

## ERRATUM

Due to an inadvertent error WSR 12-16-095 and 12-17-114 incorrectly stated the effective date as immediately. These effective dates should have been thirty-one days after filing. The corrected forms are shown below.

**WSR 12-16-095****PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed August 1, 2012, 7:00 a.m., effective September 1, 2012]

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

Purpose: SSB 6384 directed the department to ensure that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program. Therefore, the department is amending sections in chapter 388-845 WAC as necessary. In addition, these clarify current definitions in rule to promote consistent expectations for reporting and tracking of employment and community access services and rules regarding the CIIBS program are amended to address the requirement to access medicaid services first.

Citation of Existing Rules Affected by this Order: Amending WAC 388-845-0001, 388-845-0041, 388-845-0120, 388-845-0506, 388-845-0600, 388-845-0610, 388-845-1210, 388-845-1850, 388-845-2005, and 388-845-2170.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Other Authority: SSB 6384.

Adopted under notice filed as WSR 11-23-155 on November 22, 2011, and WSR 12-09-072 on May 22 [April 17], 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 10, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 10, Repealed 0.

Date Adopted: July 30, 2012.

Katherine I. Vasquez  
Rules Coordinator

**WSR 12-17-114****PERMANENT RULES****WASHINGTON STATE PATROL**

[Filed August 21, 2012, 8:50 a.m., effective September 21, 2012]

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

Purpose: Rule changes are needed to coincide with recent legislative changes in 2012 with the passage of ESB 6296. The changes include, but may not be limited to, updating the language to allow for an individual to obtain a copy of their nonconviction criminal history for a fee.

Citation of Existing Rules Affected by this Order: Amending 6 [WAC 446-20-090, 446-20-100, 446-20-285, 446-20-300, 446-20-310, and 446-20-600].

Statutory Authority for Adoption: Chapters 10.97 and 43.43 RCW.

Adopted under notice filed as WSR 12-13-082 on June 19, 2012.

Changes Other than Editing from Proposed to Adopted Version: Removed language under WAC 446-20-285(2).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

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

Date Adopted: August 17, 2012.

John R. Batiste  
Chief

**WSR 12-18-001****PERMANENT RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 12-191—Filed August 22, 2012, 3:25 p.m., effective September 22, 2012]

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

Purpose: New WAC 232-28-436 specifies legal season dates, bag limits, and open areas to hunt waterfowl, coot, and snipe for the 2012-13 hunting season. Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

The amendment to WAC 232-16-440 is intended to eliminate the Toppenish Creek #2 reserve due to hydrology changes that have significantly reduced the value of the reserve to waterfowl. This will allow additional public hunting recreation for upland birds on United States Fish and Wildlife Service lands on the Toppenish National Wildlife Refuge.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-435; and amending WAC 232-16-440.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.32.070.

Other Authority: C.F.R. Title 50, Part 20; Migratory Bird Treaty Act.

Adopted under notice filed as WSR 12-13-105 on June 20, 2012.

Changes Other than Editing from Proposed to Adopted Version: No changes were made to WAC 232-16-440 or 232-28-435 since the proposal. In WAC 232-28-436, the following changes were made since the initial rule proposal filed under WSR 12-13-105 on June 20, 2012.

Under the first section, Ducks (Statewide), the restricted scaup season dates and bag limits were removed due to increases in numbers of greater and lesser scaup, which are now above season liberalization thresholds.

Under the Goose Management Area 5 section, the season dates were changed from October 13-17 to October 13-15 to comply with the one hundred seven day federal framework for geese.

Under the Geese (Falconry) section, the season dates for Goose Management Areas 3-5 were changed from October 13-25 to October 13-14 to comply with the one hundred seven day federal framework for geese.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 1; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

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

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

Date Adopted: August 3, 2012.

Miranda Wrecker, Chair  
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Temporary Regulation 256 (part), filed 9/8/66)

**WAC 232-16-440 Toppenish Creek Game Reserve. (Cort Meyer.)** ((+)) Commencing at the NE corner of the SE1/4 of the NW1/4 of Section 26, Township 10, Range 20E.W.M.; thence west one and three-quarters mile to the

NW corner of the SE1/4 of the NE1/4 of Section 28, Township 10, Range 20; thence south one-quarter mile; thence east one-quarter mile; thence south three-quarters mile to the SW corner of the NW1/4 of the NW1/4 of Section 34; thence east three-quarters mile; thence south one-quarter mile; thence east three-quarters mile to center of Section 35; thence north one and one-quarter miles to place of beginning. All in Township 10 north, Range 20E.W.M.

~~((2) Toppenish Creek Game Reserve No. 2, (Upper Toppenish Creek) Yakima County. . . . it shall be unlawful to hunt or trap within said area:~~

~~All of Section 21; the west half of the northwest quarter of Section 22; the west half of the southwest quarter of Section 22; the southeast quarter of southwest quarter of Section 22; the south half of the northeast quarter of southwest quarter of Section 22; the north half of north half of Section 28; north half of northwest quarter of Section 27; north half of the southeast quarter of northwest quarter of Section 27; all being in Township 10 north, Range 18E.W.M.))~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-435	2011-12 Migratory waterfowl seasons and regulations.
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#### NEW SECTION

**WAC 232-28-436 2012-13 Migratory waterfowl seasons and regulations.**

#### DUCKS

**Statewide:** Oct. 13-17, 2012 and Oct. 20, 2012 - Jan. 27, 2013.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 22-23, 2012.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 1 canvasback, and 2 redhead statewide; and to include not more than 1 harlequin, 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit: 14 ducks, to include not more than 4 hen mallard, 4 pintail, 2 canvasback, and 4 redhead statewide; and to include not more than 1 harlequin, 4 scoter, 4 long-tailed duck, and 4 goldeneye in Western Washington.

Season Limit: 1 harlequin in Western Washington.

#### **AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS**

Hunters must possess a special 2012-2013 hunting authorization and harvest record card for sea ducks when hunting harlequin, scoter, long-tailed duck, and goldeneye in Western Washington. Hunters who did not possess a 2011-12 sea duck harvest record card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a sea duck into possession, hunters

must record in ink the information required on the harvest record card.

#### **COOT (Mudhen)**

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 25 coots.

#### **SNIFE**

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 16 snipe.

#### **GEESE (except Brant)**

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 22-23, 2012, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily Bag Limit: 4 Canada geese.

Possession Limit: 8 Canada geese.

#### **Western Washington Goose Seasons**

Goose Management Area 1: Island, Skagit, Snohomish counties. Oct. 13, 2012 - Jan. 27, 2013 for snow, Ross', and blue geese. Oct. 13-25, 2012 and Nov. 3, 2012 - Jan. 27, 2013 for other geese (except brant).

Daily Bag Limit: 4 geese.

Possession Limit: 8 geese.

#### **AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE**

Hunters must purchase a special 2012-13 migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. Hunters who did not possess a 2011-12 snow goose harvest record card must submit an application form to WDFW. Immediately after taking a snow, Ross', or blue goose into possession, hunters must record in ink the information required on the harvest record card.

#### **SNOW GOOSE QUALITY HUNTING PROGRAM IN GOOSE MANAGEMENT AREA 1**

All hunters must obey posted signs regarding access restrictions. Quality hunt units are not available for commercial uses.

#### **SKAGIT COUNTY SPECIAL RESTRICTIONS**

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in other areas of Skagit County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

#### **Goose Management Area 2A**

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River: Open in all areas except Ridgefield NWR from 8:00 a.m. to 4:00 p.m., Saturdays, Sundays, and Wednesdays only, Nov. 10-25, 2012 and Dec. 5, 2012 - Jan. 27, 2013. Ridgefield NWR open from 8:00 a.m. to 4:00 p.m., Tuesdays, Thursdays, and Saturdays only, Nov. 10-24, 2012 and Dec. 6, 2012 - Jan. 26, 2013, except closed Nov. 22, 2012, Dec. 25, 2012, and Jan. 1, 2013.

Bag Limits for Goose Management Area 2A:

Daily Bag Limit: 4 geese, to include not more than 1 dusky Canada goose and 3 cackling geese.

Possession Limit: 8 geese, to include not more than 1 dusky Canada goose and 6 cackling geese.

Season Limit: 1 dusky Canada goose.

#### **Goose Management Area 2B**

Pacific County: Open from 8:00 a.m. to 4:00 p.m., Saturdays and Wednesdays only, Oct. 13-24, 2012 and Nov. 3, 2012 - Jan. 19, 2013.

Bag Limits for Goose Management Area 2B:

Daily Bag Limit: 4 geese, to include not more than 1 dusky Canada goose, 3 cackling geese, and 1 Aleutian goose.

Possession Limit: 8 geese, to include not more than 1 dusky Canada goose, 6 cackling geese, and 2 Aleutian geese.

Season Limit: 1 dusky Canada goose.

#### **Special Provisions for Goose Management Areas 2A and 2B:**

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

The goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 40 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 40 dusky, to be distributed 5 for Zone 1 (Ridgefield NWR); 5 for Zone 2 (Cowlitz County south of the Kalama River); 15 for Zone 3 (Clark County except Ridgefield NWR); 7 for Zone 4 (Cowlitz County north of the

Kalama River and Wahkiakum County); and 8 for Zone 5 (Pacific County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunters must possess a special 2012-13 migratory bird hunting authorization for Goose Management Area 2A/2B and daily goose harvest record card when hunting geese in Goose Management Areas 2A and 2B. New hunters and those who did not maintain a valid 2011-12 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time.

Immediately after taking any goose into possession, hunters must record in ink the information required on the harvest record card. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. All geese shall be presented intact and fully feathered at the check station. If a hunter takes the season bag limit of 1 dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest record card, authorization will be invalidated and the hunter will not be able to hunt geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

#### **Special Late Goose Season for Goose Management Area 2A:**

Open to WDFW master hunter program graduates and youth hunters (15 years of age or under, who are accompanied by a master hunter) possessing a valid 2012-13 southwest Washington goose hunting authorization and harvest record card, in areas with goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.: Saturdays and Wednesdays only, Feb. 2 - Mar. 6, 2013.

Daily Bag Limit: 4 geese, to include not more than 1 dusky Canada goose and 3 cackling geese.

Possession Limit: 8 geese, to include not more than 1 dusky Canada goose and 6 cackling geese.

Season Limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

Hunters qualifying for the season will be placed on a list for participation in this hunt. WDFW will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 45 for the regular and late seasons. All

provisions listed above for Goose Management Area 2A regarding authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

#### **Goose Management Area 3**

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B: Oct. 13-25, 2012 and Nov. 3, 2012 - Jan. 27, 2013.

Daily Bag Limit: 4 geese.

Possession Limit: 8 geese.

#### **Eastern Washington Goose Seasons**

##### **Goose Management Area 4**

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties: Saturdays, Sundays, and Wednesdays only during Oct. 13, 2012 - Jan. 20, 2013; Nov. 22 and 23, 2012; Dec. 25, 27, 28, and 31, 2012; Jan. 1, 2013, and every day Jan. 21-27, 2013.

##### **Goose Management Area 5**

Includes all parts of Eastern Washington not included in Goose Management Area 4: Oct. 13-15, 2012, every day from Oct. 20, 2012 - Jan. 27, 2013.

Bag Limits for all Eastern Washington Goose Management Areas:

Daily Bag Limit: 4 geese.

Possession Limit: 8 geese.

#### **BRANT**

Open in Skagit County only on the following dates: Jan. 12, 13, 16, 19, 20, 23, 26, and 27, 2013.

If the 2012-13 preseason brant population in Skagit County is below 6,000 (as determined by the early January survey), the brant season in Skagit County will be canceled.

Open in Pacific County only on the following dates: Jan. 5, 6, 8, 10, 12, 13, 15, 17, 19, and 20, 2013.

#### **AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT**

Hunters must possess a special 2012-13 migratory bird hunting authorization and harvest record card for brant when hunting brant. Hunters who did not possess a 2011-12 brant harvest record card must submit an application form to WDFW. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest record card.

Bag Limits for Skagit and Pacific counties:

Daily Bag Limit: 2 brant.

Possession Limit: 4 brant.

#### SWANS

Season closed statewide.

#### MANDATORY REPORTING FOR MIGRATORY BIRD HARVEST RECORD CARDS

Hunters must report 2012-13 harvest information from band-tailed pigeon harvest record cards to WDFW for receipt by Sept. 30, 2012, and harvest information from brant, sea duck, and snow goose harvest record cards to WDFW for receipt by Feb. 15, 2013. Every person issued a migratory bird hunting authorization and harvest record card must return the entire card to WDFW or report the card information at the designated internet site listed on the harvest record card. Any hunter failing to report by the deadline will be in noncompliance of reporting requirements. Hunters who have not reported hunting activity by the reporting deadline for any harvest record card acquired in 2012-13 will be required to pay a \$10 administrative fee before any new 2013-14 migratory bird authorization and harvest record card will be issued. A hunter may only be penalized a maximum of \$10 during a license year.

#### FALCONRY SEASONS

##### DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

Oct. 13-17, 2012 and Oct. 20, 2012 - Jan. 27, 2013 statewide.

Daily Bag Limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession Limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

##### GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 13, 2012 - Jan. 27, 2013 for snow, Ross', or blue geese. Oct. 13-25, 2012 and Nov. 3, 2012 - Jan. 27, 2013 for other geese.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. 10-25, 2012 and Dec. 5, 2012 - Jan. 27, 2013.

Goose Management Area 2B: Saturdays and Wednesdays only, Oct. 13-24, 2012 and Nov. 3, 2012 - Jan. 19, 2013.

Goose Management Areas 3, 4, and 5: Oct. 13-14, 2012 and Nov. 3, 2012 - Jan. 27, 2013.

Daily Bag Limit for All Areas: 3 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession Limit for All Areas: 6 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

#### WSR 12-18-002

#### PERMANENT RULES

#### LIQUOR CONTROL BOARD

[Filed August 23, 2012, 8:11 a.m., effective September 23, 2012]

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

Purpose: Compliance checks have been performed by law enforcement agencies for many years. This has been a standard enforcement practice. The board adopted rules to conduct compliance checks based on language in RCW 66.44.290 involving minors purchasing alcohol. Creating rules around alcohol compliance checks alleviates the conflict in legal interpretation surrounding language in RCW 66.44.290.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 12-14-040 on June 27, 2012.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

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

Date Adopted: August 22, 2012.

Sharon Foster  
Chairman

#### Chapter 314-31 WAC

#### COMPLIANCE CHECKS

##### NEW SECTION

**WAC 314-31-005 Liquor compliance checks.** (1) The Washington state liquor control board authorizes enforcement officers and investigative aides working with enforcement officers to conduct liquor compliance checks at any location where alcohol is sold, served or provided.

(2) Investigative aides working at the direction of enforcement officers during a liquor compliance check are considered agents of the Washington state liquor control board.

(3) Violations involving a licensee, its employee, or a member of the public that result from a liquor compliance check are subject to criminal arrest and/or administrative action by the liquor control board.

##### NEW SECTION

**WAC 314-31-015 What are the guidelines for liquor compliance checks?** Enforcement officers conducting liquor

compliance checks must comply with the following conditions:

(1) An investigative aide must:

(a) Be at least eighteen years of age and under twenty-one years of age;

(b) Transfer any physical evidence to the enforcement officer(s) at the conclusion of each compliance check during which alcohol is acquired; and

(c) Complete a written statement on a form provided by the enforcement officer(s) at the conclusion of each compliance check during which alcohol is acquired.

(2) During a compliance check, an investigative aide may not:

(a) Be directly related to the enforcement officer(s) conducting the compliance check; or

(b) Possess any funds other than the funds provided by the agency for the compliance check.

(3) An enforcement officer shall photograph the investigative aide prior to conducting a compliance check. At least one photograph shall be taken of the investigative aide's face and at least one photograph shall be taken of the investigative aide from head to toe.

(4) An investigative aide is not required to possess identification during a compliance check, provided that if identification is possessed during the compliance check, the identification must be the investigative aide's lawfully issued identification.

**WSR 12-18-003**  
**PERMANENT RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 23, 2012, 9:06 a.m., effective September 23, 2012]

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

Purpose: Amends WAC 181-78A-520, 181-78A-525, 181-78A-530 and 181-78A-535 in response to changes in standards. Affects professional certification preparation programs and aligns those standards to match with recent review and improvement of residency programs.

Citation of Existing Rules Affected by this Order: Amending X [WAC 181-78A-520, 181-78A-525, 181-78A-530, and 181-78A-535].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 12-07-015 on March 12, 2012.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 10, 2012.

David Brenna  
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 09-22-023, filed 10/26/09, effective 12/1/11)

**WAC 181-78A-520 Approval standard—Professional education advisory board.** The following ~~((evidence shall be evaluated to determine whether each professional certificate program is in compliance with the program approval standards of WAC 181-78A-515(1)-~~

~~College or university.)) requirements shall govern the professional certificate program:~~

(1) The professional education advisory board has been established ~~((for the preservice program))~~ in accordance with WAC 181-78A-209 ~~((shall also serve as the professional advisory board for the professional certificate program))~~.

(2) The professional education advisory board has ~~((participated in the development of the professional certificate program and has recommended approval of the proposed program prior to its submission to the professional educator standards board for approval))~~ adopted operating procedures and has met at least three times a year.

(3) The professional education advisory board has reviewed ~~((the annual summary on the status of all candidates in the program required by WAC 181-78A-525(7)))~~ all program approval standards at least once every five years.

(4) The professional education advisory board annually has ~~((made recommendation(s), as appropriate, for program changes to the professional certificate administrator who shall implement or respond to the recommendation(s) in a timely manner))~~ reviewed and analyzed data for the purposes of determining whether candidates demonstrated the knowledge and skills to make a positive impact on student learning and providing the institution with recommendations for programmatic change. This data may include, but not be limited to: Candidate surveys, follow-up studies, candidate performance portfolios, and program evaluations.

(5) The professional education advisory board has made recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board for administrator preparation programs participated in the candidate selection process for principal preparation programs.

