing services, has the right to appeal when he or she is being removed from the referral registry, as provided in RCW 74.39A.250 (1)(e) and WAC 388-71-06240.

A letter will be sent notifying the individual provider or prospective individual provider that he or she is being removed from the registry and will include information pertaining to the appeal and hearing process.

#### NEW SECTION

**WAC 388-71-06340 How does a consumer/employer apply to use the referral registry services?** In order to use the referral registry, a consumer/employer or consumer representative must complete the registration process. The registration process conducted by the local home care referral registry operations must confirm that the consumer/employer is qualified to receive personal care or respite care paid for through medicaid or state-only funds.

NEW SECTION

**WAC 388-71-06360 How does a consumer/employer obtain a list of names from the referral registry?** In order for a consumer/employer or consumer representative to obtain a referral list of names, he or she must complete and submit a request application to the local referral registry. The completed application may indicate the days and times an individual provider is needed, the personal care tasks that need to be performed, and any preferences the consumer/employer may have. Upon completion of the application, a registry coordinator will conduct a query that will generate a list of names that best match the consumer/employer's specific criteria. The list will be given to the consumer/employer via mail, phone, fax, or email, depending on the consumer/employer's preference, within a reasonable time.

Upon successful submission of a request application, a consumer/employer or consumer representative may request a user name and password to access the registry independently to generate a list of names.

NEW SECTION

**WAC 388-71-06380 Who hires an individual provider or prospective individual provider?** It is the consumer/employer or consumer representative's responsibility to interview, screen, hire, supervise, and terminate an individual provider or prospective individual provider.

NEW SECTION

**WAC 388-71-06400 Does a consumer/employer who is eligible to have his or her individual provider to be paid through medicaid or public funding from the department must be approved by his/her case manager, social worker or nurse?** A consumer/employer who is eligible for his/her individual provider to be paid through medicaid or public funding from the department must be approved by his/her case manager, social worker or nurse. Pursuant to WAC 388-71-0540 through 388-71-0551, DSHS or the AAA may deny payment to the client's choice of an individual provider or prospective individual provider when:

- (1) The individual provider or prospective individual does not meet the requirements to contract with DSHS; or
- (2) The case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the consumer/employer needs.

NEW SECTION

**WAC 388-71-06420 How can a consumer/employer use the referral registry to get an individual provider in an emergency or as a critical personal care back-up?** In order to obtain an emergency or critical personal care back-up referral, a consumer/employer must complete an application with the referral registry office. Registry applications can be completed by contacting the local referral registry. Although a consumer/employer must complete the application process, he/she is not required to have previously used the registry prior to requesting a back-up referral.

**WSR 10-24-112**  
**PROPOSED RULES**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**

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

Original Notice.

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

Title of Rule and Other Identifying Information:

Chapter 136-100 WAC, Administration of the rural arterial program, correct spelling of "mileage" in WAC 136-100-050(2).

Chapter 136-130 WAC, Regional prioritization of RAP projects, define five project types: Reconstruction; 3R-resurfacing, restoration and rehabilitation; 2R-resurfacing and restoration; intersection; bridge and drainage structures. Outline "supplemental rules" for each region. Delete regional ranking point systems from the WACs and replace with priority rating procedures developed by each rural arterial program (RAP) region with the approval of the executive director.

Chapter 136-161 WAC, Project submittal, selection and initial allocation of RATA funds to projects, for distribution of funds to regions by the CRABoard, allow the CRABoard to distribute the funds by project types designated by the regions. Require that preliminary engineering begin within one year of project selection (changed from two years) and construction begin within six years (unchanged) of project selection. Permit CRABoard to increase RATA allocations to counties in those cases where individual counties may not be eligible to apply for funding, or chose not to apply.

Chapter 136-163 WAC, Allocation of RATA funds to emergent and emergency projects, eliminate reductions in future county RATA funding as a result of *emergency* project funding approvals. Retain reductions in future county RATA funding as a result of *emergent* project funding approvals.

Chapter 136-165 WAC, Increased allocations of RATA funds to projects, limit the opportunity to request an increase to one time, at the completion of preliminary engineering and prior to the start of construction. Change the maximum increase in RATA funds from fifty percent to twenty-five percent of the original RATA funds approved. Make all increases subject to CRABoard approval. Clarify that the executed RAP contract must be returned to the CRAB office within forty-five calendar days of it [its] mailing date from the CRAB office. Allow a funded project to be resubmitted for a higher level of funding in a future program without requiring the existing project to be withdrawn.

Chapter 136-167 WAC, Withdrawals, early termination, and lapsing of approved projects, change lapsing times for projects. Require preliminary engineering to begin within one year of project approval. Increase the standard for approval of a two-year extension of the construction lapsing date. Allow up to five percent or \$75,000 of the RATA grant amount to be retained by the county for early preliminary engineering costs if the project is withdrawn.

Chapter 136-170 WAC, Execution of a CRAB/county contract, correct a reference to "day labor" with "construction by county forces." Clarify language regarding "splitting" projects; and add language regarding "phasing" projects.

Hearing Location(s): County Road Administration Board, 2404 Chandler Court S.W., Suite 280, Olympia, WA 98504-0913, on January 27, 2011, at 2:00 p.m.

Date of Intended Adoption: January 27, 2011.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, e-mail Karen@crab.wa.gov, fax (360) 753-5989, by January 21, 2011.

Assistance for Persons with Disabilities: Contact Karen Pendleton by January 21, 2011, TTY (800) 833-6384 or (360) 753-5989.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Review the RAP in light of legislative budget discussions pertaining to desired improvements to the RAP funding program. The proposed changes improve the effectiveness of the RAP funding program by promoting the expansion of project types and providing clearer guidance for project development and completion.

Reasons Supporting Proposal: The Washington State Association of County Engineers supported the development of the RAP rules amendment in order to improve the effective use of RAP funds and program flexibility.

Statutory Authority for Adoption: Chapter 36.78 RCW.

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

Name of Proponent: County road administration board, governmental.

Name of Agency Personnel Responsible for Drafting: Randy Hart, Jeff Monsen, Bob Moorhead, 2404 Chandler Court S.W., Suite 240, (360) 753-5989; Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, (360) 753-5989; and Enforcement: Jay Weber, 2404 Chandler Court S.W., Suite 240, (360) 753-5989.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

November 22, 2010

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-100-050 Apportionment of RATA funds to regions.** RCW 36.79.040 sets forth the apportionment formula to be used in distributing RATA funds to the five regions. Following are the computations used in the apportionment formula:

(1) Computation of land area ratio. The ratio that the total county rural land area of each region bears to the total rural land area of all counties of the state shall be computed from information provided by the office of financial management as of July 1, 1993, and each two years thereafter.

(2) Computation of road (~~mileage~~) mileage ratio. The ratio that the mileage of county arterials and collectors in rural areas of each region bears to the total mileage of county arterials and collectors in all rural areas of the state shall be

computed from information shown in the county road log maintained by the county road administration board as of July 1st of each odd-numbered year.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-130-010 Purpose and authority.** RCW 36.79.080 sets forth the criteria that will be used in determining the priority of specific improvement projects. This chapter describes how each RAP (~~(region)~~) project type will rate and (~~(prioritize proposed projects)~~) be prioritized within RAP regions.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-130-020 Priorities by (~~(region)~~) project type.** There shall be five project types eligible for RATA funding, with each having separate rating systems for project ranking and selection. The five project types include:

(1) Reconstruction - emphasis on alignment and grade changes on fifty percent or more of the project length, and may include additional travel lanes and right of way costs.

(2) 3R - resurfacing, restoration, and rehabilitation - primary focus on extending the service life of existing facility involving less than fifty percent vertical or horizontal changes, and on safety improvements. Right of way costs are eligible for RATA reimbursement as a part of this project type.

(3) 2R - resurfacing and restoration - primary focus on restoration of the pavement structure on the existing vertical and horizontal alignment and spot safety improvements. Minor widening costs are allowed as a part of this project type. Right of way costs are not eligible for RATA reimbursement in this project type.

(4) Intersection - 3R or reconstruction work limited to the vicinity of an existing intersection, and may include additional travel lanes and right of way costs.

(5) Bridge and drainage structures - replacement or major rehabilitation of an existing bridge or other drainage structure, and may include additional travel lanes and right of way costs. The county road administration board has determined that the interests of the counties in the several regions will be best served by encouraging development of a distinct project priority rating systems for each region. (~~(These rating systems, described in WAC 136-130-030, 136-130-040, 136-130-050, 136-130-060, and 136-130-070, shall be used in the prioritization of proposed projects requesting RATA funds submitted by counties in the respective regions.)~~)

In consultation with the individual regions, the executive director shall approve the various forms and procedures necessary to allocate available RATA funding, consistent with RCW 36.79.080.

AMENDATORY SECTION (Amending WSR 06-11-067, filed 5/12/06, effective 6/12/06)

**WAC 136-130-030 (~~(Project prioritization)~~) Supplemental rules in Puget Sound region (PSR).** Each county in the PSR may submit projects requesting RATA funds not to

exceed ((80%)) eighty percent of the forecasted regional apportionment. ((Each project shall be rated in accordance with the PSR RAP rating procedures. The PSR funding period shall allot a minimum of 25% of the forecasted regional apportionment to projects on roads classified as major collectors (07) or minor collectors (08).

~~PSR RAP maximum rating points for the four project types shall be assigned based on the following:~~

Rating Criteria:	Project Type:			
	Road	Safety	Intersection	Bridge
Traffic Volume	20	15	20	20
Accident History	25	15	25	25
Structure	15	10	5	25
Geometry	30	20	40	20
Special Road Usage	10	10	10	10
3R Safety		30		
TOTAL POINTS	100	100	100	100

~~Bridge category projects that will not replace the structure must have federal funds committed to them prior to submittal for RATA funding.~~

~~Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.))~~

AMENDATORY SECTION (Amending WSR 08-16-043, filed 7/29/08, effective 8/29/08)

**WAC 136-130-040 ((Project prioritization)) Supplemental rules in northwest region (NWR).** Each county in the NWR may submit projects requesting RATA funds not to exceed forty percent of the forecasted regional apportionment. ((No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP reconstruction or 3R rating procedures. NWR RAP reconstruction rating points shall be assigned on the basis of forty points for structural condition, forty points for geometries, ten points for traffic volume, ten points for traffic accidents, five points for any project on a major collector (07), and ten points for any project on a rural principal arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

~~NWR RAP 3R rating points shall be assigned on the basis of thirty points for structural condition, twenty points for geometries, ten points for traffic volume, ten points for traffic accidents, ten points for any project on a minor collector (08), and thirty points for 3R safety. Prioritization of NWR 3R projects shall be on the basis of total NWR 3R RAP rating points shown on the project worksheet and the prospectus form of the project application.~~

~~A total of twenty points representing local significance may be added to one project in each county's biennial submittal.))~~

AMENDATORY SECTION (Amending WSR 10-05-019, filed 2/4/10, effective 3/7/10)

**WAC 136-130-050 ((Project prioritization)) Supplemental rules in northeast region (NER).** Each county in the NER may submit projects requesting RATA funds not to exceed twenty-five percent of the forecasted NER biennial apportionment. ((Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

- Category 1 - Ten percent for bridge projects where RATA funds are used as a match for federal bridge funds;
- Category 2 - Thirty percent for reconstruction of rural collectors and arterials;
- Category 3 - Thirty percent for resurfacing, restoration, rehabilitation (3R) type projects on rural collectors and arterials; and
- Category 4 - Thirty percent for resurfacing and restoration (2R) type projects on rural collectors and arterials.

~~In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the county road administration board deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.))~~

~~Bridge projects may be submitted requesting RATA funds under one of the following conditions:~~

- (1) Bridges must be approved for federal bridge funding and RATA funds shall be used only as a match for such federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list and may be added to the NER Category 1 priority array at any time during the biennium upon approval of the bridge for federal bridge funding.
- (2) A stand-alone bridge project may be submitted as an ordinary reconstruction or 3R RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.
- (3) A RAP project may include a bridge when the cost of the bridge does not exceed twenty percent of the total project cost.

~~((NER RAP rating points for reconstruction projects, 3R projects or nonfederal bridge projects shall be assigned on the basis of one hundred points for a condition rating and fifty points for a service rating. The priority rating equals the sum of two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing one hundred by the condition rating. A total of ten points representing local significance may be added to one project included in each county's biennial com-~~

~~combined bridge, 3R and reconstruction submittal. A total of up to ten points representing missing links definition may also be added to one project included in each county's biennial combined bridge, 3R and reconstruction submittal.~~

~~NER-RAP rating points for 2R projects shall be assigned on the basis of five points for traffic volume, five points for traffic accidents, fifty points for structure, ten points for geometry, and fifteen points for roadside safety. A total of fifteen points representing local significance may be added to one 2R project included in each county's biennial submittal.~~

~~Prioritization of NER projects shall be on the basis of total NER-RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.~~

AMENDATORY SECTION (Amending WSR 04-05-001, filed 2/4/04, effective 3/6/04)

**WAC 136-130-060 ((Project prioritization)) Supplemental rules in southeast region (SER).** Each county in the SER may submit projects requesting RATA funds not to exceed twice the per county limit of the forecasted SER biennial apportionment ((which is listed)) as follows:

Asotin County	ten percent
Benton County	fourteen percent
Columbia County	eleven percent
Franklin County	thirteen percent
Garfield County	ten percent
Kittitas County	thirteen percent
Klickitat County	fourteen percent
Walla Walla County	fourteen percent
Yakima County	twenty percent

~~((Each project shall be rated in accordance with the SER-RAP bridge, reconstruction or 3R rating procedures. Ten percent of the forecasted SER biennial apportionment shall be reserved for bridge projects.)) Federally funded bridges for which counties are seeking matching funds shall receive first consideration for ((these)) bridge funds((, ranked against each other according to the WSDOT priority array)). Bridges receiving federal funding may be added to this list at any time during the biennium. Stand-alone bridges may compete for funds in this reserve that remain after all bridges seeking match for federal funds have been funded. ((These bridges will be rated against each other according to their total points assigned from the RAP Rating Worksheets for the SER.)) Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects.~~

~~((SER-RAP reconstruction rating points shall be assigned on the basis of forty-five points for structural condition, thirty points for geometries, twenty-two points for traffic volume, five points for traffic accidents.~~

~~SER-RAP 3R rating points shall be assigned on the basis of twenty points for structural condition, twenty-five points for geometries, twelve points for traffic volume, ten points for traffic accidents, twenty-five points for roadside safety, and ten points for intersection operation.~~

~~A total of twenty points representing local significance may be added to one project in each county's biennial submittal. Prioritization of SER projects shall be on the basis of total SER-RAP bridge, reconstruction or 3R rating points shown on the project worksheet and the prospectus form of the project application.~~

AMENDATORY SECTION (Amending WSR 04-05-001, filed 2/4/04, effective 3/6/04)

**WAC 136-130-070 ((Project prioritization)) Supplemental rules in southwest region (SWR).** Each county in the SWR may submit projects requesting RATA funds not to exceed thirty percent of the forecasted SWR biennial apportionment. ~~((No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR-RAP reconstruction or 3R rating procedures. SWR-RAP reconstruction rating points shall be assigned on the basis of fifty road condition points, consisting of twenty-five points for structural condition and twenty-five points for surface condition, fifty points for geometries, ten points for traffic volume and ten points for traffic accidents, except that portland cement concrete surfaces and asphalt surfaces with cement concrete bases shall have fifty points for road surface condition and no points for structural condition and except that gravel roads shall have fifty points maximum for surface condition, and fifteen points maximum for roadbed width in geometries and no other geometric points. SWR-RAP 3R rating points shall be assigned on the basis of thirty road condition points, consisting of fifteen points for structural condition and fifteen points for surface condition, twenty points for geometries, ten points for traffic volume, ten points for traffic accidents and thirty points for 3R safety, except that portland cement concrete surfaces and asphalt surfaces with cement concrete bases shall have thirty points for road surface condition and no points for structural condition and except that gravel roads shall have thirty points maximum for surface condition, and fifteen points maximum for roadbed width in geometries and no other geometric points. Prioritization of SWR projects shall be on the basis of total SWR-RAP rating points shown on the project worksheets and the prospectus form of the project application.))~~

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-130-080 Limitation on rating points.** In each of the project prioritization ~~((methods described in WAC 136-130-030, 136-130-040, 136-130-050, 136-130-060, and 136-130-070 rating points are assigned to a variety of structural and geometric conditions.)) procedures and associated approved forms, for purposes of the RAP project prospectus submitted to the county road administration board, geometric condition points shall be assigned only for those conditions which will be corrected by construction of the project.~~

NEW SECTION

**WAC 136-130-090 Reallocation of RATA funds between project types.** In the event that no projects or an

insufficient number of projects are submitted in any project type to utilize the RATA funds set aside for the project type, all remaining funds shall be divided among the remaining project types as the county road administration board deems appropriate. The intent is to divide all available funds into project types having a sufficient number of submitted projects to fully utilize the funds available during the biennium.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-161-020 RAP program cycle—General.**

The RAP biennial program cycle consists of the following basic steps:

(1) The CRABoard establishes a funding period if it determines that sufficient future RATA funds are available to provide for new RAP projects. This determination takes place during the CRABoard's regularly scheduled fall meeting in odd-numbered years.

Consistent with WAC 136-130-020, should the board determine there are adequate RATA funds available to be allocated to each region and, under advisement from each region, the board's action shall include the determination of the amount to be allocated to each project type within each region. The board's RATA funding allocation may include all or any subset of the project types described under WAC 136-130-020, and this decision may be unique to each region and may vary between funding periods.

(2) Each eligible county prepares and submits a preliminary prospectus to the county road administration board;

(3) County road administration board staff conducts a field review of each preliminary prospectus and provides to each submitting county an evaluation and scoring of all priority elements which are based on a visual examination, using that region's priority rating process;

(4) Each eligible county prepares and submits a final prospectus to the county road administration board;

(5) For each final prospectus submitted, county road administration board staff computes the total priority rating score and assembles all projects into rank-ordered arrays by region; and

(6) The county road administration board reviews the rank-ordered arrays in each region and, based upon the RATA funds projected to be allocable for the next project program period (see WAC 136-161-070), selects and approves specific projects for RATA funding.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-161-030 RAP program cycle—Preliminary prospectus.** By March 1st of each even-numbered year prior to a funding period, each eligible county shall, for each project for which it seeks RATA funds estimated to be available in the next project program period, submit a preliminary prospectus to the county road administration board. The format and content of the preliminary prospectus shall be prescribed by the county road administration board. Each preliminary prospectus shall be signed by the county engineer. The number of preliminary prospectuses submitted and the total amount of RATA funds requested by each eligible

county (~~shall~~) should be sufficient to assure that, based upon such prospectuses, each county will be able to compete up to its county limit within its region, subject to the supplemental limitations under WAC 136-130-030 through 136-130-070.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-161-050 RAP program cycle—Final prospectus.** By September 1st of each even-numbered year prior to a funding period, each eligible county shall submit a final prospectus for each project for which it seeks RATA funds. Each final prospectus shall be submitted on forms provided by the county road administration board and shall include a vicinity map, a typical cross-section (existing and proposed), and, if a design deviation is required, an evaluation and determination by the county engineer. If a project is for the improvement of a road which continues into an adjacent county and the project terminus is within one thousand feet of the county line, the prospectus shall include a statement signed by the county engineer of the adjacent county certifying that the adjacent county will cooperate with the applicant county to the extent necessary to achieve a mutually acceptable design. All final prospectuses shall indicate that the design of the project shall begin not later than one year from the date of project approval by the county road administration board, and that construction of the project shall begin not later than six years from the date of project approval by the county road administration board. All final prospectuses shall come from the pool of preliminary prospectuses submitted and field reviewed as specified in WAC 136-161-030 and 136-161-040.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-161-060 RAP program cycle—Total project rating and priority array.** County road administration board staff will review all final prospectuses and ensure that:

(1) All necessary information is included;

(2) The project is from the pool of preliminary prospectuses;

(3) The project is eligible for RATA funding;

(4) The project is on the current, adopted six-year transportation program;

(5) The project schedule indicates that preliminary engineering will begin not later than one year from the date of project approval by the county road administration board, and that the construction of the project will begin not later than six years from the date of project approval by the county road administration board; and

(6) The total project priority rating is mathematically correct and the visual rating scores determined during the field review are included.

(7) Existing and proposed roadway cross sections, project narrative, and preconstruction photos are attached.

After county road administration board staff review, all accepted final prospectuses within each region will be placed in a declining total project rating array (~~in accordance with procedures specified in chapter 136-130 WAC~~). After

review by the county road administration board at its next regular meeting, the priority array for each region will be provided to each county in the region. These arrays will be preliminary only and will be provided to the counties to assist them in their internal budgeting and programming. No notations as to whether a particular project will or will not be funded will be included.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

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

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

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

(2) The statewide net amount of RATA funds available for allocation to projects in the funding period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation, less estimated administrative costs, and less any amounts set aside for emergent projects as described in WAC 136-163-020. The total amount of RATA funds available for allocation to projects in a region (i.e., "forecasted regional apportionment amount") will be based on the regional apportionment percentages of the statewide net amount as determined in chapter 136-100 WAC.

(3) ~~(For the funding period beginning July 1, 1995, the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999, beginning July 1, 1995, and ending June 30, 1999). For the funding period beginning July 1, 1997, the project program period will begin July 1, 1999 and end June 30, 2001.)~~ Project program periods and the corresponding funding periods shall both begin on July 1st of odd numbered years and end on June 30th of odd numbered years, unless modified by resolution of the board.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to no more than ninety percent of the net amount estimated to be allocable to each region for the project program period, with the remaining percentage allocated at such time as deemed appropriate by the county road administration board.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project lim-

its in the final prospectus. All material changes to the scope, design or project limits must be approved by the county road administration board prior to commencement of construction.