AMENDATORY SECTION (Amending WSR 09-22-023, filed 10/26/09, effective 12/1/11)

**WAC 181-78A-525 Approval standard—Accountability.** ((The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the program approval standards of WAC 181-78A-515(2). Each college, university or educational service district shall:

(1) Submit for initial approval to the professional educator standards board a performance-based professional certificate program which shall include the program components specified in WAC 181-78A-535.

(2) Provide documentation that the respective professional education advisory board has participated in the development of and has approved the proposal.

(3) Identify the professional certificate administrator who shall be responsible for the administration of the professional certificate program.

(4) Delegate to the professional certificate administrator responsibility for reviewing or overseeing the following: Application for the professional certificate program; advising candidates once accepted; developing and implementing the individualized professional growth plan, the instruction and assistance components, and the assessment seminar; maintaining current records on the status of all candidates accepted into the professional certificate program; and serving as the liaison with the superintendent of public instruction certification office to facilitate the issuance of the professional certificates when candidates have met the required standards.

(5) Establish the admission criteria that candidates for the professional certificate shall meet to be accepted into the professional certificate program.

(6) Describe the procedures that the approved program will use to determine that a candidate has successfully demonstrated the standards and criteria for the professional certificate set forth in WAC 181-78A-540.

(7) Prepare an annual summary of the status of all candidates in the program and submit the summary to the respective professional education advisory board.

(8) Submit any additional information required to the respective professional education advisory board that it requests.

(9) Submit an annual report to the professional educator standards board as part of a less-intensive evaluation cycle which will include the following:

(a) A summary of program requirements, linkages of the program to individual professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional development programs where such programs are in place in school districts.

(b) A summary of program design, assessment procedures and program revisions in the previous year.

(c) The number of candidates completing the program during the period between September 1 and August 31.

(d) The number of candidates enrolled in the program.

(e) Other information related to the professional certificate program requested by the professional educator standards board.

(10) Facilitate an on-site review of the program when requested by the professional educator standards board to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards.

Provided, That subsequent to the initial program review specified in WAC 181-78A-105 on-site reviews shall be scheduled concurrently with regularly scheduled reviews of residency educator preparations offered by the university or on a five-year cycle for programs offered through an educational service district; provided that the professional educator standards board may approve a variation in the schedule as it deems appropriate.) The following requirements shall govern the professional certificate program.

Each approved educator preparation program shall maintain an assessment system that:

(1) Assesses outcomes in alignment with the conceptual framework and state standards.

(2) Systematically and comprehensively gathers evidence on candidate learning.

(3) Collects candidate work samples that document the knowledge and skills to make a positive impact on student learning.

(4) Aggregates key data over time.

(5) Incorporates perspectives of program personnel, candidates, and P-12 partners.

(6) Includes processes and safeguards that ensure fair and unbiased assessment of candidates.

(7) Provides for regular analysis of assessment results.

(8) Is systematically linked to program decision-making processes.

AMENDATORY SECTION (Amending WSR 09-22-023, filed 10/26/09, effective 12/1/11)

**WAC 181-78A-530 Approval standard—Governance and resources.** ((The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the resources program approval standard of WAC 181-78A-515(3):

(1) Administrators, faculty, and facilitators implementing the college, university or educational service district professional certificate program have appropriate qualifications (academic, experience, or both) for the roles to which they are assigned. Such responsibilities may be shared, when appropriate, among the collaborating agencies.

(2) The college, university or educational service district shall have responsibility for maintaining fiscal records and ensuring adequate financial support for the professional certificate program.

(3) Instructional, technological, and other needed resources shall be sufficient in scope, breadth, and recency to support the professional certificate program.) The following requirements shall govern the professional certificate program:

(1) Program leadership, authority, and budget.

(a) An officially designated administrator is responsible for the management of operations and resources for the preparation program.

(b) Budgetary allocations are sufficient for the program to assure that candidates meet state standards.

(2) Personnel.

(a) The program has adequate personnel to promote teaching and learning.

(i) Specific program personnel are assigned the responsibility of advising applicants for certification and for maintaining certification records.

(ii) The program has adequate field supervisors and other support personnel.

(b) Qualifications and professional practices. Program personnel are qualified for their assignments by virtue of education, experience, and current understanding of research and best practices.

(c) Performance and professional development.

(i) Program personnel evaluate their own effectiveness in achieving program goals.

(ii) The program evaluates personnel effectiveness in teaching and learning.

(iii) The program provides opportunity for personnel to engage in professional development.

(3) Program facilities and resources. The program has adequate facilities and resources to promote teaching and learning.

AMENDATORY SECTION (Amending WSR 09-22-023, filed 10/26/09, effective 12/1/11)

**WAC 181-78A-535 Approval standard—Program design.** The following requirements shall govern ~~((the design of))~~ the professional certificate program:

~~((1) Principal program administrator.~~

~~(a) To be eligible to apply for enrollment in a professional certificate program, a candidate shall hold a contract as a principal, assistant principal, or program administrator in a public school or professional educator standards board-approved private school.~~

~~(b) The professional certificate program must be available to all qualified candidates.~~

~~(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the professional educator standards board and published by the office of the superintendent of public instruction, which may not be changed without professional educator standards board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board or educational service district with its professional education advisory board. Additional agencies may participate in the development of the program if the approved provider and its professional education advisory board so choose.~~

~~(d) Each program shall consist of:~~

~~(i) An entry seminar during which the professional growth plan shall be developed. The plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC 181-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.~~

~~(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and~~

~~other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC 181-78A-270 (2)(b).~~

~~(iii) A final presentation to a panel that includes experienced administrators, during which the candidate provides evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; and a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.~~

~~(e) Candidates who do not successfully complete a final presentation shall receive an individualized analysis of strengths and weaknesses and a plan for assistance, and shall be allowed additional opportunities to present evidence pertaining to benchmarks not previously met.~~

~~(2) Educational staff associate (ESA)—school counselor, school psychologist, school social worker.~~

~~(a) To be eligible for enrollment in a professional certificate program, a candidate shall be employed in his/her ESA role in a public school, a professional educator standards board-approved private school, or state agency providing educational services for students.~~

~~(b) The professional certificate must be available to all qualified candidates.~~

~~(c) Using the knowledge and skills standards in WAC 181-78A-270 (5), (7), and (9), and the standards-based benchmarks as approved by the professional educator standards board and published by the office of the superintendent of public instruction, which may not be changed without professional educator standards board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.~~

~~(d) Each program shall consist of:~~

~~(i) An entry seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with the ESA candidate's professional growth team (WAC 181-78A-010 (10)(e)) or the professional education advisory board (PEAB). The individual's professional growth plan shall be based on an assessment of the candidate's ability to demonstrate the standards at the professional certificate benchmark level in the specific ESA role pursuant to WAC 181-78A-270 (5), (7), or (9).~~

~~(ii) Formalized learning opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards in the specific ESA role as defined in WAC 181-78A-270 (5), (7), or (9).~~

~~(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill, and performance; positive impact on student learning; and specification of areas for continuing education and development.~~



(e) The candidate will present his/her portfolio to the professional education advisory board (PEAB) or the professional growth team (PGT) who will make a recommendation to the university program administrator/designee regarding the extent to which the candidate meets the professional certificate standards.

(f) Candidates who demonstrate they meet all standards and certification requirements pursuant to WAC 181-79A-150 will be recommended by the university program administrator/designee for the professional certificate.

(g) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(h) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.) (1) Recruitment and admission.

(a) Programs will, at a minimum, recruit and admit any candidates in their service region who hold a residency certificate and at least two years of experience in the role.

(b) Learner expectations for program requirements, progression, and completion are identified, published, and accessible.

(2) Program design.

(a) Entry seminar.

(i) The program provides an orientation to the process and to the benchmarks/strands.

(ii) The program includes formalized learning opportunities and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC 181-78A-270.

(iii) Administrator candidates will complete a 360-type assessment aligned to the interstate school leaders licensure consortium standards.

(b) Professional growth plan implementation. The program includes the development of a draft professional growth plan focused on the career level standards.

(c) Panel presentation.

(i) The program includes a final presentation to a panel that includes experienced P-12 educators in the role, during which the candidate provides evidence of professional certificate level knowledge, skill, and performance.

(ii) Candidates who do not successfully complete a final presentation receive an individualized analysis of strengths and weaknesses and a plan for assistance, and shall be allowed additional opportunities to present evidence pertaining to strands/benchmarks not previously met.

(3) School-based experiences.

(a) Candidate work produced in the program is responsive to, and integrated with, the job responsibilities of candidates.

(b) Entry and exit criteria and a process for mitigating concerns are provided for candidates.

(4) Collaboration. Program personnel collaborate for continuous program improvement with P-12 partners, PEAB members, and candidates.

(5) Diversity in learning experiences.

(a) Candidates reflect on interactions with diverse populations in order to integrate professional growth in cultural competency as a habit of practice.

(b) Program personnel model equity pedagogy through:

(i) Interactions with diverse populations;

(ii) Reflective practice on their own professional growth in cultural competency;

(iii) Culturally relevant communication and problem solving; and

(iv) Personalized instruction that addresses cultural and linguistic backgrounds.

## WSR 12-18-004

### PERMANENT RULES

### PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed August 23, 2012, 10:44 a.m., effective September 23, 2012]

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

Purpose: Amends chapter 181-78A WAC. Defines professional growth team and clarifies the requirement for a professional growth plan to be oriented to the professional certificate. Technical corrections related to educational service associate certificates.

Citation of Existing Rules Affected by this Order: Amending X [WAC 181-78A-010, 181-78A-270, 181-78A-507, and 181-78A-509].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 12-12-043 on May 31, 2012.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2012.

David Brenna  
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 10-08-030, filed 3/31/10, effective 12/1/11)

**WAC 181-78A-010 Definition of terms.** The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the professional educator standards board for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the professional educator standards board of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is a candidate for accreditation or is accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and of Colleges and Universities;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges; Accrediting Commission for Junior and Senior Colleges.

(7) "Accredited institution of higher education," for purposes of credit on salary schedule per RCW 28A.415.024, means a regionally accredited institution of higher education, or a community college, college, or university, which is a candidate for accreditation or is accredited by the distance education and training council (DETC).

(8) "An approved performance-based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific professional educator standards board required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(9) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

(10) "Collaboration" (as used in WAC 181-78A-500 through 181-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.) to reach consensus regarding the content - Course work, experiences, competencies, knowledge and skills - Of the candidate's professional growth plan.

(11) "Professional growth team((-))"

~~((a) Principal/program administrator—"professional growth team,")~~ for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a ~~((district representative or designee, a professional association representative, and a college or university advisor. "Professional growth team," for the purpose of renewal of the professional certificate, means a team comprised of the individual renewing the certificate and the superintendent, or superintendent designee or appointed representative.~~

~~(b) School counselor, school psychologist, and school social worker "professional growth team" for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a college/university))~~ program administrator/designee, and a colleague/peer from the same professional role specified by the candidate. ~~((A district representative is also required to serve on the professional growth team. Provided that, a candidate may petition the university to have membership of a district representative waived.))~~

(12) "~~(Individual)~~ Professional growth plan" means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards set forth in WAC 181-79A-207 and 181-78A-540.

(13) "Draft professional growth plan" means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards set forth in WAC 181-78A-540.

(14) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 181-78A-535(2).

AMENDATORY SECTION (Amending WSR 12-04-036, filed 1/27/12, effective 2/27/12)

**WAC 181-78A-270 Approval standard—Knowledge and skills.** ~~((Building on the mission to prepare educators who demonstrate a positive impact on student learning based on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether))~~ Each preparation program ~~((is))~~ must be in compliance with the program approval standards of WAC 181-78A-220(5):

**(1) TEACHER RESIDENCY CERTIFICATION.****(a) EFFECTIVE TEACHING.**

(i) Using multiple instructional strategies, including the principles of second language acquisition, to address student academic language ability levels and cultural and linguistic backgrounds;

(ii) Applying principles of differentiated instruction, including theories of language acquisition, stages of language, and academic language development, in the integration of subject matter across the content areas of reading, mathematical, scientific, and aesthetic reasoning;

(iii) Using standards-based assessment that is systematically analyzed using multiple formative, summative, and self-assessment strategies to monitor and improve instruction;

(iv) Implementing classroom/school centered instruction, including sheltered instruction that is connected to communities within the classroom and the school, and includes knowledge and skills for working with other;

(v) Planning and/or adapting standards-based curricula that are personalized to the diverse needs of each student;

(vi) Aligning instruction to the learning standards and outcomes so all students know the learning targets and their progress toward meeting them;

(vii) Planning and/or adapting curricula that are standards driven so students develop understanding and problem-solving expertise in the content area(s) using reading, written and oral communication, and technology;

(viii) Preparing students to be responsible citizens for an environmentally sustainable, globally interconnected, and diverse society;

(ix) Planning and/or adapting learner centered curricula that engage students in a variety of culturally responsive, developmentally, and age appropriate strategies;

(x) Using technology that is effectively integrated to create technologically proficient learners; and

(xi) Informing, involving, and collaborating with families/neighborhoods, and communities in each student's educational process, including using information about student cultural identity, achievement and performance.

**(b) PROFESSIONAL DEVELOPMENT.** Developing reflective, collaborative, professional growth-centered practices through regularly evaluating the effects of his/her teaching through feedback and reflection.

**(c) TEACHING AS A PROFESSION.**

(i) Participating collaboratively and professionally in school activities and using appropriate and respectful verbal and written communication.

(ii) Demonstrating knowledge of professional, legal, and ethical responsibilities and policies.

**(d) PERFORMANCE ASSESSMENT.** An approved preparation program for teachers shall require that each candidate engage in an assessment process approved by the professional educator standards board. The assessment will verify that the candidate for a residency teacher certificate can meet the teacher standards in (a), (b) and (c) of this subsection and understands teacher impact on student learning. All candidates shall exit the residency certificate program with a draft professional growth plan oriented toward the expectations for the professional certificate.

**(2) PRINCIPAL AND PROGRAM ADMINISTRATOR.**

(a) ~~(Effective September 1, 2010:)~~ Principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

Successful demonstration of standards.

(i) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by leading the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by school and community stakeholders;

(ii) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by leading through advocating, nurturing, and sustaining district/school cultures and coherent instructional programs that are conducive to student learning and staff professional growth;

(iii) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;

(iv) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

(v) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by acting with integrity, fairness, and in an ethical manner; and

(vi) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

**(b) Performance assessment.** An approved preparation program for principals shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the professional educator standards board. The benchmarks may not be changed without prior professional educator standards board approval. All candidates shall exit the residency certificate program with a draft professional growth plan oriented toward the expectations for the professional certificate.

**(3) SUPERINTENDENT.** An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following standards:

(a) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of

each student by leading the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by school and community stakeholders;

(b) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by leading through advocating, nurturing, and sustaining district/school cultures and coherent instructional programs that are conducive to student learning and staff professional growth;

(c) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;

(d) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

(e) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by acting with integrity, fairness, and in an ethical manner; and

(f) A school administrator is an educational leader who has the knowledge, skills, and cultural competence to improve learning and achievement to ensure the success of each student by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

(4) **SCHOOL COUNSELOR.** (~~Effective September 1, 2005;~~) School counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(a) **Successful demonstration of standards:**

(i) (~~Foundations of the~~) **School counseling (profession) program:** Certified school counselors (~~design, deliver,~~) develop, lead, and evaluate (student-centered,) a data-driven school counseling program(s) that (~~advance the mission of the school in light of recognized theory, research, exemplary models, community context, and professional standards~~) is comprehensive, utilizes best practices, and advances the mission of the school.

(ii) (~~School counseling and student competencies~~) **Student learning and assessments:** Certified school counselors (~~integrate academic, career, and personal/social student competencies, including Washington state learning goals and essential academic learning requirements, into the school counseling program; teach counseling and guidance related material by using effective curriculum, instructional strategies, and instructional management; support teachers and parents in helping students develop knowledge and skill for learning, living, and working; and provide information about best practices to a school community.~~)

(iii) ~~Human growth and development:~~ Certified school counselors apply comprehensive, in-depth knowledge of human growth and development to improve student learning, well-being, and to enhance resiliency; provide guidance to parents and teachers about developmentally appropriate practices that support students throughout their schooling experience) use their knowledge of pedagogy, child development, individual differences, learning barriers, and Washington state learning requirements to support student learning. They work effectively with other educators to monitor and improve student success.

(~~(iv)~~) (iii) **Counseling theories and technique:** Certified school counselors (~~demonstrate an understanding of established and emerging counseling theories through effective use of individual and group techniques for working with a diverse population~~) use a variety of research-based counseling approaches to provide prevention, intervention, and responsive services to meet the academic, personal/social and career needs of all students.

(~~(v)~~) (iv) **Equity, fairness, and diversity:** Certified school counselors (~~value and show respect for all members of the community; demonstrate fairness, equity, and sensitivity to every student, and advocate for equitable access to instructional programs and activities; use data for designing and implementing plans that remove barriers to learning; and help to close achievement gaps among subgroups of students~~) understand cultural contexts in a multicultural society, demonstrate fairness, equity, and sensitivity to every student, and advocate for equitable access to instructional programs and activities.

(~~(vi)~~) (v) **School climate and collaboration:** Certified school counselors collaborate with colleagues, families, and community members to establish and foster a safe, inclusive, and nurturing learning environment for students, staff, and families (and use strategies designed to prevent or resolve problems that could limit or diminish the capacity of students to learn and achieve at their highest levels.

(vii) **Collaboration with school staff, family, and community:** Certified school counselors work collaboratively with school staff, families and community members to achieve common goals for the education of students, improvement of schools, and advancement of the larger community; know appropriate behavior management strategies and can team with staff and families to improve student achievement; and use their knowledge of community resources to make appropriate referrals based on the needs of students.

(viii) ~~Information resources and technology:~~ Certified school counselors select and use informational resources and technology to facilitate delivery of a comprehensive school counseling program that meets student needs; and skillfully use technology to enhance communication.

(ix) **Student assessment and program evaluation:** Certified school counselors understand the basic principles and purposes of assessment; collection and use of data; regularly monitor student progress and are able to communicate the purposes, design, and results of assessments to various audiences; know basic principles of research design, action research, and program evaluation for purposes of program improvement and accountability.