AMENDATORY SECTION (Amending WSR 10-05-018, filed 2/4/10, effective 3/7/10)

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

(1) PSR: No maximum project RATA contribution; 40% limit on percentage of the forecasted regional apportionment amount;

(2) NWR: No maximum project RATA contribution; twenty percent limit on percentage of the forecasted regional apportionment amount;

(3) NER: No maximum project RATA contribution; maximum RATA contribution to each county for 2R projects is seven hundred fifty thousand dollars; twelve and one-half percent limit on percentage of the forecasted regional apportionment amount;

(4) SWR: No maximum project RATA contribution; fifteen percent limit on percentage of the forecasted regional apportionment amount;

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

(a) Asotin County	ten percent
(b) Benton County	fourteen percent
(c) Columbia County	eleven percent
(d) Franklin County	thirteen percent
(e) Garfield County	ten percent
(f) Kittitas County	thirteen percent
(g) Klickitat County	fourteen percent
(h) Walla Walla County	fourteen percent
(i) Yakima County	twenty percent

(6) The county limits for all eligible and applying counties in each region will be adjusted to include by equal share the funding limit of any ineligible or nonapplying county.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-163-050 Limitations and conditions—Emergency and emergent projects.** All projects for which RATA funding is being requested under this chapter are subject to the following:

(1) The requesting county has the sole burden of making a clear and conclusive showing that the project is either emergent or emergency as described in WAC 136-163-020 through 136-163-040;

(2) The requesting county shall clearly demonstrate that the need for the project was unable to be anticipated at the time the current six-year transportation program was developed; and



(3) The ~~((requesting))~~ county requesting emergent project funding agrees to a reduction in the next funding period's maximum RATA eligibility to the county equal to the RATA that may be provided; however, should that region not have a maximum RATA eligibility for each county, the requesting county agrees to withdraw, amend or delay an existing approved project or portion thereof in an amount equal to the RATA that may be provided for the project.

(4) The county requesting emergency project funding will have no future RATA funding reduction as a result of an emergency project approval.

AMENDATORY SECTION (Amending WSR 09-23-044, filed 11/9/09, effective 12/10/09)

**WAC 136-165-020 Requirements for consideration of RATA fund increases.** (1) When a county submits its final prospectus as described in WAC 136-161-050, the county road administration board presumes that the amount of RATA funds requested, plus any non-RATA funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) All cost increases during the course of construction shall be the responsibility of the county. In extraordinary circumstances, a county may request an increase in the amount of RATA funds allocated to a project. A county may request an increase in a project's RATA allocation ~~((only twice in))~~ once during the course of a project's development ~~((--At the))~~, and such request may occur only after completion of preliminary engineering, ~~((and))~~ but prior to commencing construction. A project shall be considered to have commenced construction if:

(a) The construction contract for the work has been awarded; ~~((and))~~ or

(b) If done by county forces, the work has commenced, except for ~~((labor))~~ construction engineering.

~~((All cost increases during the course of construction shall be the responsibility of the county--))~~ Requests for increases in excess of ~~((fifty))~~ twenty-five percent of the original RATA allocation will not be considered or granted; the county must secure other funds, withdraw or request the termination of the project, or request a change in scope and/or project limits. If current funding sources are not sufficient to cover the costs beyond a twenty-five percent increase, the county may resubmit the same project for funding in the next funding period. Upon funding of the new project by the county road administration board, the previous contract shall become void. All RATA funds expended on the previous contract shall be repaid to the county road administration board unless waived by the county road administration board in keeping with provisions of WAC 136-167-030.

(3) A request by a county for an increase in RATA funds allocated to a project shall demonstrate that:

(a) The county at the time of preparing its final project prospectus considered the factors listed in subsection (4) of this section;

(b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) of this section;

(c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) The request is not to pay for an expansion of the originally approved project;

(e) If the work is to be done by contract, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, advertisement of the project for construction bids; and

(f) If the work is to be done by county forces, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, commencement of the work.

(4) At the time of preparation and submittal of the final project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional judgment and/or seek outside professional assistance and advice in order to prepare a reasonable RATA fund request. The information which a county is expected to consider includes, but is not limited to, the following:

(a) The availability at the needed time of matching funds and other supplementary funds;

(b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;

(c) Required permits, including preproject scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;

(d) Required right of way or other easements, and the time and cost of acquisition;

(e) Availability of qualified contractors to perform the work;

(f) Ownership, type, amount, and time requirements of any required utility relocation;

(g) Historical and projected labor, equipment and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The county road administration board will increase RATA funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances, including but not limited to the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed; and/or

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided however, that the failure of a county to exercise its statutory powers, such as condemnation, will not be grounds for increasing RATA funds.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-165-030 County road administration board evaluation, consideration and action.** (1) In deciding whether to grant a request for a RATA allocation increase submitted under the provisions of WAC 136-165-020, the county road administration board will consider the following factors:

(a) Whether the county, at the time of preparing its final project prospectus, considered the factors listed in WAC 136-165-020(4);

(b) Whether the county's request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in WAC 136-165-020(5);

(c) Whether it is feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) Whether the request is to pay for an expansion of the project; and

(e) Whether the increased allocation will have an adverse effect on other approved or requested RATA funded projects.

(2) ~~((Where the requested increase is less than or equal to twenty-five percent of the original RATA allocation, and one hundred thousand dollars, the request may be acted upon by the executive director; all approvals or denials will be appropriately documented and described to the county road administration board at its next quarterly meeting. Where the requested increase is more than twenty-five percent of the original RATA allocation, or one hundred thousand dollars, the request will be acted upon by the county road administration board.~~

(3)) If the county road administration board finds that an increase in RATA funds for a previously approved project is justified, some or all of the requested increase may be allocated.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-165-040 Effect of receiving RATA increase.** A county's increased RATA funds for a project program period shall correspondingly reduce the ~~((amount of any))~~ limit of RATA funds ((for which it is eligible to compete)) that may be allocated to the county in the next project program period; provided that the county road administration board may grant a county's request to decrease such a reduction by the total amount of increased but unexpended RATA funds.

All reductions and reduction adjustments as described shall be effective in the project program period following the period in which the increase in the RATA funds is approved.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-165-050 Amendment of CRAB/county contract.** All changes in approved RATA allocations and other county road administration board actions taken under the provisions of this chapter shall be reflected by amending the CRAB/county contract. Failure of a county to ~~((execute))~~ sign and return an amended CRAB/county contract within forty-five calendar days of ~~((receipt))~~ its mailing by the county road administration board shall nullify all allocation increases and other county road administration board actions.

AMENDATORY SECTION (Amending WSR 00-05-043, filed 2/11/00, effective 3/13/00)

**WAC 136-167-030 Termination of approved project after RATA reimbursement.** (1) If a county terminates an uncompleted RATA funded project for which RATA reimbursement has been made, for other than an unanticipated scope change, and is prepared to repay the RATA for all RATA funds received, the county shall, by means of a letter signed by the chair of the board of county commissioners or the county executive as appropriate, inform the county road administration board of its termination of the project. The letter shall state the reasons for termination and commit to repaying all RATA funds received for the project. Upon ~~((acknowledgement))~~ acknowledgment of such termination by the county road administration board, the county shall repay the county road administration board for all RATA funds paid to the county on that project within sixty days of such ~~((acknowledgement))~~ acknowledgment. After receipt of the RATA repayment, the county road administration board will void the CRAB/county contract and allocate the RATA funds to other projects within the region.

(2) If a county terminates an uncompleted RATA funded project for which RATA reimbursement has been made, for other than an unanticipated scope change, and does not want to be required to repay the county road administration board for all RATA funds received, a letter of request signed by the chair of the board of county commissioners or the county executive as appropriate must be sent to the county road administration board. The request must include:

(a) An explanation of the reasons that the project will not proceed to completion;

(b) A statement of the amount of RATA funds which the county does not want to repay; and

(c) An explanation of why the county believes full repayment should not be made.

If the county road administration board grants the request, the county shall repay all RATA funds not exempted from repayment, the CRAB/county contract will be amended, and the remaining RATA funds will be allocated to other projects within the region. If the county road administration board denies the request, full repayment shall be made as provided in subsection (1) of this section.

(3) If after an engineering design study for the RATA funded project has been completed, and as a result of that study it is found that the project scope submitted the final project prospectus must be significantly altered due to factors not anticipated at the time of final prospectus submittal, a

county may voluntarily withdraw the project and resubmit a revised project during a later RAP cycle.

A county wishing to voluntarily withdraw a project for an unanticipated scope change shall submit a request signed by the chair of the board of county commissioners or the county executive as appropriate, to the county road administration board notifying the board of the county's intention to withdraw the project and the nature of the unanticipated project scope change. The county may retain up to five percent of the RATA request amount, not to exceed seventy-five thousand dollars for the RATA share of the cost to perform the engineering design study. In order to be eligible to retain the RATA share of the cost to perform the engineering design study, the project must have begun the engineering design within one year of project approval by the county road administration board and it must be documented in the request that the changed conditions could not have been reasonably anticipated at the time of final prospectus submittal. The director shall make the determination of eligibility for the following conditions:

(a) Unanticipated subsurface conditions identified in a geotechnical report resulting from subsurface explorations (i.e., drilling) that would not normally be completed prior to the final prospectus;

(b) Unanticipated environmental and/or cultural resource issues identified in an environmental or cultural resource discipline report that would not normally be completed prior to the final prospectus submittal;

(c) Changes in project eligibility resulting from annexation or functional classification changes not anticipated prior to final prospectus submittal;

(d) Inability to obtain necessary rights of way from agencies/entities that are not subject to eminent domain (i.e., federal or tribal agencies); or

(e) Major geometric changes required to mitigate impacts identified by the public and/or adjacent property owners as the result of a formal environmental determination, formal public involvement process, or unanticipated costs for utility relocations that were not reasonably anticipated prior to final prospectus submittal.

Upon a determination of eligibility by the director, the county shall repay the county road administration board for all costs in excess of the eligible amount within sixty days of such acknowledgment, the CRAB/county contract will be amended, and the remaining RATA funds will be allocated to other projects within the region. Any determination made by the director under this subsection may be appealed to the full board for a final determination of eligibility. Nothing in this subsection is intended to limit or restrict a county from making a request to the county road administration board as allowed under subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 09-23-044, filed 11/9/09, effective 12/10/09)

**WAC 136-167-040 Lapsing of RATA allocation for approved projects.** To encourage timely development and construction of approved projects, all projects for which RATA funds have been allocated must meet certain project development milestones. Failure to meet the milestones will

result in action by the county road administration board to withdraw RATA funds from the project. This provision will only apply to those projects for which RATA funds have been allocated after July 1, 1995.

(1) For the purposes of this section, a project will be subject to lapsing and withdrawal of its RATA allocation if:

(a) The project has not begun the preliminary engineering (~~(phase)~~) within (~~(four)~~) one year(~~(s)~~) of project approval by the county road administration board; or

(b) The project has not begun construction within six years of the date of project approval by the county road administration board.

(2) A project shall be considered in preliminary engineering if (~~(authorization to expend funds)~~) RATA funds have been expended or evidence that non-RATA funds have been expended for preliminary engineering (~~(has been granted by the county legislative authority)~~) as provided for in RCW 36.75.050. A project shall be considered in construction if:

(a) The construction contract for the work has been advertised for bids as provided for in RCW 36.77.020;

(b) A contract has been awarded under the provisions of the small works roster contract award process; or

(c) If done by county forces, the work has commenced.

(3) If an approved project does not meet a required project development milestone, the county road administration board will, at its next regular meeting, withdraw RATA funds from the project.

(4) At any time up to ten days before such meeting, the county may, in writing, request an extension of the lapse date. The county road administration board (~~(executive director)~~) may grant such an extension if (~~(the director)~~) it finds that the delay in project development was for reasons that were both unanticipated and beyond the control of the county, and subject to the following:

(a) A project extension will be granted one time only and will be no more than two years in length; and

(b) The county can demonstrate that the project was actively pursued for completion within the original CRAB/county contract terms and can be completed within a two-year extension; and

(c) The request for an extension is based on unforeseeable circumstances that the county could not have anticipated at the time the project was submitted for RATA funding; and

~~((e))~~ (d) An approved time extension will not be grounds for the county to request an increase in the RATA funding of the project; and

~~((d))~~ (e) The executive director will determine a new lapse date, and all of the requirements listed above under subsections (1) and (2) of this section will apply except that further extensions will not be granted.

(5) The CRABoard may at any time place a moratorium on lapsing of projects that are delayed due to CRAB initiated rescheduling and establish a new lapsing date to fit the CRABoard's programming needs. For those projects given a lapsing moratorium, section four shall be held in abeyance until the new lapsing date.

AMENDATORY SECTION (Amending WSR 01-05-008, filed 2/8/01, effective 3/11/01)

**WAC 136-170-030 Terms of CRAB/county contract.**

(1) For projects for which RATA funds are allocated before July 1, 1995, the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding (and the county shall be entitled to receive RATA funds) only if such contract is signed and returned to the county road administration board within forty-five calendar days of its mailing by the county road administration board.

(b) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer.

(d) The county will notify the county road administration board when a construction contract has been awarded and/or when construction has commenced, and when the project has been completed.

(e) The county road administration board will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the county road administration board office, subject to the availability of RATA funds apportioned to the region or subject to a minimum regional balance determined by the CRABoard for the purposes of cash flow; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.

(f) The county will reimburse the RATA in the event a project postaudit reveals ineligible expenditure of RATA funds.

(2) For projects for which RATA funds are allocated on or after July 1, 1995, the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding, and the county shall be entitled to receive RATA funding in accordance with the vouchering/payment process as described in chapter 136-180 WAC, only if the contract is properly signed and returned to the county road administration board within forty-five calendar days of its mailing by the county road administration board.

(b) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer, and, if applicable, the phased construction plan submitted by the county engineer to the county road administration board.

(d) The county will notify the county road administration board ~~((when a))~~:

(i) If a single construction contract is intended to fully complete the project, at the time of project advertisement, construction contract ~~((has been awarded and/or when construction has commenced))~~, and when the project has been completed. Should the small works roster process be uti-

lized, then the initial notice must occur prior to initiating the contractor selection process.

(ii) If county forces are utilized to fully complete the project, at the time of project notice, as required under RCW 36.77.070, commencement of construction activities, and when the project has been completed.

(iii) If the project applies a phased construction methodology, at those times described in a phased construction plan, consistent with subsection (3) of this section.

(e) The county road administration board will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the county road administration board office, subject to the availability of RATA funds apportioned to the region; or subject to a minimum regional balance determined by the CRABoard for the purposes of cash flow; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied. Counties are ineligible to receive RATA funded construction cost reimbursements prior to satisfaction of the initial project notice requirement described in (d) of this subsection.

(f) The county will reimburse the RATA in the event a project postaudit reveals ineligible expenditures of RATA funds.

(g) The county may be required to reimburse the RATA in the event of early termination in accordance with the provisions of chapter 136-167 WAC.

(h) The county agrees to amend the contract in cases where:

(i) Additional RATA funds have been requested and approved under chapter 136-165 WAC;

(ii) Other relief from the original scope, design or project limits has been approved by the county road administration board under chapter 136-165 WAC; or

(iii) A project has been terminated without full RATA reimbursement under WAC 136-167-030(2).

(i) The county agrees to provide periodic project development progress reports as requested by the county road administration board.

(3) Counties may implement a phased construction methodology in the completion of RATA funded projects. A phased construction methodology is described as the process to implement multiple construction contracts through competitive bid and award, contracts awarded through exercise of the small works roster process, or construction by county forces, or a combination of two or more of these three methods, in order to complete a single RATA funded project.

(a) In order to be considered phased construction, each phase must:

(i) Be distinct, independent, and nonoverlapping construction activities as to location and type of work;

(ii) Result in separate function and utility;

(iii) Be part of related and sequential construction activities that lead to overall project completion;

(iv) Separately and collectively comply with state laws as to procurement of contract work and use of county forces; and

(v) Not be implemented in a way that would otherwise be considered a split project, as described in WAC 136-170-060, without first obtaining approval as a split project.

(b) In order to satisfy the notification requirement of WAC 136-170-030 (2)(d), a phased construction plan must be developed and submitted to the county road administration board at least fifteen calendar days prior to contract bid advertisement, beginning the selection process for a contractor through a small works roster process, or commencement of construction by county forces, whichever occurs first. The phased construction plan must:

(i) Include a description of each construction phase, the contracting method to be employed or that county forces will be using;

(ii) Include an estimated cost and begin and end dates for each construction phase; and

(iii) Describe the relationship between construction phases and ultimate completion of the overall project.

AMENDATORY SECTION (Amending WSR 09-23-044, filed 11/9/09, effective 12/10/09)

**WAC 136-170-060 Splitting (~~(or phasing)~~) of CRAB/county contracts.** (1) A county may split a single rural arterial trust account funded project into multiple adjacent (~~(phased construction)~~) project(~~(s)~~) segments only upon written request and approval by the director of the county road administration board.

(2) The county must submit the request prior to advertising for (~~(the)~~) any construction contract, or prior to commencing any construction (~~(should any of the projects be scheduled for completion by day labor)~~) by county forces. The request shall contain detailed information prepared by the county engineer demonstrating fulfillment of the original CRAB/county contract selected through the region's project array, including:

(a) The relationship between the original and segmented project termini;

(b) Each segments' distinct and separate utility; and

(c) The planned timing and funding for each segment.

(3) Upon receipt of the county's written request to split a RAP project, the CRAB director will consider and may approve the split.

(4) Upon such approval, a revised CRAB/county contract will be prepared, and sent to the county for its execution and returned in the same manner as for the original contract. The final contract must be fully executed prior to advertisement for contract construction, or if done by county forces, prior to commencing construction.

~~(5) ((Funding for split projects will be assigned based upon the breakdown of costs specified in the county's request letter.~~

~~(6))~~ Failure of a county to execute an amended CRAB/county contract within forty-five calendar days of receipt shall nullify any split requests and any other county road administration board actions associated with the split request.

~~((7))~~ (6) Construction on at least one of the split project(~~(s)~~) segments must commence by the lapsing date of the original project and all remaining portions must proceed to construction within two years of commencement of the first

project. In the event the county fails to meet either of these timelines, repayment of expended RATA funds for all portions (~~(or phases)~~) of the projects will be required unless waived by the county road administration board in keeping with provisions of WAC 136-167-030.

~~((8) Split projects will be considered ineligible for any increases in RATA funding or revisions in scope.)~~

### WSR 10-24-113

#### WITHDRAWAL OF PROPOSED RULES

#### DEPARTMENT OF

#### LABOR AND INDUSTRIES

(By the Code Reviser's Office)

[Filed December 1, 2010, 9:41 a.m.]

WAC 296-127-010, 296-127-011, 296-127-015, 296-127-019, 296-127-020, 296-127-026, 296-127-050, 296-127-055, 296-127-060, 296-127-061, 296-127-062, 296-127-150, 296-127-160, 296-127-170, 296-127-190, 296-127-200, 296-127-300 and 296-127-320, proposed by the department of labor and industries in WSR 10-11-116 appearing in issue 10-11 of the State Register, which was distributed on June 2, 2010, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

### WSR 10-24-117

#### PROPOSED RULES

#### DEPARTMENT OF

#### EARLY LEARNING

[Filed December 1, 2010, 11:24 a.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, revising sections related to seasonal child care (SCC) subsidy program in Parts I and III of this chapter.

Hearing Location(s): Skagit County Public Utility District (PUD) #1, "Aqua" Room, 1415 Freeway Drive (just off exit 227, on the west side of Interstate 5), Mount Vernon, WA 98273, on Wednesday, January 5, 2011, at 6:00 p.m. to 8:30 p.m.; and at the Yakima Valley Community College, Deccio Instructional Center, "Parker" Room, South 16th Avenue and Nob Hill Boulevard (Deccio Center and parking are along South 12th Avenue), Yakima, WA 98902, on Saturday, January 8, 2011, at 11:00 a.m. to 2:00 p.m.

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. Spanish interpreters will be provided.

**The deadline for sending written comments on the proposed rules is midnight on Sunday, January 9, 2011.**

See the "submit written comments to" section of this notice on how to give written input on this proposal.

Everyone who comments on the proposed rules either in writing or at a public hearing as directed in "submit written comments to" will receive the department's combined written response, called a *concise explanatory statement*. This statement is also available to anyone who requests it, by e-mailing Rules@del.wa.gov, or by writing to the Department of Early Learning (DEL) Rules Coordinator, P.O. Box 40972, Olympia, WA 98504-0972.

DEL encourages the public to use of the department's 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 January 10, 2011.

Submit Written Comments to: DEL Rules Coordinator, P.O. Box 40972, Olympia, WA 98504-0972, DEL On-line Comment Web Site <https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>, e-mail Rules@del.wa.gov, fax (360) 725-4939, by 11:59 p.m., January 9, 2011.

Assistance for Persons with Disabilities: Contact DEL rules coordinator by December 31, 2010, (360) 725-4665.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DEL is revising rules in chapter 170-290 WAC related to administration of the SCC subsidy program. The proposed rules shift responsibility for processing of family applications for SCC and determining SCC eligibility from DEL-contracted community agencies to the department of social and health services (DSHS). Where appropriate, the rules more closely align SCC eligibility requirements and determination procedures with those for the working connections child care (WCCC)

subsidy program. The proposed changes are expected to reduce DEL administrative costs by about \$254,000 in state fiscal year (SFY) 2011, and approximately \$1 million per year in succeeding years.