~~(x) **Leadership and advocacy:** Certified school counselors support practices and policies that promote academic rigor skills for learning, living, and working; provide leadership that enhances student academic, career, and personal/social development and advocate for guidance as an integral part of a school's educational system; model practices that help students, parents, teachers, and policy makers understand how curriculum, instruction and assessment can help students see the relationship between effort, performance, and success beyond high school. Certified school counselors help promote understanding of graduation requirements, WASL scores, and development of the high school and beyond plan).~~

~~((xi) **Professionalism, ethics, and legal mandates:**)~~

~~(vi) **Professional identity and ethical practice:** Certified school counselors ((develop a professional identity congruent with knowledge of all aspects of professional functions, professional development, and state and national school counselor organizations. They adhere strictly to the profession's codes of ethics, especially those that have been established by the American Counseling Association (ACA), the American School Counselor Association (ASCA), the National Board for Certified Counselors (NBCC), and other relevant codes of ethics. They are familiar with state and federal policies, laws, and legislation relevant to school counseling.~~

~~(xii) **Reflective practice:** Certified school counselors integrate knowledge, skills, and life experiences to respond effectively to new or unexpected critical events and situations; serve as change agents by using their understanding of schools as social, cultural and political systems within a larger organizational context; monitor practice with continuous, in-depth reflection; and make adjustments as needed) engage in continuous professional growth and development and advocate for appropriate school counselor identity and roles. They adhere to ethical practices and to the Washington state and federal policies, laws, and legislation relevant to school counseling.~~

(b) **Performance assessment.** An approved preparation program for school counselors shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the professional educator standards board ((and published by the office of the superintendent of public instruction)). The benchmarks may not be changed without prior professional educator standards board approval. All candidates shall exit the residency certificate program with a draft professional growth plan oriented to the expectations for the professional certificate.

(5) **SCHOOL PSYCHOLOGIST.** ((Effective September 1, 2005;)) School psychologist candidates((, in order to support student achievement of the state learning goals and essential academic learning requirements;)) will complete formalized learning opportunities, including an internship, in an approved program that includes:

(a) **Successful demonstration of standards:**

(i) **Data-based decision making and accountability:** Certified school psychologists have knowledge of varied models and methods of assessment ((that yield information useful in identifying strengths and needs, in understanding problems, and in measuring progress and accomplishments; use such models and methods)) as part of a systematic pro-

cess ((to collect data and other information, translate assessment results into empirically based decisions about service delivery, evaluate the outcomes of services; and)) of data-based decision making that permeates every aspect of professional practice.

(ii) **Consultation and collaboration:** Certified school psychologists have knowledge of behavioral, mental health, collaborative, and((/or)) other consultation models and methods and of their application to ((particular)) individual and contextual situations; collaborate effectively with others in planning and decision-making processes at the individual, group, and system levels.

(iii) ((~~Effective instruction and development of cognitive~~)) **Interventions and instructional support to develop academic skills:** Certified school psychologists have knowledge of ((human learning processes, techniques to assess these processes, and direct and indirect services applicable to the development of cognitive and academic skills;)) the influence of biological, cultural, linguistic, and early life experiences on academic development and collaborate with others((, develop appropriate cognitive and academic goals for students with different abilities, disabilities, strengths, and needs; implement interventions to achieve those goals; and evaluate the effectiveness of interventions, including, but not limited to, instructional interventions and consultation)) to access, implement, and evaluate services at universal, targeted, and intensive levels using a variety of culturally and developmentally appropriate assessments.

(iv) ((~~Socialization and development of~~)) **Interventions and mental health services to develop social and life skills:** Certified school psychologists have knowledge of ((human)) biological, cultural, developmental ((processes, techniques to assess these processes, and direct and indirect services applicable to the development of behavioral, affective, adaptive, and social skills)), and social influences on behavior and mental health; collaborate with others, to develop ((appropriate behavioral, affective, adaptive, and social goals for students of varying abilities, disabilities, strengths, and needs; implement interventions to achieve those goals; and evaluate the effectiveness of interventions, including, but not limited to, consultation, behavioral assessment/intervention, and counseling)) implement, and evaluate services that support socialization, cultural competence, learning, and mental health for positive impact on student learning.

(v) ((~~Student diversity in development and~~)) **School-wide practices to promote learning:** Certified school psychologists have knowledge of ((individual differences, abilities, and disabilities and of the potential influence of biological, social, cultural, ethnic, experiential, socioeconomic, gender-related, and linguistic factors in development and learning; demonstrate the sensitivity and skills needed to work with individuals of diverse characteristics and to implement strategies selected and/or adapted based on individual characteristics, strengths, and needs.

(vi) ~~School and systems organization, policy development, and climate:~~ Certified school psychologists have knowledge of general education, special education, and other educational and related services; understanding of schools and other settings as systems; work with individuals and

groups to facilitate policies and practices that create and maintain safe, supportive, and effective learning environments for children and others)) general and special education, evidence-based practices, and equity pedagogy that responds to the needs of the learners; demonstrate skills to manage time effectively, respond to the learning needs of the individual students, and plan and measure positive impact on student learning.

~~((vii))~~ (vi) **Prevention, crisis intervention, and mental health) and responsive services:** Certified school psychologists have knowledge of ~~((human development and psychopathology and of associated biological, cultural, and social influences on human behavior; provide or contribute to prevention and intervention programs that promote the mental health and physical well-being of students))~~ principles of resilience and risk factors and demonstrate skills in multi-tiered delivery of services that respond to crisis and promote learning and mental health across cultures.

~~((viii) **Home/school/community**)~~ (vii) **School collaboration services:** Certified school psychologists have knowledge of family systems, including family strengths and influences on student development, learning, and behavior, and of methods to involve families in education and service delivery; ~~((work effectively with families, educators, and others in the community to promote and provide comprehensive services to children and families.))~~ facilitate family and school partnerships and interactions with community agencies for enhancement of academic and social-behavior outcomes for children.

(viii) **Diversity in development and learning:** Certified school psychologists have knowledge of the principles and research related to culture, linguistic development, context, individual and role differences; work collaboratively to provide professional services that respond to the diverse needs of individuals and families; advocate for social justice and equity pedagogy.

(ix) **Research and program evaluation:** Certified school psychologists have knowledge of research, statistics, and evaluation methods; evaluate research, translate research into practice, and understand research design and statistics in sufficient depth to plan and conduct investigations and program evaluations for improvement of services at individual, group, and systems levels.

~~(x) **(School psychology practice and development))**~~ **Legal, ethical, and professional practice:** Certified school psychologists have knowledge of the history and foundations of their profession; of ~~((various))~~ multiple service models and methods; ~~((of public policy development applicable to services to children and families; and))~~ of ethical, professional, and legal standards, including the Washington Administrative Code and federal and state accountability legislation; practice in ways that are consistent with applicable standards~~((are involved in their profession, and have the knowledge and skills needed to acquire career-long professional development))~~; engage in responsive ethical and professional decision-making; and apply professional work characteristics.

~~(xi) **(Information technology))**~~ **Emerging and assistive technologies:** Certified school psychologists have knowledge of ~~((information sources and technology relevant~~

~~to their work; access, evaluate, and utilize information sources and technology in ways that safeguard or enhance the quality of services)) and access, implement, and evaluate technology relevant to their work and to the instructional needs of individuals with disabilities.~~

(b) **Performance assessment.** An approved preparation program for school psychologists shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the professional educator standards board ~~((and published by the office of the superintendent of public instruction)).~~ The benchmarks may not be changed without prior professional educator standards board approval. All candidates shall exit the residency certificate program with a draft professional growth plan oriented to the expectations for the professional certificate.

AMENDATORY SECTION (Amending WSR 09-16-053, filed 7/29/09, effective 8/29/09)

**WAC 181-78A-507 Overview—Principal/program administrator professional certificate programs.** ~~((By September 1, 2007, all colleges and universities offering a))~~ Professional certificate programs for principals/program administrators must be in compliance with ~~((the new))~~ program standards. To obtain a professional certificate, the residency principal or assistant principal will need to complete a professional educator standards board-approved professional certificate program and document three contracted school years of employment as a principal or assistant principal; the residency program administrator will need to complete a professional educator standards board-approved professional certificate program.

The professional certificate for principals/program administrators requires successful demonstration of six standards at the professional certification benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

The candidate with the approved program shall develop an individual professional growth plan oriented toward the expectations for the professional certificate that shall address the six knowledge and skills standards, focus on activities that enhance student learning, and be informed by the performance evaluation process, and an analysis of the administrative context and assignment.

AMENDATORY SECTION (Amending WSR 07-19-056, filed 9/14/07, effective 10/15/07)

**WAC 181-78A-509 Overview—Educational staff associate—School counselor/school psychologist~~((school social worker))~~ professional certificate programs.** ~~((By September 1, 2008, all colleges and universities offering))~~ ESA professional certificate programs must be in compliance with ~~((the new))~~ program standards. To obtain a professional ESA certificate, individuals will need to hold a valid ESA residency certificate, be employed in his/her ESA role in a public school district, professional educator standards board-approved private school or state agency providing educational services for students, and complete a professional educator standards board-approved professional ESA certificate program in his/her ESA role.

(1) The professional certificate requires successful demonstration of the ESA role standards at the professional certificate benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

(2) The candidate shall develop an individual professional growth plan ~~((to be approved by the professional education advisory board (PEAB) or the professional growth team (PGT)))~~ oriented toward the expectations for the professional certificate. The individual growth plan shall be based on an assessment of the candidate's ability to demonstrate standards at the professional benchmark level and evidence of a positive impact on student learning.

**WSR 12-18-005**  
**PERMANENT RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 23, 2012, 10:49 a.m., effective September 23, 2012]

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

Purpose: Amends WAC 181-79A-030 and 181-79A-251, defining professional growth plans and professional growth teams. Provides for renewal through the submission of professional growth plans, even for educators who are not employed in the capacity of their certification. Continues to allow continuing education credits for renewal.

Citation of Existing Rules Affected by this Order: Amending X [WAC 181-79A-030 and 181-79A-251].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 12-11-030 on May 9, 2012.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2012.

David Brenna  
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 10-16-124, filed 8/3/10, effective 9/3/10)

**WAC 181-79A-030 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 and 181-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended.

(4) "Certificate reinstatement" means the process whereby the validity of an expired certificate is regained.

(5) "Lapsed certificate" means a residency certificate that is subject to the timelines and renewal described under WAC 181-79A-251.

(6) "Expired certificate" means a teacher certificate that can only be reinstated under WAC 181-79A-251.

(7) "Classroom teaching" means instructing pupils in an instructional setting.

(8) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in chapter 181-82 WAC as now or hereafter amended: Provided, That if a candidate is accepted into a program in Washington state on or before August 31, 2000, and completes the program on or before August 31, 2003, in accordance with WAC 181-79A-299, the candidate may hold a baccalaureate degree in any of the subject areas of the endorsements listed in WAC 181-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: Provided, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in chapter 181-82 WAC: Provided further, That a candidate who holds a baccalaureate degree in early childhood education, elementary education, or special education will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed thirty quarter or twenty semester credit hours in one academic field in an approved endorsement area pursuant to WAC 181-82A-202.

(9) "Issues of abuse course work requirement" means completion of course work or an in-service program on issues of abuse. The content shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(10) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

(11) "Credit hour(s)" means credit (normally 100 level or above) awarded by a regionally accredited institution of higher education.

(12) "Previous standards" means a certification system in place prior to a revision in rules that results in changed names and/or validity periods for the certificates issued.

(13) "Application for certification" means an application for a certificate or endorsement that includes a signed affidavit (as specified in WAC 181-79A-157) by the applicant. Such application shall be considered valid for two years from the date of receipt by the superintendent of public instruction, or its designee.

(14) ~~((Teacher))~~ "Professional growth team" for the purpose of renewal of the professional certificate, means a team comprised of the ((candidate for professional certification, a colleague specified by the candidate, a provider of support to the candidate, if the candidate chooses to employ a support provider, and a representative from the school district or state approved private, state agency providing education for children in which the candidate teaches or has taught)) individual renewing the certificate and a minimum of three colleagues, who hold a current educator certificate, chosen by the individual.

(15) ~~((Individual))~~ "Professional growth plan,"

(a) Teacher individualized professional growth plan means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards ~~((set forth in WAC 181-79A-207))~~ at the "career level" benchmarks as published by the professional educator standards board.

(b) Principal/program administrator individualized professional growth plan means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards at the "career level" benchmarks set forth in WAC 181-78A-540(1).

(c) ESA individualized professional growth plan means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards and career level benchmarks set forth in WAC 181-78A-540(2).

(16) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

(17) "Professional certificate support provider" means any organization or institution operating training or consulting services as a public entity or private company holding an appropriate business license.

(18) "Approved private school" means any organization of institution providing educational services to children including, but not limited to, approved private schools, state institutions, juvenile institutions, nonpublic agencies providing special education services, development centers, and bureau of Indian affairs schools.

AMENDATORY SECTION (Amending WSR 12-07-076, filed 3/20/12, effective 4/20/12)

**WAC 181-79A-251 Residency and professional certification. Renewal and reinstatement.**

(1) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Individuals who hold, or have held, residency certificates have the following options for renewal past the first three-year certificate:

(A) Candidates who have attempted and failed the professional certificate assessment are eligible for a two-year renewal;

(B) Candidates who have not been employed or employed less than full-time as a teacher during the dated, three-year residency certificate may receive a two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio or may permit their certificate to lapse until such time they register for the professional certificate assessment;

(C) Candidates whose three-year residency certificate has lapsed may receive a two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certificate assessment;

(D) Individuals who complete a National Board Certification assessment but do not earn National Board Certification, may use that completed assessment to renew the residency certificate for two years.

(ii) A residency certificate expires after the first renewal if the candidate has not registered for and submitted a portfolio assessment prior to June 30th of the expiration year, to achieve the professional certificate, provided: When the first two-year renewal on residency certificates expires, teachers have two renewal options:

(A) Teachers who were employed but failed the professional certification assessment, may receive a second two-year renewal;

(B) Teachers who were unemployed or employed less than full-time during the first two-year renewal may permit their certificate to lapse and receive a second two-year renewal by submitting an affidavit to the certification office confirming that they will register and submit a uniform assessment portfolio for the professional certification assessment.

(C) An individual who completes a National Board Certification assessment but does not earn National Board Certification, may use that completed assessment to renew the residency certificate for two years in lieu of submitting an affidavit to the certification office confirming that they will



register and submit the Washington uniform assessment portfolio as per this section, WAC 181-79A-251.

(iii) Teachers who hold expired residency certificates may be reinstated by having a district request, under WAC 181-79A-231, a transitional certification not less than five years following the final residency expiration: Provided, That the teacher registers and passes the professional certification assessment within two years.

(iv) Teachers that hold a dated residency certificate prior to September 2011 that have expiration dates past September 2011 are subject to the same renewal options as described in (a)(ii) and (iii) of this subsection.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program under WAC 181-78A-535 (2)(a) may have their residency certificates renewed for ~~((one))~~ an additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. ~~((Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board approved residency certificate program and taken since the issuance of the last residency certificate.))~~

(c) School counselors and school psychologists.

(i) Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535(3) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC 181-78A-535 (3)(a) may have their residency certificates renewed for ~~((one))~~ an additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. ~~((Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship~~

~~approved by a college or university with a professional educator standards board approved residency certificate program and taken since the issuance of the last residency certificate.))~~

(2) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five-year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC or by completing the professional growth plan as defined in WAC 181-79A-030 until September 1, ~~((2012))~~ 2014. Beginning September 1, ~~((2012))~~ 2014, only ~~((the))~~ four professional growth plans developed annually since the certificate was issued in collaboration with the professional growth team as defined in WAC 181-79A-030 ~~((is))~~ are required for renewal. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate ~~((may use that completed plan to waive))~~ shall receive the equivalent of thirty hours of continuing education ((requirements for their professional teaching certificate)) credit hours. Until September 1, ~~((2012))~~ 2014, an expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards:

(I) Effective instruction.

(II) Professional contributions.

(III) Professional development.

(B) One of the salary criteria specified in WAC 392-121-262.

~~((I) Is consistent with a school-based plan for mastery of student learning goals as referenced in WAC 329-121-262, the annual school performance report, for the school in which the individual is assigned;~~

~~((II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;~~

~~((III) Is necessary to obtain an endorsement as prescribed by the professional educator standards board;~~

~~((IV) Is specifically required to obtain advanced levels of certification; or~~

~~((V) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.))~~

(ii) Individuals not employed as a teacher in a public school or approved private school holding a professional teaching certificate may have their professional certificate renewed for a five-year period by the completion of:

(A) Fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 181-78A-540; or

(B) One hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was

issued and which relate to the current performance-based standards as defined in WAC 181-79A-207; or

(C) Four professional growth plans developed annually since the certificate was issued in collaboration with the professional growth team as defined in WAC 181-79A-030. The professional growth plans must document formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-79A-207. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours.

(iii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a principal, assistant principal or program administrator in a public school or ~~((state board of education approved))~~ approved private school by:

(A) Completion of ~~((a))~~ four professional growth plans ~~((that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and))~~ developed annually since the certificate was issued in collaboration with a minimum of three certificated colleagues that documents formalized learning opportunities and professional development activities that~~((:~~

~~((I) Emphasize continuous learning;~~

~~((II) Positively impact student learning;~~

~~((III)) relate to the six standards and "career level" benchmarks defined in WAC ~~((181-78A-270 (2)(b))~~;~~

~~((IV) Explicitly connect to the evaluation process;~~

~~((V) Reflect contributions to the school, district, and greater professional community; and~~

~~((VI) Identify areas in which knowledge and skills need to be enhanced))~~ 181-78A-540(1). Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours.