The SCC program helps families working in seasonal agriculture and related processing jobs pay for child care. Families must meet income limit rules and must pay for part of their child care each month. The family's "copayment" amount is based on the family's income.

Reasons Supporting Proposal: On September 13, 2010, Governor Chris Gregoire issued Executive Order 10-04 directing DEL and other state agencies to make across-the-board spending cuts of nearly 6.3 percent in SFY 2011. The state's continued slow economic recovery, reduced tax revenues and loss of certain anticipated federal supports have left the state unable to meet the expenditure levels approved by the legislature in the 2010-2011 supplemental operating budget bill, ESSB 6444 (chapter 37, Laws of 2010 1st sp. sess.). The state by law cannot spend more money than it receives in revenue.

DEL submitted proposed across-the-board cuts to the governor to meet the 6.3 percent budget reduction target, including transferring processing of SCC applications and making eligibility determinations to DSHS. (Find proposed across-the-board spending reduction proposals from all state agencies at <http://www.ofm.wa.gov/reductions/default.asp>.)

Currently, DEL contracts with local community agencies in several areas of the state to accept SCC applications and meet with families to determine if they are eligible for the SCC program. The department plans to end current those contracts by March 2011 and transfer SCC application processing and eligibility determinations to DSHS. DSHS already provides these services to DEL for the WCCC subsidy program.

The following table describes some of the significant changes to the SCC program in the proposed rules:

	<b>Under the current SCC rules</b>	<b>Under proposed changes to the SCC rules</b>
<b>Where does a family apply for SCC?</b>	Families currently apply at local community agencies around the state contracted by DEL.	Families would apply at their local DSHS office or by calling DSHS. <i>(See proposed WAC 170-290-0002.)</i>
<b>In what areas of Washington state is the SCC program available?</b>	This is not clear in the current SCC rules.	To receive SCC, a family must live in Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Okanogan, Skagit, Walla Walla, Whatcom or Yakima counties, and meet other SCC eligibility requirements. <i>(See proposed WAC 170-290-3520 (1)(b).)</i>
<b>When does a parent need to verify the legal status of their child needing SCC child care subsidies?</b>	SCC contractors do not need to verify a child's citizenship or immigration status under current SCC WAC 170-290-3540.	If the child's parent or parents are undocumented immigrants, DSHS would need to verify the citizenship or immigration status <u>only of the child or children needing subsidized child care</u> . <i>The current WCCC WAC 170-290-0015 (1)(e) would apply.</i>

	<b>Under the current SCC rules</b>	<b>Under proposed changes to the SCC rules</b>
<b>Can a family receive SCC if they live in Washington but work in Oregon or Idaho?</b>	Yes currently, if the work site is within forty miles of Washington state.	No. Under the proposed rules, the family must work in seasonal agriculture in Washington state and live in one of the counties listed in proposed WAC 170-290-3520. <i>(See proposed WAC 170-290-3555(1).)</i>
<b>After applying for SCC benefits, how long do families have to turn in information to complete their application.</b>	The family generally has fourteen days from the application date to turn in all application information now.	The family would have up to thirty days to turn in all application information. <i>(See proposed WAC 170-290-3665 (1)(a).)</i>
<b>If a family is denied SCC services, how do they find out if they may be eligible for WCCC subsidies?</b>	Contractors do not determine if the family is eligible for other subsidy programs. The family would need to apply for WCCC subsidies on their own.	DSHS would automatically determine if the family is eligible for WCCC subsidies if the family is denied SCC benefits. <i>(See proposed WAC 170-290-3690(3).)</i>
<b>What types of income are "countable income" now that won't be countable under the proposed SCC changes?</b>	The following types of income are currently "countable income" under the SCC program: <ul style="list-style-type: none"> <li>Income listed in DSHS WAC 388-450-0035 (educational benefits), WAC 388-450-0040 (Native American benefits), and WAC 388-450-0055 (needs-based assistance)</li> <li>DSHS diversion cash assistance</li> <li>Insurance, property loss awards and other cash awards</li> <li>Adoption support payments</li> </ul>	The following types of income will be added to the list of "excluded" income sources and will not be counted: <ul style="list-style-type: none"> <li>Income listed in DSHS WAC 388-450-0035, 388-450-0040, and 388-450-0055</li> <li>Income listed in DSHS WAC 388-450-0035 (educational benefits), WAC 388-450-0040 (Native American benefits), and WAC 388-450-0055 (needs-based assistance)</li> <li>DSHS diversion cash assistance</li> <li>Insurance, property loss awards and other cash awards</li> <li>Adoption support payments.</li> </ul> <i>(See proposed WAC 170-290-3630)</i>
<b>Which child care providers can a parent use when they receive SCC subsidies?</b>	A family receiving SCC now may use a: <ul style="list-style-type: none"> <li>DEL-licensed or certified child care provider, or</li> <li>DEL-contracted seasonal day camp</li> </ul>	A family receiving SCC may only place their children in a DEL-licensed or certified child care. <i>(See proposed WAC 170-290-3750.)</i> <i>(Note: No children would lose child care because of this rule change. There are no DEL-contracted seasonal day camps in areas where the state currently pays for SCC.)</i>

Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070, chapter 43.215 RCW.

Statute Being Implemented: Chapter 37, Laws of 2010 1st sp. sess. (ESSB 6444), 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, chapter 265, Laws of 2006 (uncodified), 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. Under the proposed rules, DSHS would also provide the same functions for the SCC program.

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 do not create new requirements for affected child care businesses, and costs that may result from adopting these rules, if any, are expected to be minor. A small business economic impact statement is not required. The current rules describe "SCC contractor" duties reflected in DEL administrative contracts with several local community agencies across the state. SCC contractors have been notified that their contracts will end by March 2011. The proposed rules reflect that DSHS would be carrying out duties currently performed by the SSC contractors when the proposed rules are adopted.

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.

December 1, 2010  
Elizabeth M. Hyde  
Director

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-0002 Scope of agency responsibilities.**

(1) The responsibilities of the department of early learning (DEL) include, but are not limited to:

(a) Determining child care subsidy policy for the WCCC and SCC programs, including determining thresholds for eligibility and copayment amounts and establishing rights and responsibilities. DEL is also designated as the lead agency for child care and development funds (CCDF) and oversees expenditure of CCDF funds; and

~~(b) ((Contracting with community organizations to meet with families to see if they are eligible for the SCC program. SCC contractors are located in several communities across the state, and must follow the rules that DEL has established for the SCC program; and~~

~~(e))~~ Serving as the designated representative for the state to implement the collective bargaining agreement under RCW 41.56.028 for in-home/relative providers as defined in WAC 170-290-0003(7), and for all licensed family child care providers.

(2) The responsibilities of the department of social and health services (DSHS) include, but are not limited to, service delivery for the ~~((working connections child care~~ ~~(f))~~ WCCC ~~(g))~~ and SCC programs, including determining who is eligible for WCCC and SCC benefits, authorizing payments for these programs, and managing payments made to providers that receive WCCC and SCC subsidies.

(3) This allocation between DEL and DSHS is pursuant to section 501(2), chapter 265, Laws of 2006 (2SHB 2964), in which the legislature transferred all of the powers, duties, and functions relating to the WCCC program from DSHS to DEL, except for eligibility staffing and eligibility payment functions, which remain in DSHS.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-0003 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Collective bargaining agreement" or "CBA" means the most recent agreement that has been negotiated and entered into between the exclusive bargaining representative for all licensed and license-exempt family child care providers as defined in chapter 41.56 RCW.

(2) "Consumer" or "eligible consumer" means the person applying for or receiving:

(a) WCCC benefits as described in part II of this chapter; or

(b) SCC benefits as described in part III of this chapter.

(3) "Copayment" means the amount of money the consumer is responsible to pay the child care provider toward the cost of child care each month.

(4) "DEL" means the department of early learning.

(5) "DSHS" means the department of social and health services.

(6) "Days" means calendar days unless otherwise specified.

(7) "In-home/relative provider," referred to in the collective bargaining agreement as "license-exempt provider," means those providers who meet the requirements in WAC 170-290-0130 through 170-290-0167.

(8) "In loco parentis" means the adult caring for an eligible child in the absence of the biological, adoptive, or step-parents, and who is not a relative, court-ordered guardian, or custodian.

(9) "SCC" means the seasonal child care program, which is a child care subsidy program described in part III of this chapter that assists eligible families who are seasonally employed in agriculturally related work to pay for licensed or certified child care.

(10) "WCCC" means the working connections child care program, which is a child care subsidy program described in part II of this chapter that assists eligible families in obtaining child care subsidies for approvable activities that enable them to work, attend training, or enroll in educational programs.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3510 SCC definitions.** The following definitions apply only to part III of this chapter relating to seasonal child care (SCC):

(1) ~~((("Application interview date" means the first date a consumer, as defined in WAC 170-290-0003, meets with the SCC contractor to see if the consumer is eligible for subsidy benefits-))~~ "Authorization" means the period of time that a consumer may receive SCC program subsidies for which he or she is eligible.

(2) "Child care plan" means ~~((a state form))~~ an enhanced award letter filled out by ~~((the SCC contractor))~~ DSHS that ~~((tells))~~ states for the consumer and provider:

(a) When ~~((benefits))~~ the authorization starts and ends;

(b) The amount of the copayment; ~~((and))~~

(c) The approved hours of care; and

(d) Each child's eligibility for SCC program subsidies.

(3) ~~((("SCC contractor" means the agency that DEL has contracted with to meet with families to see if they are eligible for the seasonal child care program. SCC contractors are located in several communities across the state. SCC contractors are responsible to follow the SCC rules that DEL has established-))~~ "Eligibility" means that a consumer has met all of the requirements of part III of this chapter to receive SCC program subsidies. The eligibility period may be the same or longer than the authorization period.

(4) "Seasonally available labor" or "seasonally available agricultural related work" means ~~((labor))~~ work that is available only in a specific season during part of the calendar year.



The ~~(labor)~~ work is directly related to the cultivation, production, harvesting or processing of fruit trees or crops.

~~((5) "Waiting list" means a list of families who are currently working and waiting for seasonal child care subsidies when funding is not available to meet the requests from all eligible families.))~~

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3520 Eligible consumers.** (1) In SCC, an eligible consumer:

(a) Is not currently receiving temporary aid for needy families (TANF)(:);

(b) Lives in ~~((the state of))~~ one of the following Washington(:) state counties: Benton, Franklin, Walla Walla, Adams, Chelan, Douglas, Grant, Kittitas, Okanogan, Yakima, Skagit, or Whatcom:

(c) Has parental control of one or more children(:); and

(d) Is the child's:

~~((a))~~ (i) Parent, either biological or adopted;

~~((b))~~ (ii) Stepparent;

~~((c))~~ (iii) Legal guardian as verified by a legal or court document;

~~((d))~~ (iv) Adult sibling or step-sibling;

~~((e))~~ (v) Aunt;

~~((f))~~ (vi) Uncle;

~~((g))~~ (vii) Niece or nephew;

~~((h))~~ (viii) Grandparent; or

~~((i))~~ (ix) Any of the above relatives in ~~((e), (f), or (h))~~ (v), (vi), or (viii) of this subsection, with the prefix "great," such as great-aunt.

(2) Consumers may be eligible for SCC ~~((benefits))~~ program subsidies if they:

(a) Meet eligibility requirements in this chapter;

(b) Participate in an approved activity under WAC 170-290-3555; and

(c) Have countable income at or below ~~((two hundred percent of the federal poverty guidelines (FPG)))~~ the maximum eligibility limit described in WAC ~~((170-290-3640))~~ 170-290-0005 (2)(d).

(3) Consumers are not eligible for SCC ~~((benefits))~~ program subsidies if they:

(a) Have a copayment, under WAC 170-290-0075, that is higher than the maximum monthly state child care rate for all of the consumer's children in care;

(b) Were employed with one employer more than eleven months in the previous twelve months for a single-parent household;

(c) Were the higher wage earners in a two-parent household and were employed with one employer more than eleven months in the previous twelve months. Lower wage earners in a two-parent household may have one employer more than eleven months in the previous twelve months;

(d) Are receiving TANF benefits; or

~~((d))~~ (e) Are the only parent in the household and will be away from the home for more than thirty days in a row.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3530 Verifying consumers' information.** (1) A consumer must provide information to ~~((the SCC contractor))~~ DSHS to determine eligibility when:

(a) The consumer initially applies for benefits;

(b) The consumer reapplies for benefits; or

(c) A change of circumstances occurs.

(2) ~~((The SCC contractor))~~ A consumer's eligibility may change if:

(a) DSHS finds out that the consumer's circumstances may have changed; or

(b) The information DSHS has is inconsistent, conflicting, or outdated.

(3) DSHS may accept any verification that the consumer can easily obtain when it reasonably supports the consumer's statement of his or her circumstances. The verification that the consumer gives to ~~((the SCC contractor))~~ DSHS must:

(a) Clearly relate to information ~~((the SCC contractor))~~ DSHS is requesting;

(b) Be from a reliable source; and

(c) Be accurate, complete, current and consistent.

~~((3))~~ The SCC contractor (4) DSHS will accept a variety of forms of verification to show the consumer is eligible. ~~((For example, any of the following documents are accepted to show the child is in the home: School records, immunization records or birth certificates, or other type of documents))~~ If DSHS requires verification from a consumer that costs money, DSHS must pay for the consumer's reasonable costs.

~~((4))~~ (5) If the verification that a consumer ~~((gives to the SCC contractor))~~ provides to DSHS is inconsistent, conflicting, or outdated ~~((or confusing, the SCC contractor))~~, DSHS may:

(a) Ask ~~((a))~~ the consumer to provide ~~((the SCC contractor))~~ DSHS with more ~~((information or documentation))~~ verification or provide a collateral contact (a "collateral contact" is a statement from someone outside of the consumer's residence that knows the consumer's situation); or

(b) ~~((Ask for))~~ Send an investigator from the DSHS division of fraud investigations (DFI) to make an unannounced visit to the consumer's home to verify the consumer's circumstances. See WAC 170-290-0025(9).

~~((5))~~ (6) If a consumer does not provide ~~((the SCC contractor with))~~ all of the verification ~~((that the SCC contractor has))~~ requested, ~~((the SCC contractor))~~ DSHS will determine if ~~((the))~~ a consumer is eligible based on the information already available to ~~((the SCC contractor))~~ DSHS.

(7) If all other attempts to verify income have been exhausted, DSHS may accept a consumer's income statements as verification of employment when a consumer cannot provide income through standard procedures.

(8) DSHS staff verify if the consumer received TANF income during the previous twelve months.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3540 Eligibility—Family size.** ~~((DEL))~~ DSHS determines a consumer's family size as ~~((follows:))~~ provided in WAC 170-290-0015.

<del>((1) If a consumer's family includes:</del>	<del>Then DEL counts the following individuals as part of the family for SCC program eligibility:</del>
<del>(a) A single parent, including a minor parent, living independently or residing in her/his parent's home with her/his children.</del>	<del>The consumer and the consumer's children.</del>
<del>(b) Unmarried parents living together who have at least one mutual child.</del>	<del>Both parents and all their children living in the household.</del>
<del>(c) Unmarried parents living together with no mutual children.</del>	<del>Each parent and their own children, as separate families.</del>
<del>(d) Married parents living together.</del>	<del>Both parents and all their children living in the household.</del>
<del>(e) A legal guardian verified by a legal or court document; adult sibling or step-sibling; nephew or niece; aunt; uncle; grandparent; or great-aunt, great-uncle, or great-grandparent.</del>	<del>Only the children and their income.</del>
<del>(f) A parent who is voluntarily out of the household for reasons other than employment, such as visiting a family member.</del>	<del>The consumer, the absent parent and the children.</del>
<del>(g) A parent who is out of the household because of employer requirements, such as working in a different community, and is expected to return to the household.</del>	<del>The consumer, the absent parent, and the children. Subsection (1)(b) and (d) of this section apply.</del>
<del>(h) An incarcerated parent.</del>	<del>The incarcerated person is not part of the household count in determining income and eligibility. DEL counts all remaining household members. All other family rules in this section apply.</del>
<del>(2) If the consumer's household includes:</del>	<del>Then in addition, DEL counts the sibling as part of the family for SCC program eligibility as follows:</del>

<del>(a) Eighteen-year-old siblings of the children who require care and are enrolled in secondary education or general equivalency diploma (GED) program.</del>	<del>The eighteen-year-olds (unless they are a parent themselves), until they turn nineteen or complete high school/GED, whichever comes first. All other family rules in this section apply.</del>
<del>(b) Siblings of the children requiring care who are up to twenty-one years old who are participating in a program through the school district's special education department under RCW 28A.155.020.</del>	<del>The person participating in the approved program through RCW 28A.155.020 up to twenty-one years of age (unless they are a parent themselves). All other family rules in this section apply.)</del>

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3550 Eligibility—Special circumstances.** (1) A consumer may be eligible for the SCC program when he or she:

- (a) Has children living with them in Washington state who are:
  - (i) Younger than age thirteen; or
  - (ii) Thirteen to nineteen years old and under court supervision; or
  - (iii) Less than nineteen years old and have a verified special need according to WAC 170-290-0220; and
- (b) Is a parent in a two-parent family (~~(in which)~~) and both parents currently work in seasonally available agricultural related work.

(2) If both parents are not currently employed in seasonally agricultural related work, the consumer may be eligible for SCC only when the other parent is "unable" to provide care for the children because of physical or mental restrictions. If a consumer claims one parent is unable to care for the children, the consumer must provide written documentation from a licensed medical or mental health professional that states the:

- (a) Reason the parent is unable to care for the children; and
  - (b) Expected duration and severity of the condition that keeps the parent from caring for the children.
- (3) ~~((For the previous twelve months before applying for SCC benefits,))~~ Fifty percent or more of the family's earned income must have come from seasonally available agricultural related work, during the twelve months prior to the SCC application for benefits.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3555 Eligibility—Approved activities.**

(1) A consumer may be eligible for SCC (~~(benefits))~~ program subsidies for up to sixteen hours per day for the time he or she is involved in seasonally available agricultural related work in(~~(:~~

- (a) Washington state; or

~~(b) A bordering state within forty miles of~~) Washington state.

(2) When the consumer is part of a two-parent family, both parents must be employed as described in subsection (1) of this section;

(3) ~~((The SCC contractor))~~ DSHS may authorize care for:

(a) Travel time only between the child care location and the employment location ~~((only))~~;

(b) Job search, of no more than five days per month, if the consumer's seasonally available agricultural related work ends and he or she is still eligible and continues to need child care; or

(c) Sleep time, up to eight hours per day when needed, if the consumer works nights and sleeps days.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3560 Consumers' rights.** When a consumer applies for or receives SCC ~~((benefits))~~ program subsidies, he or she has the right to:

(1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;

(2) Have the consumer's application accepted and acted upon within thirty days;

(3) Be informed, in writing, of the consumer's legal rights and responsibilities related to the SCC ((benefits)) subsidy program;

(4) Have the consumer's information shared with other agencies only when required by federal or state regulations;

(5) Be allowed to choose a licensed or certified child care provider as long as the provider meets requirements in WAC 170-290-3750;

(6) Receive a written notice at least ten days before changes are made to lower or stop benefits except as stated in WAC 170-290-3730;

(7) Ask for an administrative hearing if the consumer does not agree with a decision per WAC 170-290-3860;

(8) Ask to speak to ~~((the SCC contractor's))~~ a supervisor or administrator at DSHS to review a decision or action affecting the consumer's benefits without affecting the consumer's right to an administrative hearing;

(9) Have interpreter or translator services provided by ~~((the SCC contractor))~~ DSHS within a reasonable amount of time and at no cost to the consumer;

(10) Refuse to speak to a fraud early detection (FRED) investigator from the ~~((department of social and health services))~~ DSHS division of fraud investigations (DFI) when they ask to come into your home. This request will not affect eligibility for SCC program subsidies. If the consumer refuses to cooperate with the investigator at a later date, it could affect his or her ~~((benefits))~~ SCC program subsidies;

(11) Access his or her child at all times while the child is in child care;

(12) Terminate child care without cause and without notice to the provider. Notice must be given to ~~((the SCC contractor))~~ DSHS within five days of termination; and

(13) Not be charged by the consumer's licensed or certified provider, or be made to pay, for:

(a) The difference between ~~((their))~~ the child care provider's private rate and the state maximum child care subsidy rate, when their private rate for child care or the registration fee is higher;

(b) Any day when the consumer's child is absent;

(c) Vacation days when the provider chooses to close;

(d) A higher amount than the state allows for field trips;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care, when the provider chooses to stop caring for the consumer's children.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3565 Consumers' responsibilities.** When a consumer applies for or receives SCC ~~((benefits))~~ program subsidies, he or she must:

(1) Give ~~((the SCC contractor))~~ DSHS correct and current information so that ~~((the SCC contractor))~~ DSHS can determine the consumer's eligibility and authorize child care payments correctly;

(2) Choose a licensed or certified child care provider who meets requirements of WAC 170-292-3750;

(3) Leave the consumer's children with his or her provider while the consumer is in SCC approved activities. If the consumer is not in an approved activity and wants to use the provider, he or she must pay the provider if the provider wants payment;

(4) Pay for additional child care that exceeds the authorization based on the same fees that are charged to other families;

(5) Pay, or make arrangements for someone to pay, the consumer's SCC copayment directly to the child care provider;

(6) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late;