(B) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or ~~((state board of education approved))~~ approved private school may have their professional certificate renewed for ~~((one additional))~~ a five-year period by the completion of:

(A) Fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC ~~((181-78A-270 (2)(b)))~~ 181-78A-540(1) from a regionally accredited institution of higher education taken since the issuance of the professional certificate~~((-- Renewal beyond one time requires the completion of fifteen quarter credits (ten semes-~~

ter credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board approved professional certificate program, and taken since the issuance of the last professional certificate)); or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-540(1); or

(C) Completion of four professional growth plans developed annually since the certificate was issued in collaboration with the professional growth team as defined in WAC 181-79A-030 that documents formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-78A-540(2). Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours.

(c) School counselors~~((;))~~ and school psychologists~~((--or school social workers)).~~

(i) ~~((A))~~ For certificates issued prior to September 1, 2014, a valid professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor~~((;))~~ or school psychologist~~((--or school social worker))~~ in a public school, ~~((state board of education approved))~~ approved private school, or in a state agency which provides educational services to students by:

(A) Completion of ~~((a professional growth plan that is developed and approved with the principal or principal designee, and that documents formalized learning opportunities and professional development activities that:~~

~~((I) Emphasize continuous learning;~~

~~((II) Positively impact student learning; and~~

~~((III) Reflect contributions to the school, district, and greater professional community; or~~

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9)) one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9);

(B) Completion of four professional growth plans that are developed annually since the certificate was issued in collaboration with a minimum of three certificated colleagues or supervisor, and that documents formalized learning opportunities and professional development activities that relate to the standards and career level benchmarks defined in WAC 181-78A-540(2). Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours; or

(C) Beginning September 1, 2014, a valid professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor or school psychologist in a public school, approved private school, or in a

state agency which provides educational services to students by completion of four professional growth plans developed annually since the certificate was issued in collaboration with the professional growth team as defined in WAC 181-79A-030 that documents formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-78A-540(2). Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours.

(ii) Individuals not employed as a school counselor(;) or school psychologist(, or a school social worker) in a public school or ((state board of education approved) approved private school may have their professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC ((181-78A-270 (5), (7), or (9))) 181-78A-540(2) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC ((181-78A-270 (5), (7), or (9))) 181-78A-540(2); ((or))

(C) Completion of four annual professional growth plans developed since the certificate was issued in collaboration with the professional growth team as defined in WAC 181-79A-030 that documents formalized learning opportunities and professional development activities that relate to the standards and "career level" benchmarks defined in WAC 181-78A-540(2). Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate shall receive the equivalent of thirty hours of continuing education credit hours:

(D) Provided, That a school counselor professional certificate may be renewed based on the possession of a valid school counselor certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater; or

(E) Provided, That a school psychologist professional certificate may be renewed based on the possession of a valid national certified school psychology certificate issued by the national association of school psychologists at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the national certified school psychology certificate, whichever is greater.

(d) For educators holding multiple certificates in (a), (b), or (c) of this subsection, or in chapter 181-85 WAC, a professional growth plan for teacher, administrator, or education staff associate shall meet the requirement for all certificates held by an individual which is affected by this section.

**WSR 12-18-006**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 12-190—Filed August 23, 2012, 1:54 p.m., effective September 23, 2012]

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

Purpose: Amend rules based on recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council to provide maximum recreational fishing opportunity while addressing conservation concerns.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-220 Two-pole endorsement, 220-56-105 River mouth definitions, 220-56-115 Angling gear—Lawful and unlawful acts, 220-56-124 Seasons and areas—Hoodspout Hatchery, 220-56-195 Closed areas—Saltwater salmon angling, 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts, 220-56-500 Game fish seasons, 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules, 232-28-620 Coastal salmon—Saltwater seasons and daily limits, and 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045, 77.12.047.

Adopted under notice filed as WSR 12-15-089 on July 18, 2012.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 0.

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

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

Date Adopted: August 23, 2012.

Philip Anderson  
 Director

AMENDATORY SECTION (Amending Order 12-17, filed 2/16/12, effective 3/18/12)

**WAC 220-55-220 Two-pole endorsement.** Anglers ((who are)) in possession of a valid two-pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County
Para-juvenile Lake	Adams
Quail Lake	Adams
Headgate Pond	Asotin
Columbia Park Pond	Benton
Blackbird Island Pond	Chelan

Water Body	County		Water Body	County	
Lake Wenatchee	Chelan		Lake Washington Ship Canal	King	(Including Lake Union, Portage Bay, and Salmon Bay)
Aldwell Lake	Clallam				Waters east of a north-south line 400' west of the Chittenden Locks to the Montlake Bridge
Beaver Lake	Clallam				Auburn
Carrie Blake Pond	Clallam				Kent
Dickey Lake	Clallam		Mill Pond	King	
Lake Pleasant	Clallam		Old Fishing Hole Pond	King	
Lincoln Pond	Clallam		Portage Bay	King	
Sutherland Lake	Clallam		Rattlesnake Lake	King	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River	Ravensdale Lake	King	
			Salmon Bay	King	
			Swans Mill Pond	King	
Big Four Lake	Columbia		Koeneman Lake	Kitsap	Formerly Fern Lake
Dayton Pond	Columbia		Easton Lake	Kittitas	
Blue Lake	Cowlitz		Kachess Lake	Kittitas	
Castle Lake	Cowlitz		Keechelus Lake	Kittitas	
Coldwater Lake	Cowlitz		Kiwanis Pond	Kittitas	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse	Naneum Pond	Kittitas	
			Cowlitz Falls Reservoir	Lewis	
			Fort Borst Park Pond	Lewis	
Merrill Lake	Cowlitz		Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam
Silver Lake	Cowlitz				
Grimes Lake	Douglas		Packwood Lake	Lewis	
Pit Lake	Douglas		Scanewa Lake	Lewis	Cowlitz Falls Reservoir
Long Lake	Ferry		Walupt Lake	Lewis	
Beda Lake	Grant		Willame Lake	Lewis	
Brookies Lakes	Grant		Coffeepot Lake	Lincoln	
Dry Falls Lake	Grant		Cady Lake	Mason	
Dusty Lake	Grant		Cushman Reservoir	Mason	
Homestead Lake	Grant		Prices Lake	Mason	
Lenice Lake	Grant		Stump Lake	Mason	
Lenore Lake	Grant		Aeneas Lake	Okanogan	
Merry Lake	Grant		Big Twin Lake	Okanogan	
Nunnally Lake	Grant		Black Lake	Okanogan	
Ping Pond	Grant		Blue Lake	Okanogan	Near Wannacut Lake
Damon Lake	Grays Harbor		Blue Lake	Okanogan	Sinlahekin Creek
Mill Creek Pond	Grays Harbor		Campbell Lake	Okanogan	
Promised Land Pond	Grays Harbor		Chopaka Lake	Okanogan	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano	Cougar Lake	Okanogan	Lost River
			Davis Lake	Okanogan	
Shye Lake	Grays Harbor		Ell Lake	Okanogan	
Vance Creek Pond #1	Grays Harbor		Green Lake	Okanogan	
Vance Creek Pond #2	Grays Harbor		Green Lake	Okanogan	Lower Green Lake
Wynoochee Reservoir	Grays Harbor		Hidden Lake	Okanogan	Lost River
Anderson Lake	Jefferson		Rat Lake	Okanogan	
Gibbs Lake	Jefferson		Silvermail Lake	Okanogan	
Horseshoe Lake	Jefferson		Cases Pond	Pacific	
Teal Lake	Jefferson		Middle Nemah Pond	Pacific	
Lake Sammamish	King		Mooses Pond	Pacific	
Lake Union	King		Owens Pond	Pacific	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream	South Bend Mill Pond	Pacific	
			Browns Lake	Pend Oreille	
			Muskegon Lake	Pend Oreille	
			Bradley Lake	Pierce	
			De Coursey Pond	Pierce	

Water Body	County	
Ohop Lake	Pierce	
Tanwax Lake	Pierce	
Wapato Lake	Pierce	
Granite Lakes	Skagit	Near Marblemount
Northern State Hospital Pond	Skagit	
Pass Lake	Skagit	
Vogler Lake	Skagit	
(Drano Lake	Skamania	(Little White Salmon River) downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Hwy. 14 bridge))
Swift Reservoir	Skamania	From dam to Eagle Cliff Bridge
Ebey Lake	Snohomish	Little Lake
Fortson Mill Pond #2	Snohomish	
Jennings Park Pond	Snohomish	
Monte Cristo Lake	Snohomish	
North Gissburg Pond	Snohomish	
Spada Lake	Snohomish	
Amber Lake	Spokane	
Bear Lake	Spokane	
Medical Lake	Spokane	
North Silver Lake	Spokane	
Bayley Lake	Stevens	
Lucky Duck Pond	Stevens	
McDowell Lake	Stevens	
Rigley Lake	Stevens	
Kennedy Creek Pond	Thurston	
Long's Pond	Thurston	
McLane Creek Ponds	Thurston	
Munn Lake	Thurston	
Jefferson Park Pond	Walla Walla	
Lions Park Pond	Walla Walla	College Place
Diablo Lake	Whatcom	
Gorge Lake	Whatcom	
Lake Whatcom	Whatcom	
Ross Lake	Whatcom	
Squalicum Lake	Whatcom	
Garfield Juvenile Pond	Whitman	
Bumping Lake	Yakima	
Clear Lake	Yakima	
Leech Lake	Yakima	White Pass area
Mud Lake	Yakima	
Myron Lake	Yakima	
Rimrock Lake	Yakima	
Sarge Hubbard Park Pond	Yakima	
Yakima Sportsmen's Park Ponds	Yakima	

Note: The two-pole endorsement is not valid in the Columbia and Snake rivers except as noted in Lake Roosevelt and Rufus Woods Lake.

Anglers (~~who are~~) in possession of a valid two-pole endorsement may also fish with two lines in the following river sections:

River	County	Section
Spokane	Spokane and Stevens	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam
Pend Oreille	Pend Oreille	
<u>Columbia</u>		<u>From Priest Rapids Dam to Wanapum Dam</u> <u>From Wanapum Dam to Wells Dam</u> <u>From Wells Dam to Highway 173 Bridge at Brewster</u> <u>From Highway 173 Bridge at Brewster to Chief Joseph Dam</u>
<u>Cowlitz River</u>	<u>Lewis</u>	<u>Lexington Bridge Drive in Kelso upstream to the Highway 505 Bridge in Toledo</u>
<u>Lewis</u>	<u>Clark/Skamania</u>	<u>From mouth to Colvin Creek</u>
<u>Wind</u>	<u>Skamania</u>	<u>Mouth to Burlington Northern Railroad Bridge</u>

Anglers in possession of a valid two-pole endorsement may also fish with two lines in the following marine areas:

Description	Marine Area
<u>Willapa</u>	<u>2-1. East of a line from Cape Shoalwater to Ledbetter Point</u>
<u>Port Susan and Port Gardner</u>	<u>Tulalip Terminal Area</u>

AMENDATORY SECTION (Amending Order 09-27, filed 2/25/09, effective 5/1/09)

**WAC 220-56-105 River mouth definitions.** When pertaining to angling, unless otherwise defined, any reference to the mouths of rivers or streams (~~shall be construed to~~) includes those waters of any river or stream, including sloughs and tributaries, upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" (~~shall be construed to~~) means those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

- Abernathy Creek - Highway 4 Bridge.
- Bear River - Highway 101 Bridge.
- Bone River - Highway 101 Bridge.
- Chambers Creek - Burlington Northern Railroad Bridge.
- Chehalis River - Highway 101 Bridge in Aberdeen.
- Chelan River - Railroad Bridge.
- Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

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

Hoquiam River - Highway 101 Bridge.

Humptulips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

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

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

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

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

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River - Lynn Point 117 degrees true to the opposite shore.

Spokane River - State Route 25 Bridge.

Wallace River - The furthest downstream railroad bridge.

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

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

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

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

Willapa River - City of South Bend boat launch.

Wind River - Boundary line markers at mouth.

Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

**WAC 220-56-115 Angling gear—Lawful and unlawful acts.** (1) It is unlawful for any person to use more than one line while angling for personal use, except:

(a) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in lakes, ponds, and reservoirs open to fishing unless listed as an exception in WAC 220-55-220. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in rivers and marine areas as noted in WAC 220-55-220 and 232-28-619.

(b) A second line using forage fish jigger gear is ~~((lawful))~~ permissible while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13. ~~((A violation of this subsection is an infraction, punishable under RCW 77.15.160.))~~

(2) It ~~((shall be))~~ is unlawful for any person to take, fish for, or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish, or with a hand-operated line without rod or reel, except as follows:

(a) It is ~~((lawful))~~ permissible to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is ~~((lawful))~~ permissible to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is ~~((lawful))~~ permissible to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole), except that use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

~~((d))~~ A violation of this subsection is an infraction, punishable under RCW 77.15.160.:

(3) It ~~((shall be))~~ is unlawful for any person while angling to fail to keep his angling gear under his or her direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed anglers and juvenile anglers aboard has been retained.

(5) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish or shellfish. If the person has harvested fish or shellfish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

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

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

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

~~((1))~~ (2) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

~~((2))~~ (3) Limits:

(a) Special daily limit of ~~((four))~~ 4 salmon, of which no more than ~~((two))~~ 2 salmon may be Chinook salmon greater than 24 inches in length.

(b) Release wild Chinook.

(c) Release chum salmon July 1 through October 15.

~~((3))~~ (4) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

~~((4))~~ (5) Hoodspport Salmon Hatchery ADA-accessible site.

(a) Persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodspport Salmon Hatchery, provided such persons follow all applicable department rules ~~((and regulations))~~.

(b) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over other~~((s))~~ anglers if the ADA-accessible site becomes overcrowded.

(6) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending Order 09-133, filed 7/8/09, effective 8/8/09)

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

(1) Bellingham Bay: Those waters of Bellingham, Samish, and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island, thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island, thence to Yellow Bluff Reef range marker, thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough ~~((shall be))~~: Closed to salmon angling April 1 through April 30 and July 1 through August 15.

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

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp ~~((are))~~: Closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point ~~((are))~~: Closed to salmon angling April 1 through April 30 and August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the

green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line, which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W), and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W), and then along the south jetty to the point of intersection with the Buoy #10 line ~~((are))~~: Closed to salmon angling at all times, except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling, or when the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay ~~((are))~~: Closed April 1 through April 30 and June 1 through July 31.

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

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

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

(10) ~~((Grays Harbor Control Zone: Waters within a line from the lighthouse one mile south of the south jetty, thence to Buoy number 2, thence to Buoy number 3, thence to the tip of the north jetty, thence to the exposed end of the south jetty, thence following the south jetty and shoreline to the lighthouse closed to fishing for salmon August 1 through September 30.))~~ Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380. Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370. Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending Order 12-17, filed 2/16/12, effective 3/18/12)

**WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts.** (1) It is unlawful to retain green sturgeon.

(2) It is ~~((lawful))~~ permissible to retain white sturgeon in Puget Sound and all Puget Sound tributaries from June 1 through June 30 and September 1 through October 15, except that in the Union River, white sturgeon may only be retained from June 1 through June 30.

(3) For all saltwater~~((s))~~ waterways, excluding Puget Sound and Puget Sound tributaries, it is ~~((lawful))~~ permissible to fish for white sturgeon the entire year ~~((in saltwater, but open in freshwater))~~. However, for freshwater waterways, it is permissible to fish for white sturgeon only ~~((concurrent with a))~~ when the season is open for salmon or game fish ~~((opening))~~, unless otherwise provided.

(4) The daily limit is one white sturgeon, with the following size restrictions:

(a) Minimum size is 43 inches in fork length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size is 38 inches in fork length in all other state waters.

(c) Maximum size is 54 inches in fork length.

~~((5))~~ (5) Once the daily limit has been retained, it is ~~((lawful))~~ permissible to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

~~((6))~~ (6) The possession limit is two daily limits of fresh, frozen, or processed white sturgeon.

~~((7))~~ (7) There is an annual personal-use limit of five white sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is ~~((lawful))~~ permissible to continue to fish for white sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

~~((8))~~ (8) It is unlawful to fish for sturgeon with terminal gear other than bait and one single barbless hook. It is ~~((lawful))~~ permissible to use artificial scent with bait when fishing for white sturgeon. ~~((Violation of this subsection is an infraction, punishable under RCW 77.15.160. It is unlawful to possess sturgeon taken with gear in violation of the provisions of this section. Possession of sturgeon while using gear in violation of the provisions of this section is a rebuttable presumption that the sturgeon were taken with such gear. Possession of such sturgeon is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.))~~

~~((9))~~ (9) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

~~((10))~~ (10) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

~~((11))~~ (11) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling, or landing a sturgeon.



~~((H))~~ (12) It is unlawful to fail to immediately return to the water any undersize or oversize sturgeon.

(13) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested sturgeon. If the person has harvested sturgeon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

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

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

**WAC 220-56-500 Game fish seasons.** It is unlawful to fish for game fish except during ~~((open))~~ the seasons ~~((open))~~ and times ~~((periods))~~ below.

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

(2) Freshwater rivers, streams, and beaver ponds:

(a) Rivers, streams, and beaver ponds that drain into Puget Sound ~~((or))~~, the Strait of Juan de Fuca, Pacific Ocean (excluding the Columbia River), Grays Harbor, and Willapa Bay are closed to fishing for game fish unless otherwise provided for.

(b) All other rivers, streams, and beaver ponds: Open the first Saturday in June through October 31 except as provided for in WAC 232-28-619.

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

(a) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

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

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

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

(e) Agate Pass - Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to game fish angling from January 1 through March 31; ~~((except))~~ however, a person can fish with gear meeting the fly-fishing-only requirements of WAC 220-56-210~~((;))~~ as long as he or she does not use lead-core fly line. ~~((Use of gear other than fly-~~

~~fishing gear or use of a lead core line in violation of this subsection is an infraction, punishable under RCW 77.15.160.))~~ It is unlawful to retain any fish taken during the period January 1 through March 31.

(f) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek, and waters within the channel created when tidelands are exposed, are closed the entire year, except:

(i) Persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodsport Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12.

(ii) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over others if the ADA-accessible site becomes overcrowded.

(4) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested game fish. If the person has harvested game fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the game fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending Order 12-17, filed 2/16/12, effective 3/18/12)

**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)(a) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish. If the person has harvested fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, 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—Penalty.

(b) Freshwater terminal gear restrictions: In all waters with freshwater terminal gear restrictions, including, but not limited to, selective gear rules, whitefish gear rules, single point barbless hooks required, fly-fishing only, and anti-snagging rules, violation of the gear rules is an infraction, punishable under RCW 77.15.160. It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Posses-

sion of such fish is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree.

(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))~~ Permissible 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: Fourth 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.

(5) Rivers, streams, and beaver ponds that drain into Puget Sound ~~((or))~~, the Strait of Juan de Fuca, or the Pacific Ocean (excluding the Columbia River) are closed to fishing unless listed as open below.

(6) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Fourth 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): Fourth 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 Creek (Pacific County) (Naselle River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31. Selective gear rules.

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 length 14 inches.

Aldrich Lake (Mason County): Fourth 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): ~~((Fourth Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.))~~ Closed waters.

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.

~~((Allen Creek (Thurston County) (Black River tributary): From mouth upstream: All species: Selective gear rules, night closure, and anti-snagging rule.))~~

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): Fourth Saturday in April through September 30 season.

Amber Lake (Spokane County): Fourth 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 fourth 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): Fourth 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): Fourth 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))~~ Permissible 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): Fourth Saturday in April through October 31 season.

Badger Lake (Spokane County): Fourth 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): Fourth 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. Salmon: July 1 through September 4 season. Daily limit three sockeye only. Minimum length 18 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): Fourth Saturday in April through October 31 season.

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

Bear Creek (Clallam County) (Bogachiel River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

Bear Creek (Clallam County) (Sol Duc River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

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.

From mouth (Highway 101 Bridge) to Lime Quarry Road (approximately two river miles): All game fish: Release all fish, except up to 2 hatchery steelhead may be retained per day. ~~((Single point barbless hooks required August 16))~~ Salmon: September 1 through November 30. Daily limit six fish, of which no more than two may be adult fish and of these no more than one may be a wild adult coho. Release chum and wild Chinook.

From the Lime Quarry Road upstream to the Longview Fiber Bridge: Selective gear rules. All game fish: Release all fish, except up to 2 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 no more than one may be a wild adult coho. Release chum and wild Chinook.))~~

Beaver Creek (Clallam County) (Sol Duc River tributary): From mouth upstream to Beaver Falls: First Saturday in June through October 31 season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

From Beaver Falls upstream to Beaver Lake: First Saturday in June through October 31 season.

Beaver Creek (Pierce County) (South Prairie Creek tributary): First Saturday in June through October 31 season.

Beaver Creek (Thurston County) (~~and all tributaries west of~~): From mouth to I-5: First Saturday in June through October 31 season. Selective gear rules ~~(;)~~ and night closure (~~and anti-snagging rule~~). Trout: Minimum length 14 inches.

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): Fourth 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): Fourth 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.

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 (Grays Harbor County): First Saturday in June through last day in October season. All species: Selective gear rules.

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): Fourth 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): Outside of Olympic National Park: The first Saturday in June through October 15 season and January 1 through the last day of February. All species: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches. Release kokanee.

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): Fourth 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.

Bingham Creek (Mason County) (Satsop River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

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

Black Creek (Grays Harbor County) (Wynoochee River tributary): From mouth upstream: First Saturday in June through October 31 season. All species: Selective gear rules.

Black Creek (Snohomish County) (South Fork Stillaguamish River tributary): Above the confluence of Black and Bear creeks. First Saturday in June through October 31 season.

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): Fourth Saturday in April through October 31 season.

Black Lake (Stevens County): Fourth 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 (Grays Harbor/Thurston ((County)) counties): First Saturday in June through October 31 season. From mouth to ((Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Dempsey Creek, Salmon Creek, and Blooms Ditch)) State Highway 12: ((First Saturday in June through October 31 season-)) Selective gear rules. Trout: Minimum length 14 inches. From Highway 12 to bridge on 128th Ave. SW: Anti-snagging rule, night closure, and ((single point)) barbless hooks required. Trout minimum length 14 inches. Salmon: ((Open only from Highway 12 to bridge on 128th Ave. SW from)) October 1 through November 30 season. Daily limit ((6)) six fish of which only ((2)) two may be adults. Release Chinook and chum. ((Trout minimum length 14 inches, except from the bridge on 128th Avenue SW (west of Littlerock) to Black Lake, where the minimum length is eight inches.)) December 1 through January 31 additional season. Daily limit six fish of which only two may be adults and only one may be a wild coho. Release Chinook and chum.

From Highway 12 to bridge on 128th Avenue SW (west of Littlerock) to Black Lake. Selective gear rules.

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.

Blooms Ditch (Thurston County) (Black River tributary): From mouth to I-5: First Saturday in June through October 31 season. Night closure and selective gear rules. Trout: Minimum length 14 inches.

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.

~~((Blooms Ditch (Thurston County) (Black River tributary): From mouth to I-5: Daily limit two, minimum length 14 inches.))~~

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): Fourth 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): Fourth Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Fourth 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): Fourth 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 Highway 101 Bridge: The first Saturday in June through April 30 season. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit ((three)) may include one additional hatchery steelhead. February 16 through April 30, wild steelhead retention allowed. Salmon: 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)).~~ Up to two adults plus up to two additional adult hatchery coho may be retained.

From Highway 101 Bridge to Olympic National Park boundary: The first Saturday in June through April 30 season. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

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.

Bone River (Pacific County): From mouth upstream: All game fish: First Saturday in June through October 31 season. Selective gear rules.

Bosworth Lake (Snohomish County): Fourth 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 cut-throat.

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): Fourth 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): Fourth 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): Fourth 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) (Suitttle 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): Fourth 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~~) Permissible 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.

Bunker Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Daily limit 2 fish, minimum length eight inches. All species: Selective gear rules.

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.

Butte Creek (Pacific County) (Smith River tributary): From mouth upstream: The first Saturday in June through October 31 season. All game fish: Selective gear rules.

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): Fourth 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): Fourth Saturday in April through October 31 season.

Calawah River (Clallam County): From mouth to Highway 101 Bridge: The first Saturday in June through April 30 season. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit ~~((three))~~ may include one additional hatchery steelhead. February 16 through April 30, wild steelhead retention allowed. Salmon: 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))~~. Up to two adults plus up to two additional hatchery coho may be retained.

From Highway 101 Bridge to forks: First Saturday in June through April 30 season. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length of fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

Calawah River, North Fork (Clallam County): From mouth upstream: The first Saturday in June through last day in October season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

Calawah River, South Fork (Clallam County): From mouth to Olympic National Park boundary: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

Caldwell Lake (Pend Oreille County): Fourth 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. All species: Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing from August 1 through December 31. 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): From mouth to the forks: The first Saturday in June through January 31 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): Closed to all fishing.

Carbon River (Pierce County): From its mouth to Voight Creek: September 1 through January 15 season. Anti-snagging rule ~~((;))~~ and 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))~~ January 15 selective gear rules and release all fish except up to two hatchery steelhead may be retained. Salmon: Open September 1 through November 30. 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. Voight Creek to Highway 162 Bridge: November 1 through January 15: 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): Fourth 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): Fourth Saturday in April through October 31 season.

Carney Lake (Pierce County): Fourth 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): Fourth Saturday in April through October 31 season.

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

Cascade Lake (San Juan County): Fourth 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 February 15 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 January 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.

Cases Pond (Pacific County): Fourth 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 (Clallam County): Outside of Olympic National Park: The first Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

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 (Grays Harbor ((~~County~~))/Thurston counties) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. All species: Selective gear rules.

Cedar Creek (Jefferson County): Outside Olympic National Park: The first Saturday in June through last day in February season. Trout: Minimum length 14 inches. Selective gear rules. Other game fish: 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): Fourth 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): 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 game fish: Catch and release only.

Chain Lake (Pend Oreille County): Fourth 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 (Burlington Northern Bridge) 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 Creek (Snohomish County) (Sultan River tributary) and its tributaries including beaver ponds from above the waterfall at the mouth to the dam at Chapman Lake: First Saturday in June through October 31 season.

Chapman Lake (Spokane County): Fourth 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)(including all channels, sloughs, and interconnected waterways): From Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell): From August 16 through November 30, single-point barbless hooks required. The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches. Salmon: From mouth to ~~((Fuller Bridge))~~ Highway 6 Bridge at Adna: Open ~~((September 16 through January 31.))~~ May 1 through June 30, daily limit one fish. From mouth to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell): September 16 through ~~((October 31))~~ September 30, daily limit 6 fish, of which no more than ((2)) three may be adult salmon, and of the three adults only two may be wild coho. Release chum and Chinook. October 1 through October 31, daily limit six, of which three may be adult salmon, and of the three adults only one may be a Chinook and only two may be wild coho. Release chum. November 1 through ~~((January 31))~~ November 30, daily limit 6 fish, of which no more than ((2)) three may be adult salmon and of the three adults, only two may be wild coho. Release chum((;)) and 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 October 16 through January 31. October 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))~~ of six fish, of which no more than ~~((2))~~ two may be adult salmon and only one may be a wild coho. Release chum~~((;))~~ and Chinook~~((, and wild coho)).~~ Sturgeon:

Open year-round, and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

From ~~((Highway 101 Bridge in Aberdeen to))~~ high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream: 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 2 hatchery steelhead may be retained per day.

Chehalis River, South Fork (Lewis County): From mouth to County Highway Bridge ~~((at))~~ near Boistfort School: The first Saturday in June through April 15 season. Trout: Minimum length fourteen inches.

From County Highway Bridge ~~((at))~~ near Boistfort School upstream: Trout: First Saturday in June through October 31 season. Minimum length eight inches. Selective gear rules. Other game fish: Selective gear rules.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Fourth 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.

~~((Chester Creek (Grays Harbor County): The first Saturday in June through last day in October season. All species: Selective gear rules.))~~

Chenois Creek (Grays Harbor County): First Saturday in June through October 31 season. All species: Selective gear rules.

Chester Creek (Grays Harbor County): The first Saturday in June through last day in October season. Selective gear rules.

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): Fourth 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 and wild Chinook.

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 January 31 season. All species: Selective gear rules from first Saturday in June through October 31. Release all fish except November 1 through January 31 ~~((season. Up to 2 hatchery steelhead may be retained))~~. Trout: Minimum length 14 inches.

Clara Lake (Mason County): Fourth 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.

Clarks Creek (Pierce County): From mouth to 12th Avenue SE: First Saturday in June through August 15: Two trout over 14 inches in length. Selective gear rules apply.

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): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

Clear Lake (Thurston County): Fourth 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 30, wild steelhead retention allowed. Salmon: September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, minimum length 12 inches.

From Snahapish River upstream: First Saturday in June through October 31 season. Unlawful to fish from a floating device equipped with an internal combustion motor. Selective gear rules. Trout: Minimum length fourteen inches. ~~((Selective gear rules. Other game fish: Selective gear rules-))~~

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))~~ Permissible 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 the outlet at Stump Lake: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

From the outlet at Stump Lake upstream: First Saturday in June through October 31 season. Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

Clover Creek (Pierce County) upstream of Steilacoom Lake, including all tributaries: July ((2)) 1 through October 31 season.

Coal Creek (Clallam County) Tributary to Ozette River: From mouth upstream: The first Saturday in June through October 15 season. Selective gear rules. Trout: Minimum length fourteen inches. Release kokanee.

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: Fourth 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): Fourth 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.

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.

Anglers may not possess in the field salmon or steelhead mutilated so that size, species, or fin clip cannot be determined until the angler has reached their automobile or principal means of land transportation.

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, and the daily limit is the more liberal if both areas are open. Barbed hooks allowed. 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 salmon or hatchery steelhead, or one of each. Release all salmon other than sockeye and hatchery Chinook. From July 2 through July 31, release adult Chinook and sockeye. Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge. August 1 through ((August 28)) September 3, 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. ((August 29)) September 4 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 salmon or hatchery steelhead, or one of each. Release all salmon except Chinook and 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 and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May ((13, June 27 through June 30)) 11, and July ((5)) 9 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 ((14)) 12

through July ((4)) 8. 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))~~ May 16 through March 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon and steelhead: Open only May 16 through March 31 of the following year. May 16 through July 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 sockeye and hatchery Chinook. May 16 through June 15, release adult Chinook. July 2 through July 31, release adult Chinook and sockeye. August 1 through September 9, 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 10 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 hatchery coho, and September 10 through September 30 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. Sturgeon: (1) Release sturgeon May 1 through May (~~(13, June 27 through June 30,))~~ 11 and July ((5)) 9 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 ((14)) 12 through July ((4)) 8; (2) I-5 Bridge downstream to Wauna powerlines, (~~(lawful))~~ permissible to retain sturgeon only on Thursdays, Fridays, and Saturdays from January 1 through July 31, and October ((8)) 20 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 197 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; within one quarter mile of the USFWS Spring Creek Hatchery Grounds between posted markers that are located one quarter mile on either side of the fish ladder entrance. (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: August 1 through December 31 season. August 1 through October 15 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 August 31 from Cascade Island - Bradford Island line downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, through the upstream exposed end of Skamania Island, continuing in a straight line to a boundary marker on the Washington shore (navigational marker 82 line), and May 1 through July 31 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))~~ permissible to retain sturgeon only on Thursdays, Fridays, and Saturdays from January 1 through July 31 and October ((8)) 20 through December 31, except for May 1 - August 31 closure downstream to the navigation marker 82 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 the Highway 395 Bridge at Pasco. 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 salmon or hatchery steelhead or one of each. Release all salmon except sockeye and hatchery Chinook. July 2 through July 31, release adult Chinook and sockeye. August 1 through September 9, 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)) one may be a Chinook. Release all salmon except Chinook and hatchery coho. September 10 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 hatchery coho. Steelhead: Additional season Janu-

ary 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 salmon or hatchery steelhead or one of each. Release all salmon except sockeye and 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). Closed waters within a 400' radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park. Release all steelhead with a radio-tag wire protruding from the mouth, or with a disk or floy tag attached near the dorsal fin. 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))~~) wild 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.)~~) Sturgeon: Release sturgeon from August 1 through January 31.

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))~~) wild Chinook. Open August 1 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. (~~(Release sockeye.)~~) Sturgeon: Release sturgeon from August 1 through October 22.

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 sys-

tem 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 Chinook salmon. Release (~~((all salmon except hatchery))~~) wild Chinook. Open August 1 through October 22. Daily limit 6 fish, of which no more than 2 may be adult salmon. (~~(Release sockeye.)~~) Sturgeon: Release sturgeon from August 1 through January 31. Closed to fishing for sturgeon from May 1 through July 31 from the boundary marker on the river bank 400 feet downstream from Priest Rapids Hatchery outlet channel (Jackson Creek) to Priest Rapids Dam.

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 the Douglas County shore from the dam downstream 400 feet. 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))~~): All species: Anglers may fish with two poles provided they have a two pole endorsement July 1 through August 31. All game fish: Year-round season. Salmon: Open July 1 through October 22. July 1 through August 31, daily limit 6 Chinook(~~(, of which))~~ and six sockeye only. No more than 3 (~~(may be))~~ adult (~~(salmon))~~ Chinook, and of the 3 adult (~~(salmon))~~ Chinook, only 1 may be (~~(a)~~) wild (~~(adult Chinook))~~. September 1 through October 22, daily limit 6 Chinook, of which no more than 2 may be adult salmon. Release all trout. Sturgeon: Year-round, catch and release only.

From Wanapum Dam to Wells Dam(~~(;)~~): All species: Anglers may fish with two poles provided they have a two pole endorsement July 1 through August 31. All game fish: Year-round season. Salmon: Open July 1 through October 15. Daily limit 6 Chinook(~~(, of which))~~ and six sockeye only. No more than 3 may be adult (~~(salmon))~~ Chinook, and of the 3 adult (~~(salmon))~~ Chinook, only 1 may be (~~(a)~~) wild (~~(adult Chinook))~~. Release all trout. Sturgeon: Year-round, catch and release only.

From Wells Dam to Highway 173 Bridge at Brewster: All species: Anglers may fish with two poles provided they have a two pole endorsement July 16 through August 31. All game fish: Year-round season. Salmon: Open July 16 through August 31. Daily limit 6 Chinook(~~(-of which))~~ and six sockeye only. No more than 3 may be adult (~~(salmon))~~ Chinook, and of the 3 adult (~~(salmon))~~ Chinook, only 1 may be ((a)) wild (~~(adult Chinook))~~. Release all trout. Sturgeon: Year-round, catch and release only.

From Highway 173 Bridge at Brewster to (~~(Highway 17 Bridge at Bridgeport))~~ Chief Joseph Dam: Anglers may fish with two poles, provided they have a two pole endorsement, July 1 through August 31. Release all trout. Salmon: Open July 1 through October 15. Daily limit 6 Chinook(~~(-of which))~~ and six sockeye only. No more than 3 may be adult (~~(salmon))~~ Chinook, and of the 3 adult (~~(salmon))~~ Chinook, only 1 may be ((a)) wild (~~(adult Chinook))~~. Sturgeon: (~~(Release all sturgeon))~~ Year-round, catch and release only. All other Game Fish: Year-round season.

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): Fourth Saturday in April through October 31 season.

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

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

Connor Creek (Grays Harbor County): From mouth upstream: The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches. All species: Selective gear rules.

Cook Creek (Grays Harbor County): From Quinault Indian Reservation boundary upstream: First Saturday in June through October 31 season. Trout: Minimum length fourteen inches. All species: Selective gear rules.

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. It is permissible to retain hatchery steelhead defined as having a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

From mouth to Carlisle Bridge: Trout: Minimum length fourteen inches. (~~(Hatchery steelhead defined as having a dorsal fin height of less than 2 1/2 inches or with an adipose or ventral fin))~~ 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.

From Carlisle Bridge upstream: Trout: Minimum length fourteen inches.

Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River): All game fish: First Saturday in June through October 31 season.

Corral Canyon Creek (Benton County): Selective gear rules.

Cottage Lake (King County): Fourth 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: 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 rain-

bow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. June 1 through August 31: Daily limit five. September 1 through last day of February: Daily limit ten. 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 and wild Chinook.