(7) Sign his or her children in and out of child care as provided in WAC 170-295-7030, 170-296-0520, or 170-151-460, as applicable, for that type of provider; and

(8) Provide the information requested by the ~~((SCC contractor or the department of social and health services))~~ DSHS fraud early detection (FRED) investigator. If the consumer refuses to provide the information requested within fourteen days, it could affect his or her ~~((benefits))~~ SCC program subsidies. If ~~((the SCC contractor))~~ DSHS determines ~~((that))~~ a consumer is not cooperating by supplying the requested information, the consumer will not be eligible for SCC ~~((benefits))~~ program subsidies. The consumer may become eligible again when he or she meets SCC program requirements in part III of this chapter.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3570 Notification of changes.** When a consumer applies for or receives SCC ~~((benefits))~~ program subsidies, he or she must:

- (1) Notify ~~((the SCC contractor))~~ DSHS, within five days, of any change in providers;
- (2) Notify his or her provider within ten days when ~~((the SCC contractor))~~ DSHS changes his or her child care authorization;
- (3) Notify ~~((the SCC contractor))~~ DSHS within ten days of any change in the consumer's:
  - (a) Number of child care hours needed (more or less hours);
  - (b) ~~((Child becoming eligible))~~ Child's eligibility for migrant Head Start or another child care program;
  - (c) Household income, including any new receipt of a TANF grant or child support increases or decreases;
  - (d) Household size such as any family member moving in or out of his or her home;
  - (e) Employment hours such as starting, stopping or changing employers;
  - (f) Home address and telephone number; or
  - (g) Child support payments made by the consumer.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3580 Failure to report changes.** (1) If a consumer fails to report any changes as required in WAC 170-290-3570 within the stated time frames, ~~((DEL))~~ DSHS may establish an overpayment to the consumer per WAC 170-290-3850 or the consumer may have to pay additional costs, such as a higher copayment.

(2) The consumer may receive an overpayment for what the provider is allowed to bill to include billing for absent days (see publication *Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers*, DEL 22-877, revised ~~((2009))~~ 2010).

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3590 ~~((SCC contractor's))~~ DSHS's responsibilities to consumers.** ~~((SCC contractors are community agencies that contract with DEL to perform SCC program authorizations. The SCC contractors and their))~~ DSHS staff must:

- (1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;
- (2) ~~((Authorize SCC program subsidies for a consumer's children based on eligibility criteria established by DEL, as defined in this chapter;~~
  - ~~((3))~~ Ask if a consumer has received, or is currently receiving, child care services from another subsidy program; ~~((and if he or she has received a copy of his or her termination letter from that program;~~

~~((4))~~ Ask if a consumer has applied, and been denied, for working connections child care (WCCC); and if he or she has, verify his or her denial from that program;

~~((5))~~ (3) Complete ~~((intake documents in a consumer's presence,))~~ applications for SCC program subsidies based on information ~~((he or she))~~ the consumer provides, and determine a consumer's eligibility within thirty days from the date the consumer applied;

~~((6))~~ (4) Accept a variety of forms of verification and may not specify the type of documentation required;

~~((7))~~ (5) Authorize payments only to a licensed or certified child care provider ~~((of a consumer's choice))~~ the consumer chooses who meets the requirements in WAC 170-290-3750;

~~((8))~~ (6) Authorize payments only when no adult in a consumer's family (under WAC 170-290-3540) is able or available to care for the consumer's children as defined in WAC 170-290-3550;

~~((9))~~ (7) Give a consumer a SCC program approved child care plan in order to enroll his or her children in licensed or certified child care;

~~((10))~~ (8) Inform a consumer of:

(a) The consumer's copayment amount as determined in WAC 170-290-3620 and defined in WAC 170-290-0075;

(b) The consumer's rights and responsibilities under the SCC program when he or she applies or reapplies;

(c) The types of child care providers the SCC program will pay;

(d) The community resources that can help the consumer select child care when needed;

(e) Other options for child care subsidies, if the consumer does not qualify for SCC program subsidies; and

(f) The consumer's rights to an administrative hearing ~~((under the SCC program));~~

~~((11))~~ (9) Provide prompt child care authorizations to a consumer's child care provider;

~~((12))~~ (10) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:

(a) SCC eligibility;

(b) Copayment; or

(c) Providers; and

~~((13))~~ (11) Provide an interpreter or translator service at no cost to the consumer to explain information related to the SCC program.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3610 Countable income.** ~~((DEL))~~ DSHS counts income as money a consumer earns or receives from:

(1) Wages and commissions earned from employment;

(2) Unemployment compensation;

(3) A TANF or other welfare grant;

(4) Child support payments received;

(5) Supplemental Security Income (SSI);

(6) Other Social Security payments, such as Social Security Administration (SSA) and Social Security disability insurance (SSDI);

- (7) Refugee assistance payments;
- (8) Payments from the Veterans' Administration;
- (9) Pensions or retirement income;
- (10) Payments from labor and industries (L&I), or disability payments;
- (11) ~~(Inheritance;~~
- ~~(12) Reportable gambling winnings; and~~
- ~~(13)) Lump sums as money a consumer receives from a one-time payment such as back child support, an inheritance, or gambling winnings;~~
- (12) Other types of income not listed in WAC 170-290-3630; and
- (13) Gross wages from employment or self-employment. Gross wages includes any wages that are taxable. "Self-employment income" means a consumer's gross income from self-employment minus allowable business expenses in WAC 388-450-0085.

**AMENDATORY SECTION** (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3620 Calculation of income.** (1) For the SCC program, ~~((DEL))~~ DSHS uses a consumer's average countable income when determining his or her income eligibility and copayment. ~~((DEL determines))~~ A consumer's average monthly income is determined by totaling all income earned and received in the past twelve months, as listed in WAC 170-290-3610, and dividing by twelve. The last month of income that is counted is the month before the consumer applies for SCC.

(2) If the household composition has changed during the last twelve months, DSHS calculates the income based on the actual household income earned and received during those months. For example, if the consumer applies as a single parent but was part of a two-parent household during a portion of the last twelve months, the other parent's income is also counted during the portion of the twelve months that the other parent was in the household.

(3) If a consumer receives a lump sum payment (such as money from back child support payment) in the month of application or during his or her SCC eligibility:

(a) DSHS divides the lump sum payment by twelve to come up with a monthly amount;

(b) DSHS adds the monthly amount to the month it was received and each subsequent month of the twelve month review period. For example, if the consumer applies in May and received a lump sum in January of that year, DSHS divides the lump sum by twelve and applies the amount to January through April; and

(c) The consumer must meet income guidelines for SCC after the lump sum payment is added to remain eligible for SCC.

**AMENDATORY SECTION** (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3630 Excluded income and deductions.** (1) The SCC program does not count the following income types when determining a consumer's income eligibility and copayment:

(a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;

(b) Savings accounts;

~~((b))~~ (c) Money received from sale of real property, such as a house, or personal property, such as a car;

~~((c))~~ (d) Reimbursements, such as tax refunds;

~~((d))~~ (e) Earned income credits;

~~((e) One-time insurance settlement payments;))~~

(f) Diversion cash assistance;

(g) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(h) Capital gains;

~~((g))~~ (i) Basic Food program;

~~((h))~~ (j) Income earned by children as described in WAC 170-290-3540;

~~((i))~~ (k) Benefits received by children of Vietnam War veterans who are diagnosed with any form or manifestation of spina bifida except spina bifida occulta;

(l) Adoption support assistance and foster care payments; and

~~((j))~~ (m) Government economic stimulus payments.

(2) SCC deducts the amount a consumer pays for child support from his or her countable income when figuring his or her eligibility and copayment for the SCC.

**AMENDATORY SECTION** (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3640 Determining income eligibility and copayment.** (1) For the SCC program, ~~((DEL))~~ DSHS determines a consumer's family's income eligibility and copayment by:

(a) The consumer's family size as defined under WAC 170-290-3540;

(b) The consumer's average monthly income as calculated under WAC 170-290-3620;

(c) The consumer's family's average monthly income as compared to the federal poverty guidelines (FPG); and

(d) The consumer's family's average monthly income as compared to the copayment chart defined in WAC 170-290-0075.

(2) If a consumer's family's income is above ~~((two hundred percent of the FPG as defined in WAC 170-290-0075))~~ the maximum eligibility limit as provided in WAC 170-290-0005 (2)(d), his or her family is not eligible for the SCC program.

~~((3) ((SCC does not prorate the copayment when a consumer uses care for part of a month.~~

~~((4))~~ The FPG is updated every year on April 1. The SCC eligibility level is updated at the same time every year to remain current with the FPG.

~~((5))~~ (4) SCC shall assign a copayment amount based on the family's countable income. The copayment amount will be on the consumer's child care plan. The consumer pays the copayment directly to the provider.

(5) SCC does not prorate the copayment when a consumer uses care for part of a month.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3650 Change in copayment.** (1) A consumer's SCC program copayment could change when:

- (a) DEL makes a mass change in subsidy benefits due to a change in law or program funding;
- (b) The consumer's family size increases;
- (c) ~~((The SCC contractor))~~ DSHS makes an error in the consumer's copayment computation;
- (d) The consumer did not report all income, activity and household information at the time of eligibility determination or application/reapplication; or
- (e) The consumer is approved for a new eligibility period.

(2) If a consumer's copayment changes during his or her eligibility period, the change is effective:

- (a) On the first day of the month following the change, when:
  - (i) The report is made to ~~((the SCC contractor))~~ DSHS or the information is learned by ~~((the contractor))~~ DSHS within ten or more days after the change as provided in WAC 170-290-3570;
  - (ii) The consumer receives ten days written notice; and
  - (iii) The copayment is increasing; or
- (b) On the first day of the month that the change occurred when:
  - (i) The report is made to ~~((the SCC contractor))~~ DSHS or the information is learned by ~~((the contractor))~~ DSHS within ten days or less after the change as provided in WAC 170-290-3570; and
  - (ii) The copayment is decreasing.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3660 Eligibility and authorization periods.** ~~((The SCC contractor may approve a consumer for a period up to six months. The first month of eligibility is the same month that child care begins.))~~ (1) **Eligibility period.** A consumer who meets all of the requirements of part III of this chapter is eligible for SCC subsidies for six months. A consumer's eligibility may end before his or her end date as stated in WAC 170-290-3855.

(2) **Authorization period.** The authorization for child care subsidies benefits is less than six months when:

- (a) The employer verification states that the consumer might be working for less than six months; or
- (b) The consumer's child may not be eligible for the entire six months because of his or her age.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3665 When SCC ~~((benefits))~~ program subsidies start.** ~~((The consumer's child care plan will tell the consumer when the benefits start and end.))~~

- (1) ~~((The SCC contractor))~~ DSHS authorizes ~~((child care))~~ SCC program subsidies ~~((when))~~ to begin on the date the consumer applies for SCC and the following requirements are met:

(a) The consumer turns in all of his or her eligibility paperwork ~~((to the SCC contractor))~~ and provider information to DSHS within thirty calendar days of his or her application date;

(b) ~~((The SCC contractor determines that the))~~ consumer is determined eligible for the program; and

(c) The consumer starts his or her children in care with an approved child care provider.