#### 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))~~ Permissible to fish up to four hundred feet or the posted deadline at the Cowlitz salmon hatchery barrier dam. ~~((Lawful))~~ Permissible to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. ~~((Lawful))~~ Permissible 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. Lexington Bridge Drive in Kelso upstream to the Highway 505 Bridge in Toledo: All species: Two poles allowed with two pole endorsement. Anti-snagging rule and night closure April 1 through November 30 from mouth of Mill Creek to the Cowlitz salmon hatchery barrier dam. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. All game fish: Release all fish April 1 through the Friday before the first Saturday in June except up to 2 hatchery steelhead may be retained. 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 six fish of which no more than two 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 Ohanapocosh River and mouth of Muddy Fork: Anti-snagging rule and night closure September 1 through October 31 for all species. When anti-snagging rule is in effect, only fish hooked in the mouth may be retained. Trout: Release cutthroat. Additional November 1 through Friday before the first Saturday in June season. Trout: Release all trout except up to 2 hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Mini-

mum 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 and wild Chinook.

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 mouth 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): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

Crescent Lake (Pierce County): Fourth 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.

Crim Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Crocker Lake (Jefferson County): Closed waters.

Crooked Creek (Clallam County) and tributaries that are outside of Olympic National Park: The first Saturday in June through October 15 season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules. Release kokanee.

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

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

Curl Lake (Columbia County): Fourth 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): From mouth to Giles Road Bridge: 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. Release wild Chinook.

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): Fourth Saturday in April through October 31 season.

Davis Lake (Lewis County): Fourth 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): Fourth 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): Fourth Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Decker Creek (Mason County) (Satsop River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

Deep Creek (Clallam County): December 1 through January 31 season. All species: Selective gear rules and release all

fish except up to two hatchery steelhead may be retained per day.

Deep Creek (Grays Harbor County): From mouth upstream: The first Saturday in June through last day in October season. All species: Selective gear rules.

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): Fourth Saturday in April through September 30 season.

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

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

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

Deer Lake (Mason County): Fourth 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.

Delemeter Creek (Cowlitz County): Closed waters from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

Delezene Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. All species: Selective gear rules.

Dempsey Creek (Thurston County) (Black River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2



fish, minimum length eight inches. Other game fish: Selective gear rules.

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): Barbless hooks required. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: The first Saturday in June through October 15 season. ~~((Anti-snagging rule and night closure August 1 through November 30. Trout: Minimum length fourteen inches.))~~ Release all trout. Salmon: Open ~~((only))~~ July 1 through October 15. Selective gear rules, except bait allowed September 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): Fourth 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): Fourth Saturday in April through October 31 season.

Dewatto River (Mason County): From mouth to Dewatto-Holly 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. 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 only. ~~((Release all salmon other than coho.))~~

From Dewatto-Holly Road Bridge upstream: First Saturday in June through October 31 season. Selective gear rules and release all fish.

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

Dickey River (Clallam County): From Olympic National Park boundary upstream to the confluence of the East and West Forks: First Saturday in June through April 30 season. Trout: Minimum length fourteen inches. February 16 through April 30, wild steelhead retention allowed. Salmon: ~~((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, sock-eye, and chum salmon))~~. Up to two adults plus up to two additional adult hatchery coho may be retained.

Confluence of East and West Forks upstream (for both forks): First Saturday in June through April 30 season. Trout: Minimum length fourteen inches. Selective gear rules apply. Other game fish: Selective gear rules apply.

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.

Donkey Creek (Grays Harbor County): From mouth upstream: The first Saturday in June through last day in October season. All species: Selective gear rules.

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. 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 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 January 31 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 Fork Wildcat Creek (Grays Harbor County) (Cloqualum Creek tributary): From mouth upstream: The first Saturday in June through October 31 season. Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.))~~

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): Fourth 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.

Eight Creek (Lewis County) (tributary to Elk Creek, which is a Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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

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

Elk Creek (Clallam County): Outside of Olympic National Park: The first Saturday in June through October 15 season. Selective gear rules. Trout: Minimum length fourteen inches. Release kokanee.

Elk Creek(~~(, including Eight Creek)~~) (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. All species: Selective gear rules.

Elk River (Grays Harbor County): From mouth (Highway 105 Bridge) to the confluence of east and middle branches: 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, daily limit 2 fish. 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 of which only one may be a wild coho. Release chum(~~(, and wild coho)~~) and Chinook(~~(, and wild coho)~~).

From confluence of east and middle branches upstream: The first Saturday in June through last day in February season. Trout: Minimum length 14 inches.

Elkhorn Creek (Pacific County) (Smith River tributary): The first Saturday in June through October 31 season. All species: Selective gear rules.

Ell Lake (Okanogan County): Fourth 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): Fourth 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.

Ellis Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

Ellsworth Creek (Pacific County) (Naselle River tributary): From mouth upstream: All game fish: First Saturday in June through September 30 season. 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; from 200 feet above the department of fish and wildlife temporary weir downstream to Foster (Risk) Road Bridge while weir 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 2 hatchery steelhead may be retained per day. Salmon: Open 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 last day in February 2012: From mouth to downstream side of bridge on Elwha River Rd. October 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Salmon: Open October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.~~

~~From downstream side of bridge on Elwha River Rd. to two hundred feet downstream of the south spillway on Elwha (Aldwell Lake) Dam. November 16 through last day in February season. Trout: Minimum length fourteen inches.~~

~~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:)) Closed waters. ((As the Elwha dam is removed, Lake Aldwell will recede:))~~

Empire Lake (Ferry County): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Fairchild Creek (Pacific County) (Wilson Creek tributary, which is a Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 31 season. Selective gear rules.

Fall River (~~Creek~~) and all forks (Pacific County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Falls Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

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): Fourth 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.

Fern Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

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.

Finn Creek (Pacific County) (Nemah River North Fork tributary): First Saturday in June through October 31 season.

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): Fourth Saturday in April through October 31 season.

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

Fish Lake (Spokane County): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

Fork Creek (Pacific County) (Willapa River tributary): From ~~(mouth upstream=)~~ Forks Creek Hatchery Rack upstream 500 feet at fishing boundary sign: Closed waters except for anglers who permanently use a wheelchair or have a designated harvester card. All species: Night closure. Single-point barbless hooks required and stationary gear restriction from October 1 through November 30. All game fish: First Saturday in June through July 15 season and October 1 through March 31. Release all fish except up to two hatchery steelhead may be retained. Salmon: October 1 through November 30, daily limit 6 fish, of which no more than three may be adult salmon, and of the three adult salmon, only two may be wild coho. Release chum and wild Chinook. December 1 through January 31, daily limit six fish, of which no more than two may be adult salmon and only one may be a wild coho. Release chum and wild Chinook.

From fishing boundary sign 500 feet above Forks Creek hatchery rack upstream. All game fish: First Saturday in June through October ~~(+5)~~ 31 season. Selective gear rules.

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

Fortson Mill Pond #2 (Snohomish County): Fourth 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): Fourth 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.

Garrard Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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

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

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

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

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): The first Saturday in June through March 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

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

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

Goldsborough Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

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

Goodell Creek (Skagit County): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

Goodman Creek (Jefferson County): Outside Olympic National Park: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

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): Fourth 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 Creek (Grays Harbor County): From mouth upstream: First Saturday in June through October 31 season. All species: Selective gear rules.

Grass Lake (Mason County): Fourth 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 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. Closed waters from 400 feet above to 200 feet above the temporary weir while the weir is installed in the river. Anti-snagging rule, night closure and stationary gear restriction from mouth to Highway 4 Bridge August 1 through November 15 and from Highway 4 Bridge to mouth of South Fork August 1 through October 15. All game fish: Release all fish except up to 2 hatchery steelhead may be retained per day. Salmon: From mouth to Highway 4 Bridge: Open 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 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 2 hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County): Downstream from hatchery intake/footbridge: The first Saturday in June through March 15 season, except closed waters from posted markers approximately 300 yards below the hatchery road bridge downstream to mouth October 16 through November 30. August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction. October 16 through March 15: Release all fish except up to 2 hatchery steelhead may be retained per day. Salmon: Open from 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 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 January 15 season. In years ending in odd numbers, additional season August 20 through August 31 with the following restrictions: Night closure, anti-snagging rule, 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 1 through November 30. Fishing from any floating device prohibited November 1 through January 15. Trout: Minimum length fourteen inches. Salmon: In years ending in odd numbers, open August 20 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 January 15 season. In years ending in odd numbers, additional season August 20 through August 31 with the following restrictions: Night closure, anti-snagging rule, 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 1 through November 30. Fishing from any floating device prohibited November 1 through January 15. Trout: Minimum length fourteen inches. Salmon: In years ending in odd numbers, open August 20 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, and ~~((only 1 may be a))~~ release 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 January 15. In years ending in odd numbers, additional season September 1 through September 30 with the following restrictions: Night closure, anti-snagging rule, 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 January 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 January 31. In years ending in odd numbers, additional season September 16 through October 15 with the following restrictions: Night closure, anti-snagging rule, 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 January 31. 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)))~~ mouth of Cristy Creek at Flaming Geyser State Park: ((The)) First Saturday in June through ((January 31)) September 15 and November 1 through January 31 season. All species: Anti-snagging rule and night closure August 1 through September 15 and November 1 through November 30. Trout: Minimum length 14 inches. Salmon: November 1 through December 31 season. Daily limit six salmon. No more than three may be adult. Release Chinook.

From mouth of Cristy Creek at Flaming Geyser State Park to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam): The first Saturday in June through January 31 season. All species: 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 fourteen inches. Salmon: Open 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 Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

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

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

Halfway Creek (Lewis County) (tributary of Stillman Creek, which is a Chehalis River tributary): From mouth to second bridge crossing on Pe Ell McDonald Road: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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.

Hanaford Creek (Lewis County) (Skookumchuck River tributary): From mouth upstream: All Species: Selective gear rules. ~~((Night closure and single point barbless hooks required from August 16 through November 30. Unlawful to fish from a floating device equipped with an internal combustion motor.))~~ The first Saturday in June through October 31 season. Trout: Minimum length eight inches.

Hancock Lake (King County): Fourth 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 Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Harris Lake (Grant County): All species: Selective gear rules. Trout: Daily limit 1.

Harrison Slough (Skagit County): All game fish: First Saturday in June through October 31 season.

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): Fourth 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): Fourth 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): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

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

Hicks Lake (Thurston County): Fourth 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):

From Olympic National Park boundary upstream to DNR Oxbow Campground Boat Launch: All game fish: May 16 through the Friday before the first Saturday in June, open Wednesdays through Sundays, and release all game fish except up to 2 hatchery steelhead may be retained. Trout: First Saturday in June through April 15 season. Minimum length fourteen inches. November 1 through February 15, daily limit ((3-trout including)) may include one additional hatchery steelhead. February 16 through April ((30)) 15, wild steelhead retention allowed. Salmon: May 16 through August 31, Wednesday through Sunday, daily limit 6 fish of which no more than 1 may be an adult salmon, minimum length 12 inches. Release wild Chinook. September 1 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon, minimum length 12 inches.

From DNR Oxbow Campground Boat Launch to Willoughby Creek: Unlawful to fish from a floating device equipped with an internal combustion motor. All species: August 1 through October 15 and December 1 through April 15: Selective gear rules. All game fish: May 16 through the Friday before the first Saturday in June, open Wednesdays through Sundays, and release all game fish except up to 2 hatchery steelhead may be retained. All game fish: First Saturday in June through April 15 season. Trout: Minimum length fourteen inches. Salmon: May 16 through August 31, Wednesdays through Sundays, daily limit 6 fish of which no more than 1 may be an adult. Release wild Chinook. Open October 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon, minimum length of 12 inches.

From Willoughby Creek to Morgan's Crossing boat launch site: Unlawful to fish from a floating device equipped with an internal combustion motor. All species: First Saturday in June through October 15 and December 1 through April 15: Selective gear rules. All game fish: First Saturday in June through April 15 season. Trout: Minimum length fourteen inches. Salmon: ((May 16 through August 31, Wednesdays through Sundays, daily limit 6 fish of which no more than 1 may be an adult salmon, minimum length 12 inches.)) Open October 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon, minimum length of 12 inches.

From Morgan's Crossing Boat Launch upstream to Olympic National Park boundary below mouth of South Fork

Hoh River: First Saturday in June through April 15 season. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length 14 inches. Selective gear rules. Other game fish: Selective gear rules.

Hoh River, South Fork (Jefferson County): Outside Olympic National Park boundary: The first Saturday in June through April 15 season. Trout: Minimum length 14 inches. Selective gear rules. Other game fish: Selective gear rules.

Hoko River (Clallam County):

From mouth to upper Hoko Bridge: Permissible to fish up to the hatchery ladder, except closed to fishing from shore on the hatchery side of the river from the ladder downstream 100 feet. 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 West Fork (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, daily limit 2 fish. Salmon: Open October 1 through November 30 from mouth to Dekay Road Bridge (West Fork) on mainstem. Daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only 1 may be a wild coho. Release chum and Chinook. ((Open October 1 through November 30 on East Fork from 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.))

From Dekay Road Bridge upstream: ((All species: Single point barbless hooks required August 16 through November 30.)) First Saturday in June through last day of February season. Trout: Minimum length fourteen inches, daily limit 2 fish. All species: Selective gear rules.

Hoquiam River, East Fork (Grays Harbor County):

From mouth to confluence of Berryman Creek: 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, daily limit 2 fish. Salmon: October 1 through November 30. Daily limit six fish, of which no more than two may be adult salmon and only one may be a wild coho. Release chum and Chinook.

From confluence of Berryman Creek upstream to Youman's Road Bridge: 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, daily limit 2 fish.

Hoquiam River, Middle Fork (Grays Harbor County): From mouth upstream: The first Saturday in June through last day of October season. ((Single point barbless hooks required



~~August 16 through October 31~~)) Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

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): Fourth 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): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

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

Howard Lake (Snohomish County): Fourth 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): Fourth 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.

Humtulpis River (Grays Harbor County): Including all channels, sloughs, and interconnected waterways from mouth (Jessie Slough) to Ocean Beach Road (near Copalis Crossing): 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))~~ November 30. Daily limit of 6 salmon, of which no more than ~~((2))~~ three may be adult salmon, and of the ~~((2))~~ three adult salmon, only one may be a Chinook and only one may be a wild coho. Release chum ~~((and wild coho))~~. Open December 1 through January 31. Daily limit six salmon of which no more than two may be adult salmon, and of the two adult salmon only one may be a Chinook. Release chum and wild coho.

From Ocean Beach Road (near Copalis Crossing) to Highway 101 Bridge: 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))~~ November 30. Daily limit of 6 salmon, of which no more than ~~((two))~~ three may be adult salmon, and of the ~~((2))~~ three adult salmon, only one may be a Chinook and only two may be wild coho. Release chum ~~((and wild coho))~~. Open December 1 through January 31: Daily limit six salmon of which no more than two may be adult salmon, and of the two 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. All game fish: 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. Release all fish except up to 2 hatchery steelhead may be retained. Salmon: Unlawful to fish from a floating device equipped with an internal combustion motor. Open September 16 through ~~((January 31))~~ November 30. Daily limit of 6 salmon, of which no more than ~~((two))~~ three may be adult salmon, and of the ~~((2))~~ three adult salmon, only one may be a Chinook and only one may be a wild coho. Release chum ~~((and wild coho. Bait prohibited September 16 through September 30))~~. Open December 1 through January 31: Daily limit six salmon of which no more than two may be adult salmon, and of the two adult salmon, only one may be a Chinook. Release chum and wild coho.

Humtulpis River, East Fork (Grays Harbor County): From mouth to concrete bridge on Forest Service Road 220: Anti-snagging rule and night closure August 16 through October 31. First Saturday in June through October 31 season. Trout: Minimum length fourteen inches.

From concrete bridge on Forest Service Road ~~((between Humtulpis Guard Station))~~ 220 upstream: The first Saturday in June through last day in October season. ~~((Anti-snagging rule and night closure August 16 through October 31. Trout: Minimum length fourteen inches.))~~ All species: Selective gear rules.

Humtulpis 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. All game fish: Additional season March 1 through March 31. 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.

From Donkey Creek upstream: First Saturday in June through October 31 season. Selective gear rules.

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.

Hylebos Creek (Pierce County): First Saturday in June through October 31 season. Two trout over 14 inches in length. Selective gear rules apply.

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

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

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: First Saturday in June through September 30 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Illabot Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Illahee Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Independence Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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): Fourth Saturday in April through October 31 season.

Jameson Lake (Douglas County): Fourth 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): Fourth 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.

From Ocean Beach Road Bridge upstream: The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches. All species: Selective gear rules.

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 (Highway 105 Bridge) 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, daily limit 2 fish. Salmon: Open only October 1 through November 30. Daily limit 2 fish, of which 1 may be wild coho. Release chum and Chinook.

From 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. ((All spe-

~~eies: Single point barbless hooks required August 16 through November 30.~~) Trout: Minimum length 14 inches, daily limit 2 fish.

Johnson Creek (Lewis County) (Cowlitz River tributary): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length ten inches.

Johnson Creek (Thurston County) (Skookumchuck River tributary): From mouth upstream: All Species: Selective gear rules. The first Saturday in June through October 31 season. Trout: Minimum length eight 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 (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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): Fourth 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))~~ Permissible 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. First Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

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 railroad bridge below I-5 to the

intake at the lower salmon hatchery. Stationary gear restriction September 1 through October 31 from the railroad bridge below I-5 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 2 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): ~~((Fourth))~~ 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))~~ Mason County): From mouth to four hundred feet below falls: The first Saturday in June through last day in February season. Selective gear rules from Highway 101 Bridge to four hundred feet below falls except October 1 through December 31. 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): Fourth 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. ~~((Selective gear rules are not required from Canadian border upstream to Highway 21 Bridge at Curlew.))~~

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

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

Kimball Creek (near Snoqualmie) (King County): Fourth 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): Fourth 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))~~ and August 1 through January 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. 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): Fourth 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))~~ Permissible 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): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

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

Lewis River (Clark County): From mouth to forks: Year-round season. All species: Two pole fishing allowed with two pole endorsement from Railroad Bridge near Kuhns Road upstream to mouth of East Fork Lewis. Trout: Release all fish except up to 2 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 salmon, of which no more than 2 may be adult Chinook. Release all salmon except Chinook and 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 2 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 2 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. All species: Two pole fishing allowed with two pole endorsement from mouth to Johnson Creek. 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. Trout: Release all fish except up to 2 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~~) 14, 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~~) September 15 through December 31, daily limit 6 salmon, of which no more than 2 adult Chinook may be retained. Release all salmon except Chinook and 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: December 16 through September 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 2 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~~) 14, 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(~~-~~) September 15 through Sep-

tember 30 and December 16 through December 31((;-)). Daily limit 6 salmon, of which no more than 2 may be adult Chinook. Release all salmon except Chinook and 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: Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

Lincoln Creek, including South Fork (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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 Hoquiam River (Grays Harbor County): From mouth upstream: The first Saturday in June through October 31 season. Selective gear rules.