(2) ~~((After the SCC contractor decides that a consumer is eligible, the date the subsidy begins depends upon when the consumer applied and when the consumer turned in all of the paperwork needed as follows:~~

<b><del>If at the time of application the consumer:</del></b>	<b><del>And the consumer turns all paperwork in:</del></b>	<b><del>Then the child-care benefits begin:</del></b>
<del>(a) Has not begun work yet,</del>	<del>Within 14 days of the job starting,</del>	<del>The first day of the job.</del>
<del>(b) Has not begun work yet,</del>	<del>15-29 days after the job starts,</del>	<del>The day after the paperwork is turned in.</del>
<del>(c) Has not begun work yet,</del>	<del>30 days after the job starts,</del>	<del>The application is denied and the consumer must reapply.</del>
<del>(d) Is working,</del>	<del>Within 14 days of the application interview date,</del>	<del>The day the consumer either calls or comes into the SCC contractor's office to apply for SCC benefits.</del>
<del>(e) Is working,</del>	<del>15-29 days after the application interview date,</del>	<del>The day after the paperwork is turned in.</del>
<del>(f) Is working,</del>	<del>30 days after the application interview date,</del>	<del>The application is denied and the consumer must reapply.))</del>

The consumer's application date is whichever is earlier:

(a) The date the consumer's application is entered into DSHS's automated system; or

(b) The date the consumer's application is date stamped as received.

(3) If a consumer fails to turn in all information within thirty calendar days from his or her application date, the consumer must restart the application process. The consumer's begin date for benefits is described in subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3690 Denial of benefits—Date of re-determining eligibility.** (1) ~~((The SCC contractor))~~ DSHS

sends a consumer a denial letter when the consumer has applied for child care and the consumer:

(a) Is not eligible due to the consumer's:

- (i) Family composition;
- (ii) Income; or
- (iii) Activity; or

(b) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-3530.

(2) If a consumer turns in information or otherwise meets eligibility requirements after the denial letter is sent, the consumer's benefits begin according to WAC 170-290-3665.

(3) WCCC eligibility will be determined when a consumer is denied for SCC program subsidies.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3720 Notice of payment changes.**

~~((The SCC contractor))~~ DSHS provides SCC consumers with at least ten days written notice of changes to payments related to the suspension, reduction, or termination of benefits, in child care arrangements, except as noted in WAC 170-290-3730.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3730 When notice of payment changes is not required.** ~~((The SCC contractor))~~ DSHS does not give a consumer notice if the consumer:

- (1) Tells ~~((the SCC contractor))~~ DSHS that he or she no longer wants SCC;
- (2) Has moved and his or her whereabouts are unknown to ~~((the SCC contractor))~~ DSHS;
- (3) Is receiving duplicate child care benefits;
- (4) Has a current ~~((eligibility period))~~ authorization that is scheduled to end;
- (5) Has a new eligibility period that results in a change in child care benefits; or
- (6) Is receiving child care at a location that does not meet requirements under WAC 170-290-3750.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3750 Eligible child care providers.** To receive payment under the SCC program, a consumer's child care provider must be:

- (1) Currently licensed as required by chapter 43.215 RCW and chapters 170-295, 170-296, or 170-151 WAC;
- (2) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. The SCC program pays the lesser of the following to qualified child care facilities in bordering states:
  - (a) The provider's private pay rate for that child; or
  - (b) The state maximum child care subsidy rate for the DSHS region where the child resides; or
  - (3) Exempt from licensing but certified by DEL, such as:
    - (a) Tribal child care facilities that meet the requirements of tribal law;
    - (b) Child care facilities on a military installation; and

(c) Child care facilities operated on public school property by a school district(=

~~(4) Seasonal day camps that have a contract with DEL to provide subsidized child care)).~~

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3760 SCC subsidy rates—Effective date.** ~~((DEL))~~ State child care subsidy rates in this part are effective as of the date stated in WAC 170-290-0180.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3770 Authorized SCC payments.** The SCC program may authorize payments to licensed(=) or certified child care providers for:

(1) Basic child care either full day or half day, at rates listed in the chart in WAC 170-290-0200 and 170-290-0205~~((, including on Saturdays and Sundays))~~:

- (a) A full day of child care when care is needed for five to ten hours per day;
- (b) A half day of child care when care is needed for less than five hours per day;
- (2) A registration fee, according to WAC 170-290-0245;
- (3) Subsidy rates for five-year old children according to WAC 170-290-0185;
- (4) The field trip fees in WAC 170-290-0247;
- (5) The nonstandard hours bonus in WAC 170-290-0249; and
- (6) Special needs care when the child has a documented special need and a documented need for a higher level of care, according to WAC 170-290-0220, 170-290-0225, and 170-290-0230.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3790 When additional SCC subsidy payments are authorized.** ~~((The SCC contractor))~~ DSHS may authorize additional child care when:

- (1) Needed to accommodate a family's work schedule;
- (2) Employer verification of work schedule is presented; and
- (3) More than ten hours of care is ~~((provided))~~ needed per day for the consumer to participate in an approved activity (up to a maximum of sixteen hours a day) and the provider's policy is to charge all families for these extra hours.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3830 Redetermination of SCC ~~((benefits))~~ program subsidies.** (1) At least every six months, ~~((the SCC contractor))~~ DSHS reviews a consumer's information to determine if he or she ~~((may keep receiving subsidies. A consumer may receive subsidy benefits for less than six months when:~~

- ~~((a) The consumer's employer says that the consumer might be working less than six months; or~~

~~(b) The consumer's child or children may not be eligible for the next six months because of their age))~~ is still eligible for SCC program subsidies.

(2) ~~((The SCC contractor))~~ DSHS will:

(a) Review the consumer's updated information to include the last six months of earned and unearned income and add it to the most current six months of the previous income information; and

(b) Redetermine the consumer's eligibility.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3840 New eligibility period.** (1) If a consumer wants to receive ~~((child care benefits))~~ SCC program subsidies for another eligibility period, he or she must reapply for SCC benefits before the end of the current eligibility period listed on the child care plan. To determine if a consumer is eligible, the consumer calls ~~((or comes into the SCC contractor's office))~~ DSHS on or before the end date of the consumer's current SCC eligibility period to request ~~((an application interview date))~~ SCC program subsidies.

(2) A consumer may be eligible for SCC ~~((benefits))~~ program subsidies for a new eligibility period with no break in ~~((child care))~~ SCC program subsidies if:

(a) The consumer calls ~~((or comes into the SCC contractor's office))~~ DSHS on or before the end date of the consumer's current SCC eligibility period to request ~~((an application interview date))~~ SCC program subsidies;

(b) The consumer's provider is eligible for payment under WAC 170-290-3750; and

(c) The consumer meets all SCC eligibility requirements.

(3) If ~~((the SCC contractor))~~ DSHS determines that a consumer is eligible for SCC ~~((benefits))~~ program subsidies based on his or her application information, ~~((the SCC contractor))~~ DSHS notifies the consumer of the new eligibility period and copayment.

(4) If a consumer fails to ~~((call or come into a SCC contractor's office))~~ contact DSHS on or before the end date of the consumer's current SCC eligibility period to request ~~((an application interview date))~~ SCC program subsidies, he or she must reapply according to WAC 170-290-3665.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3850 Payment discrepancies generally.** ~~((DEL))~~ Child care subsidy payment discrepancies are described in WAC 170-290-0266 through 170-290-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for twelve months after the date of services.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3855 Termination of and redetermining eligibility for ~~((benefits))~~ SCC program subsidies.** (1) A consumer's continued eligibility for SCC program subsidies stops when:

(a) The consumer's monthly copayment is equal to or higher than the state maximum monthly rate for all of the consumer's children in care; or

(b) The consumer:

(i) Is not participating in an approved activity as defined in WAC 170-290-3555;

(ii) Does not meet other SCC eligibility requirements related to family size, income and approved activities;

(iii) Does not pay the copayment fees to the consumer's child care provider or does not make mutually acceptable arrangements with the consumer's child care provider for ~~((their))~~ payment; or

(iv) Refuses to cooperate with investigations conducted by quality assurance staff or the division of fraud investigations.

(2) A consumer might be eligible for SCC program subsidies again when:

(a) The consumer meets all SCC program eligibility requirements;

(b) The consumer ~~((paid))~~ pays back copayment fees or made mutually acceptable payment arrangements with his or her child care provider; or

(c) The consumer cooperated with the quality assurance review process or with the DSHS division of fraud investigations.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3860 Right to request an administrative hearing.** (1) SCC consumers~~((s))~~ and licensed or certified child care providers~~((, and DEL contracted seasonal day camps))~~ must follow chapter ~~((170-03))~~ 388-02 WAC to request a hearing.

(2) SCC consumers have a right to request a hearing on any action affecting SCC ~~((benefits))~~ program subsidies except for mass changes resulting from a change in policy or law.

(3) Under this part, licensed or certified child care providers~~((, or DEL contracted seasonal day camps))~~ have a right to request a hearing only for SCC overpayments.

(4) ~~((An))~~ SCC ~~((consumer,))~~ consumers and licensed or certified child care ~~((provider, or DEL contracted seasonal day camp))~~ providers must make a request for a hearing as required by WAC ~~((170-03-0050 and 170-03-0060))~~ 170-290-0280(3).

(a) ~~((An))~~ SCC consumers must request a hearing within ninety days of the date a decision is received.

(b) ~~((A))~~ Licensed or certified child care ~~((provider or DEL contracted seasonal day camp))~~ providers must request a hearing within twenty-eight days of the date a decision is received.

(5) The office of administrative hearings administrative law judge enters initial or final orders as provided in WAC 388-02-0217. Initial orders may be appealed to a DSHS review judge under chapter 388-02 WAC.



AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

**WAC 170-290-3865 Receipt of SCC (~~benefits~~) program subsidies pending the outcome of an administrative hearing.** (1) A consumer may receive SCC (~~benefits~~) program subsidies while waiting for the outcome of a hearing, if he or she is currently authorized for the SCC program and:

(a) The consumer requests a hearing:

(i) On or before the effective date of an action; or

(ii) No more than ten days after the consumer receives a notice of adverse action ("adverse action" for the purposes of this section means an action to reduce or terminate the consumer's SCC subsidies); or

(b) The consumer requests payments for child care payable to an eligible provider according to WAC 170-290-3750.

(2) If a consumer loses a hearing, any SCC program benefit that a consumer uses between the date of the adverse action and the date of the hearing decision (final order) is an overpayment to the consumer.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 170-290-3501	Program funding—Waiting lists.
WAC 170-290-3670	Preauthorization for the SCC program.
WAC 170-290-3820	Review of eligibility and copayment information.