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

Little Lost Lake (Pend Oreille County): Fourth 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 fourteen inches.

Little North River Creek and all forks (Grays Harbor County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

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: Fourth 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): Fourth 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): Fourth 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. All species: Anglers may fish with two poles provided they have a two pole endorsement from May 12 through June 30 and from September 15 through December 31. 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 June 30, 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): Fourth 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 Beach Peninsula waterways and lakes (Pacific County): All game fish: Fourth Saturday in April through October 31 season.

Long Lake (Okanogan County): Fourth Saturday in April through September 30 season.

Long Lake (Thurston County): Fourth 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): Fourth Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Fourth 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.

Lower Salmon Creek and all forks (Grays Harbor ~~((County))~~/Pacific counties) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Lucas Creek (Lewis County) (tributary to the Newaukum River North Fork): From mouth upstream: The first Saturday in June through October 31 season. Trout: Catch and release only. Selective gear rules. Other game fish: Selective gear rules.

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): Fourth 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))~~ January 31 season. Trout: Minimum length fourteen inches.

From falls to ~~((source))~~ Olympic National Park 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.

Mad River (Chelan County): From mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Fourth 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 ~~(January)~~ 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): Fourth Saturday in April through October 31 season.

Marsh Creek (Snohomish County) (Sultan River tributary) and its tributaries, including beaver ponds, above the falls at its mouth: First Saturday in June through October 31 season.

Marshal Lake (Pend Oreille County): Fourth Saturday in April through October 31 season.

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

Martha Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Matheny Creek (Jefferson County) (Queets River tributary): Outside Olympic National Park: First Saturday in June through October 31 season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

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 and wild Chinook.

McAllister Creek (Thurston County): Barbless hooks required. First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Salmon: Open July 1 through November 30. Daily limit six fish and up to two adults may be retained.

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): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

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

McMurray Lake (Skagit County): Fourth 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): Fourth Saturday in April through September 30 season.

Melbourne Lake (Mason County): Fourth 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 (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 31 season. Selective gear rules.

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.

Barbless hooks required September 1 through October 31.  
Trout: Release all steelhead.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Fourth 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): Fourth Saturday in April through October 31 season.

Mima Creek (Thurston County) (Black River tributary): From mouth upstream: First Saturday in June through October 31 season. Selective gear rules (~~(night closure and anti-snagging rule)~~).

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 fourteen inches.

Mineral Lake (Lewis County): Fourth Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): 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): Fourth Saturday in April through September 30 season.

Mission Lake (Kitsap County): Fourth 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.

Mitchell Creek (Lewis County) (tributary to the Newaukum River North Fork): From mouth upstream: The first Saturday in June through October 31 season. Trout: Catch and release only. Selective gear rules. Other game fish: Selective gear rules.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation boundary: The first Saturday in June through the last day in February season. Trout: Minimum length fourteen inches. (~~(Lawful)~~) Permissible to retain steelhead having a dorsal fin height of less than 2 (~~(+2)~~) 1/8 inches or with an adipose or ventral fin clip.

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.

Moose 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 January 31 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 upstream to the Goodman 3000 Mainline Bridge: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

Mox Chehalis Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Mountain Lake (San Juan County): Trout: Daily limit may not contain more than one trout over 18 inches in length.

Mud Lake (Mason County): Fourth 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): Fourth 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): Fourth 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): Fourth 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): All species: Night closure and anti-snagging rule August 1 through November ((+5)) 30, stationary gear restriction on the South Fork upstream to the Highway 4 Bridge August 1 through December 31.

From Highway 101 Bridge to the Highway 4 Bridge: All game fish: First Saturday in June through April 15 season. Release all fish except up to 2 hatchery steelhead per day may be retained. Salmon: Open August 1 through November 30. Daily limit six fish, of which no more than three may be adult salmon and of these three adult fish, no more than two may be wild adult coho. Release chum and wild Chinook. Additional season December 1 through January 31. Daily limit six fish, of which no more than two may be adult salmon and of these two adult fish, no more than one may be a wild adult coho. Release chum and wild Chinook. Sturgeon: Open-year round.

From the Highway 4 Bridge to the Crown Mainline (Salme) Bridge: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and from hatchery attraction channel downstream four hundred feet. Waters from the temporary hatchery weir downstream to Highway 4 are closed when the weir is installed. All species: Night closure, anti-snagging rule, barbless hooks required, and stationary gear restriction August 1 through November ((+5)) 30. All game fish: First Saturday in June through April 15 season. Release all fish except up to 2 hatchery steelhead per day may be retained. Salmon: August 1 through November 30. Daily limit six fish, of which no more than three may be adult salmon and of these three adult fish, no more than two may be wild adult coho. Release chum and wild Chinook. Additional season December 1 through January 31. Daily limit six fish, of which no more than two may be adult salmon and of these two adult fish, no more than one may be a wild adult coho. Release chum and wild Chinook.

From the Crown Mainline (Salme) Bridge to the North Fork: The first Saturday in June through April 15 season(~~(; except sturgeon)~~). Night closure and anti-snagging rule August ((+)) 6 through November 30. (~~(First Saturday in June through April 15 season)~~) All game fish: Release all fish except up to 2 hatchery steelhead per day may be retained.

~~((Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and September 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 coho. Release chum and wild Chinook. Sturgeon: Open year-round from mouth to Highway 4 Bridge.))~~

From mouth of North Fork upstream: 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 game fish: Release all fish except up to 2 hatchery steelhead per day may be retained.

Naselle River, North Fork (Pacific County): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Naselle River, South Fork (Pacific County): From mouth to Bean Creek: All game fish: The first Saturday in June through last day in February season, except sturgeon. ~~((Selective gear rules.))~~ Unlawful to fish from a floating device equipped with an internal combustion motor. Selective gear rules first Saturday in June through August 15. Anti-snagging rule and night closure August 16 through November 30. Release game fish except up to 2 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): Fourth Saturday in April through July 15 season.

Neil Creek (Grays Harbor County) (Wynoochee River tributary): From mouth to USFS 22 Road: First Saturday in June through October 31 season. All species: Selective gear rules.

Nemah River, Middle Fork (Pacific County):

From mouth upstream to the Department of Natural Resources bridge on the Middle Nemah A-Line Road: All game fish: The first Saturday in June through March 31 season. Release all game fish except up to 2 hatchery steelhead may be retained. Night closure and single-point barbless hooks required August ~~((+6))~~ 1 through November 30. ~~((Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor.))~~ Salmon: Open ~~((only))~~ August 1 through January 31. Daily limit 6, of which only 2 may be adult salmon. Release chum, wild coho, and wild Chinook.

From the Department of Natural Resources bridge on the Middle Nemah A-Line Road upstream: ~~((Closed waters: From the Nemah Hatchery downstream August 1 through November 15.))~~ All game fish: The first Saturday in June through March 31 season. Selective gear rules and unlawful to fish from a floating device equipped with an internal com-

bustion motor. Release all game fish except up to 2 hatchery steelhead may be retained. ~~((Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor.))~~ Night closure and anti-snagging rule August 16 through November 30.

Nemah River, North Fork (Pacific County):

From Highway 101 Bridge upstream to bridge on Nemah Valley Road: The first Saturday in June through March 31 season ~~((, except closed August 1 through September 30))~~. Release all game fish except up to 2 hatchery steelhead may be retained. Night closure, single-point barbless hooks required, and stationary gear restriction from ~~((September))~~ August 1 through November 30. Salmon: Open ~~((only September))~~ August 1 through ((January 31)) November 30. Daily limit 6, of which only 3 may be adult salmon and of the three adults, only two may be wild coho. Release chum ~~((, wild coho,))~~ and wild Chinook. Open December 1 through January 31. Daily limit six fish, of which only two may be adult salmon and of the two adults, only one may be a wild coho. Release chum and wild Chinook.

From Nemah Valley Road upstream to Nemah Hatchery: Closed waters August 1 through November 15.

From bridge on Nemah Valley Road upstream to Cruiser Creek: The first Saturday in June through March 31 season. Release all game fish except up to 2 hatchery steelhead may be retained. Night closure and anti-snagging rule August 16 through November 30. Selective gear rules December 1 through March 31.

Nemah River, South Fork (Pacific County):

From mouth (Lynn Point, 117 degrees true to opposite shore) to confluence with Middle Fork Nemah River: The first Saturday in June through March 31 season. Release all game fish except up to 2 hatchery steelhead may be retained. Night closure and single-point barbless hooks required September 1 through November 30. Salmon: Open only September 1 through January 31. Daily limit 6, of which only 2 may be adult salmon. Release chum, wild coho, and wild Chinook.

From confluence with Middle Fork Nemah River upstream to second Highway 101 Bridge crossing: The first Saturday in June through March 31 season. Release all game fish except up to 2 hatchery steelhead may be retained. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor.

Newaukum River, including South Fork (Lewis County): Mouth to Leonard Road near Onalaska: First Saturday in June through March 31 season. All species: Night closure and single point barbless hooks required from August 16 through November 30. Trout: Minimum length 14 inches. Salmon: Open only October ~~((+6))~~ 1 through last day in February ~~((from mouth to Leonard Road))~~. October ~~((+6))~~ 1 through November 30, daily limit 6 fish, of which no more than ~~((2))~~ three may be adult salmon, and of the three adult salmon only two may be wild 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, and of the adult salmon only one may be a wild coho. Release chum ~~((,))~~ and Chinook ~~((, and wild coho.))~~

~~From mouth to Leonard Road near Onalaska: The first Saturday in June through March 31 season. Trout: Minimum length fourteen inches).~~

From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek: All species: Night closure and single point barbless hooks required from August 16 through November 30. The first Saturday in June through March 31 season. Trout: Minimum length fourteen inches.

From Highway 508 Bridge upstream: All species: Night closure and single point barbless hooks required from August 16 through November 30. The first Saturday in June through October 31 season. Trout: Catch and release only. Selective gear rules. Other game fish: Selective gear rules.

Newaukum River, Middle Fork (Lewis County): From mouth to Tauscher Road Bridge: 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.

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.

Newman Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Newskah Creek (Grays Harbor County): From mouth upstream: First Saturday in June through October 31 season. All species: Selective gear rules.

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: First Saturday in June through November 30 season. ~~((All game fish: Catch and release.))~~ 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): Fourth Saturday in April through October 31 season.

Nisqually River (Pierce County): From mouth to Military Tank Crossing Bridge: July 1 through November 30 season. Anti-snagging rule, night closure, and barbless hooks required August 1 through November 30. Trout: Minimum length fourteen inches. Additional season December 1 through January 31. All species: Release all species except up to 2 hatchery steelhead may be retained per day. Salmon: Open July 1 through January 31. 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 2 hatchery steelhead may be retained per day.

From Alder Reservoir upstream including all tributaries: The first Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length 14 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))~~ Lummi Indian Reservation boundary to yellow marker at the FFA High School barn at Deming: The first Saturday in June through January 31 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: In odd years, open July 16 through August 31 from Lummi Indian Reservation boundary to Highway 544 Bridge at Everson. Daily limit 4 pink salmon only. Bait prohibited. Only single point hook may be used, hook must measure less than 1/2" from point to shank. Open September 1 through December 31 ~~((from Lummi Indian Reservation boundary to yellow marker at the FFA High School barn in Deming))~~. Daily limit 2 salmon, plus 2 additional coho, except release wild Chinook September 1 through September 30. ~~((Open only October 1 through December 31 from the FFA barn to the confluence of the North and South Forks.))~~

From yellow marker at the FFA High School barn in Deming to confluence of the forks: October 1 through January 31 season. Anti-snagging rule and night closure October 1 through November 30. Trout: Minimum length 14 inches. Salmon: Open October 1 through December 31. Daily limit 2 salmon, plus 2 additional coho.

Nooksack River, North Fork (Whatcom County): From mouth to ~~((Nooksack Falls))~~ Maple Creek: First Saturday in June through ~~((January 31))~~ February 15 season. ~~((November 1 through January 31--))~~ Unlawful to fish from a floating device equipped with a motor November 1 through February 15. First Saturday in June through November 30 night closure and anti-snagging rule ~~((from mouth to Maple Creek))~~. Trout: Minimum length 14 inches. Salmon: Open only October 1 through November 30 from mouth to Maple Creek. Minimum size twelve inches; daily limit 2, plus 2 additional coho.

From Maple Creek to Nooksack Falls: First Saturday in June through January 31 season. Selective gear rules. Trout: Minimum length 14 inches. November 1 through January 31 unlawful to fish from a floating device equipped with an internal combustion motor.

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 January 31 season. Selective gear rules. Trout minimum size 14 inches. November 1 through January 31 - 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 January 31 season. Selective gear rules. Release all game fish except up to 2 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 coho. Release chum. In years ending in odd numbers, release pink salmon.

No Name Lake (Pend Oreille County): Fourth 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): Fourth 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): (~~September 1 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum and wild Chinook. December 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only one may be a wild coho. Release chum and wild Chinook. Open October 1 through December 31 from Salmon Creek to Fall River. October 1 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum and wild Chinook. December 1 through December 31, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only one may be a wild coho. Release chum and wild Chinook.~~)

From Highway ((404)) 105 Bridge to Salmon Creek (located approximately two miles upstream from Highway 101): All species: Night closure and single point barbless hooks required August 16 through November 30. The first

Saturday in June through last day in February season. All game fish: Release all fish except that up to 2 hatchery steelhead per day may be retained. Salmon: Open September 1 through November 30. Daily limit six fish, of which no more than three may be adult salmon, and only two adults may be wild coho. Release chum and wild Chinook. Open December 1 through December 31. Daily limit six fish, of which no more than two may be adult salmon, and only one adult may be a wild coho. Release chum and wild Chinook. Sturgeon: Year-round season. Minimum fork length 38 inches. Maximum fork length 54 inches. Daily limit one fish.

From Salmon Creek (located approximately two miles upstream from Highway 101) to Fall River: All species: Night closure and anti-snagging rule from August 16 through November 30. The first Saturday in June through last day in February season. All game fish: Release all fish except that up to 2 hatchery steelhead per day may be retained. Salmon: open October 1 through November 30. Daily limit six fish, of which no more than three may be adult salmon, and only two adults may be wild coho. Release chum and wild Chinook. Open December 1 through December 31. Daily limit six fish, of which no more than two may be adult salmon, and only one adult may be a wild coho. Release chum and wild Chinook.

From Fall River to Raimie Creek: The 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 game fish: Release all fish except that up to 2 hatchery steelhead per day may be retained.

Northern State Hospital Pond (Skagit County): Fourth Saturday in April through October 31 season. Juveniles only.

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): Fourth 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 Chinook(~~(, of which no more than 3 may be adult salmon, and of these three))~~ and six sockeye only. No more

than three adult Chinook, and of the three adult Chinook, only one may be a wild adult Chinook. ((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 Chinook(~~(, of which))~~) and six sockeye only. No more than 3 may be adult ~~((salmon))~~ Chinook, and of these three ~~((salmon))~~ adult Chinook only one may be a wild adult Chinook. ~~((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 Chinook(~~(, of which))~~) and six sockeye only. No more than 3 may be adult ~~((salmon))~~ Chinook, and of these three ~~((salmon))~~ adult Chinook only one may be a wild adult Chinook. ~~((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): Fourth Saturday in April through October 31 season. Juveniles only.

Old Mill Stream (Chelan County): Closed waters.

Olequa Creek (Lewis County/Cowlitz County): Closed waters from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek. Trout: Release all trout except up to two hatchery steelhead may be retained per day.

Olney Creek (Snohomish County) (Wallace River tributary): Upstream of Olney Falls, including tributaries and beaver ponds: First Saturday in June through October 31 season.

Olson Creek (Skagit County): First Saturday in June through October 31 season. Selective gear rules.

Osborne Lake (Mason County): Fourth Saturday in April through October 31 season.

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

Outlet Creek (Mason County) (Satsop River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

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. Fourth 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): Fourth 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):

From Highway 101 Bridge to the mouth of the Middle Fork: The first Saturday in June through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30. All game fish: Release all fish except up to 2 hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit six fish, of which no more than two may be adult salmon. Release chum, wild coho, and wild Chinook. Sturgeon: Open year-round.

From the confluence to the Middle Fork upstream and all forks, including South Fork and Cannon River: All game fish: First Saturday in June through October 15 and December ~~((15))~~ 16 through March 31 seasons. Selective gear rules first Saturday in June through August 15 and December 16 through March 31. Unlawful to fish from a floating device equipped with an internal combustion motor. Anti-snagging rule and night closure August 16 through October 15. ~~((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.))~~ Release all game fish except up to two hatchery steelhead may be retained.

Palmquist Creek (Clallam County) from mouth upstream: The first Saturday in June through October 15 season. Selective gear rules. Trout: Minimum length fourteen inches. Release kokanee.

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): Fourth 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): Fourth 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): Fourth Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Fourth 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): Fourth 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.

Perrygin Lake (Okanogan County): Fourth 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. Two-pole endorsement fishing allowed.

Perch Lake (Grant County): Fourth 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.

Perry Creek (Thurston County): From mouth to falls: First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Fourth Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Petroleum Creek (Clallam County): From Olympic National Park boundary upstream: The first Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Fourth Saturday in April through 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): Fourth 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): Fourth 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 (Clallam County) (Sooes River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: The first Saturday in June through January 31 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 January 31 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): Fourth Saturday in April through October 31 season.

Pine Lake (Mason County): Fourth 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 Creek (Grays Harbor County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

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): Fourth Saturday in April through last day in February season.

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

Porter Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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): Fourth 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.

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 August 16 through December 31 (~~from mouth to Carbon River~~), except closed August (~~28 and 29~~) 26 and September (~~4, 5, 6, 11, 12, and 13 from mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road~~) 2, 3, 9, 10, and 11. 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)~~ Carbon River: 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. Trout: Minimum length fourteen inches. Salmon: Open 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 January 15 season. Selective gear rules and release all fish except up to 2 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 January 31 season. Selective gear rules and release all fish first Saturday in June through October 31. ~~(Trout:)~~ November 1 through January 31, 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. Unlawful to fish from a floating device equipped with an internal combustion motor. 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): Outside of Olympic National Park: All game fish: May 1 through the Friday before the first Saturday in June season. Catch and release except up to two hatchery steelhead may be retained. Trout: First Saturday in June through April 30 season. Minimum length fourteen inches. November 1 through last day in February, daily limit may include 1 additional hatchery steelhead. February 16 through April 30, wild steelhead retention allowed. Salmon: ~~((February 1 through November 30))~~ Open February 1 through August 31, daily limit 6 fish of which no more than 2 may be adult. Release wild adult Chinook and wild adult coho. Open September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult, and of the 4 adults, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Quinault River ~~((Jefferson))~~ Grays Harbor County): From mouth at upper end of Quinault Lake upstream to the Olympic National Park boundary: First Saturday in June through April 15 season. Trout: Minimum length fourteen inches, daily limit 2 fish. 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.

Quinn Creek (Clallam County): Outside of Olympic National Park: The first Saturday in June through October 15 season. Selective gear rules. Trout: Minimum length fourteen inches. Release kokanee.

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 January 31 season. Trout: Minimum length fourteen inches.

From Highway 18 Bridge upstream: First Saturday in June through October 31 season.

Raimie Creek and all forks (Pacific County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

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): Fourth 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): Fourth 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.

Red Rock Creek (Grant County): April 1 through September 30 season.

Reflection Pond (Okanogan County): Fourth 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): Fourth 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))~~ Permissible to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Fourth 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): Fourth 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): Fourth 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 (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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 (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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 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): Fourth 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; and (2) 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): Fourth 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): Fourth Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Fourth 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.

Rue Creek, including West Fork (Pacific County) (South Fork Willapa tributary): From mouth upstream: All game fish: First Saturday in June through October 31. Selective gear rules.

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): Fourth 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.

From 72nd Avenue N.E. Bridge upstream: Closed waters.

Salmon Creek and all forks (Grays Harbor County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Salmon Creek (Lewis County): Closed waters from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

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 (Pacific County) (tributary of Naselle 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 game fish: Release all fish except up to two hatchery steelhead per day may be retained.

Salmon Creek (Thurston County) (Black River tributary): From mouth to upstream: All species: Selective gear rules(=) and night closure(= and anti-snagging rule). First Saturday in June through October 31 season. Trout: Minimum length 14 inches.

Salmon River (Jefferson County): Outside of Olympic National Park and Quinault Indian Reservation: The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult Chinook salmon.

Salmonberry Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size 14 inches.

Salt Creek (Clallam County): From mouth to bridge on Highway 112: First Saturday in June through January 31 season. Selective gear rules. Release all fish except November 1 through January 31. 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 November 30 season. Stationary gear restriction, anti-snagging rule, single-point hooks required, and night closure)) August 1 through November 30 night closure, only one single-point hook allowed. From mouth to Farm to Market Road, bait or lure must be suspended below a float. A "float" or "bobber" is defined as a hookless, floating device that is attached to or slides along the mainline or leader above the hook(s) for the purpose of suspending hook(s) (which are part of the bait, lure, or fly) off the bottom of the stream and visually signaling (from the surface of the water) a fish's

strike at the hook(s). Game fish: First Saturday in June through November 30 season. Trout: Minimum length 14 inches. Additional game fish season December 1 through December 31. ((All species=)) Selective gear rules and release all fish except up to 2 hatchery steelhead may be retained. Salmon: Open only August 1 through November 30. Daily limit 2 salmon. Release wild coho. Only fish hooked inside the mouth may be retained. Anglers must retain the first 2 salmon, if ((lawful)) permissible to do so, and stop fishing.

From the I-5 Bridge to the Hickson Bridge: Closed waters from the old Highway 99 Bridge to the WDFW salmon rack. Closed waters from I-5 Bridge to old Highway 99 Bridge September 1 through November 30. First Saturday in June through November 30 season. All species: Selective gear rules and release all fish except up to 2 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.

San Poil River (Ferry County):

From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek: Year-round season. Smallmouth bass: Daily limit ten fish, no more than one over 14 inches. Walleye: Daily limit 8 fish, no size limit. Salmon: Landlocked salmon rules apply. Carp: Unlawful to fish with bow and arrow. Rainbow trout: Daily limit five fish, no more than two over 20 inches, release all wild (adipose fin intact) fish. Kokanee salmon: Daily limit two fish. Sturgeon: Unlawful to fish for or retain.

From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek upstream to approximately five miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys: All species: Closed waters February 1 through March 31. Smallmouth bass: Daily limit ten fish, no more than one over 14 inches. Walleye: Daily limit 8 fish, no size limit. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon. Carp: Unlawful to fish with bow and arrow. Sturgeon: Unlawful to fish for or retain.

From approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys to any and all waters that occur north of the regulatory buoy line at or above 1310 feet mean sea level elevation: Managed under regulatory authority of the Colville Confederated Tribe of Indians.

Sand Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Sandyshore Lake (Jefferson County): Fourth 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.

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): Fourth Saturday in April through October 31 season.

Satsop River and East Fork (Grays Harbor County): All species: Single point barbless hooks and night closure August 16 through November 30.

From mouth to bridge at Schafer State Park: The first Saturday in June through March 31 season. Trout: Minimum length fourteen inches. Salmon: Open ~~((October 1))~~ September 16 through January 31. ~~((October 1))~~ September 16 through November 30, daily limit 6 fish, of which no more than ~~((2))~~ three may be adult salmon, and of the ~~((2))~~ three adult salmon, only ~~((one))~~ two may be ~~((a))~~ wild coho. Release chum and Chinook. December 1 through ~~((December))~~ January 31, daily limit 6 fish, of which no more than 2 may be adult salmon, and only one may be a wild coho. Release chum ~~((;))~~ and Chinook ~~((; and wild coho))~~.

From bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam: All Species: Single-point barbless hooks and night closure August 16 through October 31 season. Trout: Minimum length 14 inches.

From 400 feet downstream of Bingham Creek Hatchery barrier dam upstream to dam: Closed waters, except anglers who permanently use a wheelchair or have a designated harvester card may fish within posted markers. All species: Night closure. August 16 through October 31, single-point barbless hooks required. First Saturday in June through March 31 season. Trout: Minimum length 14 inches. Salmon: ~~((Open October 1 through January 31. October 1 through November 30, daily limit 6 fish, of which no more than 2 may be adult salmon, and of the 2 adult salmon, only one may be a wild coho. 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 bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery Dam: All species: Single~~

~~point barbless hooks and night closure August 16 through October 31. First Saturday in June through October 31 season. Trout: Minimum length fourteen inches, daily limit 2 fish.))~~ Open September 16 through November 30. Daily limit six fish, of which no more than three may be adult salmon, and of the three adult salmon only two may be wild coho. Release chum and Chinook. Open December 1 through January 31. Daily limit six fish, of which no more than two may be adult salmon, and only one may be a wild coho. Release chum and Chinook.

From Bingham Creek Hatchery Dam upstream: All species: Single point barbless hooks and night closure August 16 through October 31. First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

Middle Fork Satsop River (Turnow Branch): From mouth to Cougar Smiths Road: All species: Night closure and anti-snagging rule from August 16 through ~~((October 31. From mouth to Cougar Smith Road:))~~ November 30. First Saturday in June through last day in February season. Trout: Minimum length fourteen inches, daily limit 2 fish.

From Cougar Smith Road upstream: All species: Night closure and anti-snagging rule from August 16 through October 31. First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

West Fork Satsop River: From mouth to Cougar Smith Road: All species: Night closure and anti-snagging rule from August 16 through ~~((October 31.~~

~~From mouth to Cougar Smith Road:))~~ November 30. First Saturday in June through last day in February season. Trout: Minimum length fourteen inches, daily limit 2 fish.

From Cougar Smith Road to USFS ~~((23))~~ 2260 Road Bridge at Spoon Creek: All species: Night closure August 16 through October 31. First Saturday in June through October 31 season. Trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

From USFS ~~((23))~~ 2260 Road Bridge at Spoon Creek upstream: First Saturday in June through October 31 season. Eastern Brook Trout: No minimum size, daily limit 5 fish. Selective gear rules. All other trout: Minimum length eight inches, daily limit 2 fish. Selective gear rules. Other game fish: Selective gear rules.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: The first Saturday in June through January 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 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.

Scatter Creek (Thurston County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Schafer Creek (Grays Harbor County) (Wynoochee River tributary): From mouth to USFS 22 Road: First Saturday in June through October 31 season. Trout: Minimum length eight inches. Selective gear rules. Other game fish: Selective gear rules.

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 January 31 season. All species: Selective gear rules from first Saturday in June through October 31. Release all fish except November 1 through January 31 (~~up to 2 hatchery steelhead may be retained~~). 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): Fourth 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): Fourth 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.

Sherman Creek (~~(Grays Harbor)~~ Thurston County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Sherry Lake (Stevens County): Fourth 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): Fourth 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~~) All game fish: First Saturday in June through October 31 season. Selective gear rules and release all fish.

Silent Lake (Jefferson County): Fourth 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): Fourth 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: 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): Fourth 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 Chinook and six sockeye, of which no more than 3 may be adult Chinook salmon, and of these three adult Chinook salmon only one may be a wild adult Chinook. (~~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.

Sitkum River (Clallam County) (Calawah River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

Siwash Creek (Clallam County): Outside of Olympic National Park: The first Saturday in June through October 15 season. Selective gear rules. Trout: Minimum length fourteen inches. Release kokanee.

Sixteen Lake (Skagit County): Fourth Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): June 1 through January 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: In years ending in even numbers, open September 1 through December 31. Daily limit ((3)) 2 salmon. Release Chinook

and chum. In years ending in odd numbers, open August 1 through December 31. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through January 31 season. Night closure and anti-snagging rule (~~(July 1)~~) June 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. Salmon: Open June 16 through July 15. Daily limit three sockeye. In years ending in even numbers, open September 1 through December 31. Daily limit ((3)) two salmon. Release Chinook and chum. In years ending in odd numbers, open August 1 through December 31. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

From Gilligan Creek to the Dalles Bridge at Concrete: June 1 through January 31 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)) two salmon. Release Chinook and chum. In years ending in odd numbers, open August 16 through December 31. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport: June 1 through January 31 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)) two salmon. Release Chinook and chum. In years ending in odd numbers, daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

From the Highway 530 Bridge at Rockport to the Cascade River Road: 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 4 hatchery Chinook salmon, of which only 2 may be adult hatchery Chinook. September 16 through December 31: In years ending in even numbers, daily limit ((3)) two salmon. Release Chinook and chum. In years ending in odd numbers, daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

From Cascade River Road to Gorge Powerhouse: June 1 through January 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 2 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 ((+) 10) 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 August ((+) 10) through September 5 and September 16 through December 15. Terminal gear restricted to no closer than 25 feet of a tribal gill net. August 1 through September ((30)) 5: 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)) September 16 through December 15: Daily limit 6 salmon, of which no more than 4 adult fish may be retained. 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 ((+) 10) 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)) Fridays, Saturdays, Sundays, and Labor Day. August ((+) 10) through ((December 15, except closed August 1, 8, 9, 15, 16, 22, 23, and 29, 30, and)) September ((6)) 3. Terminal gear restricted to no closer than 25 feet of a tribal gill net. August ((+) 10) through September ((30)) 3: 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. Unlawful to fish from a floating device equipped with an internal combustion motor.

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): Fourth 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): All Species: Night closure and single point barbless hooks required from August 16 through November 30.

From mouth to one hundred feet below the outlet of the ((Trans-Alta)) PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: The first Saturday in June through April 30 season. Trout: Minimum length fourteen inches. Salmon: Open only October ((16)) 1 through last day in February. October ((16)) 1 through November 30, daily limit 6 fish of which no more than ((2)) three may be adult salmon, and of the adult salmon, only ((+) two 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, and of the two adults only one may be a wild coho. Release chum((-)) and Chinook((- and wild coho)).

From Skookumchuck Reservoir upstream: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length eight inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River ((to the forks)): June 1 through January 31 season((, except open February 1 through February 15 from the Highway 2 Bridge at the Big Eddy Access to the confluence of the North and South forks)). 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 January 31 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 4 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))~~ three. Release Chinook and pink. In years ending in odd numbers, open August 16 through December 31 mouth to Lewis Street Bridge in Monroe and open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

From the mouth of the Wallace River to the forks: June 1 through January 31 of the following year with an additional season, February 1 through February 15 from the Highway 2 Bridge at the Gold Bar/Big Eddy Access to the confluence of the North and South forks. 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 Reiter Ponds ~~((August))~~ June 1 through February 15 of the following year. 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 September 1 through December 31. In years ending in even numbers, daily limit ~~((2 coho only))~~ three. Release Chinook and pink. In years ending in odd numbers, daily limit 3 salmon plus 1 additional pink. Release Chinook ~~((and chum)).~~

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: The first Saturday in June through January 31 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, including tributaries and their tributaries: 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 January 31 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): ~~From mouth to Highway 101 Bridge:~~ Single-point barbless hooks and night closure August 16 through November 30 ~~((upstream to the Highway 101 Bridge. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish, of which no more than 2 may be adult salmon and of those 2 adult salmon, 1 may be wild adult coho. Release chum and wild Chinook)).~~ Sturgeon: Open year-round from mouth to Highway 101 Bridge.

~~((From mouth to Highway 101 Bridge:))~~ Minimum fork length 38 inches and maximum fork length 54 inches. Daily limit one fish. All game fish: The first Saturday in June through last day in February season. All fish must be released except up to two hatchery steelhead may be retained. Salmon: September 1 through November 30. Daily limit six fish, of which no more than three may be adult salmon and of those three, only two may be wild coho. Release chum and wild Chinook. Additional season December 1 through December 31. Daily limit six fish, of which no more than two may be adult salmon, and of the two only one may be a wild coho. Release chum and wild Chinook. Sturgeon: Year-round season. Minimum fork length 38 inches. Maximum fork length 54 inches. Daily limit one fish.

From Highway 101 Bridge upstream: All game fish: 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 fish must be released except up to two hatchery steelhead may be retained.

Smith Creek (Pacific County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Smith Creek (Whatcom County) (Nooksack River tributary): First Saturday in June through October 31 season. Selective gear rules.

Snahapish River (Jefferson County) (Clearwater River tributary): From mouth upstream: The first Saturday in June through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

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 January 31 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~~) three. Release Chinook and pink. In years ending in odd numbers, open August 16 through December 31. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in Puget Sound Estuary (WAC 220-56-282).

Snoqualmie River (King County):

From mouth to the falls: The first Saturday in June through February 15 season, except the first Saturday in June through January 31 from the mouth to the boat launch at Plum. 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 February 15 from the mouth of Tokul Creek downstream to the boat ramp at Plum 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 3 (~~coho only~~). Release Chinook and pink. In years ending in odd numbers, from mouth to Plum access, daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.

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 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.

Solberg Creek (Clallam County) (Big River tributary): From mouth upstream: The first Saturday in June through October 15 season. Trout: Minimum length fourteen inches. Release kokanee. Selective gear rules. Other game fish: Selective gear rules.

Sol Duc River (Clallam County):

From mouth to concrete pump station at the Sol Duc Hatchery: All game fish: May 1 through April 30 season. From May 1 through the Friday before the first Saturday in June (~~season~~), catch and release except up to 2 hatchery steelhead may be retained. Trout: First Saturday in June through April 30 season. Minimum length fourteen inches. November 1 through last day in February, daily limit may include 1 additional hatchery steelhead. February 16 through April 30, wild steelhead retention allowed. Salmon: February 1 through August 31, daily limit 6 fish of which no more than 2 may be adults. Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than ~~((4))~~ two may be adults, (~~and of the 4 adults, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon~~) and an additional two adult hatchery coho may also be retained.

From concrete pump station at Sol Duc Hatchery to Highway 101 Bridge upstream of Klahowya Camp Ground: First Saturday in June through April 30 season. Trout: Minimum length fourteen inches. Selective gear rules. Other game fish: Selective gear rules.

From Highway 101 Bridge upstream of Klahowya Camp Ground to Olympic National Park boundary: First Saturday in June through October 31 season. All game fish: Catch and release, except up to 2 hatchery steelhead may be retained. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Solleks River (Jefferson County) (Clearwater River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Minimum length fourteen inches. Other game fish: Selective gear rules.

Soes River (~~(((Suez)))~~) Tsoo-Yess River (Clallam County): Outside of Makah Indian Reservation: The first Saturday in June through October 31 season. Trout: Minimum length fourteen inches. All species: Selective gear rules. Additional season November 1 through last day in February (~~((28))~~). 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 Creek (Clallam County): Outside of Olympic National Park: The first Saturday in June through October 15 season. Selective gear rules. Trout: Minimum length fourteen inches. Release kokanee.

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): Fourth 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): Fourth 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 400 feet below Little Falls Dam: Year-round season, except walleye: Trout: Daily limit five, no minimum size, no more than two over 20 inches in length. Kokanee: Daily limit six, no minimum size, no more than two with intact adipose fins may be retained. Walleye: Daily limit 8, no minimum size, no more than one over 22 inches in length. Salmon: Year-round. Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon. Two pole fishing allowed.

From Little Falls Dam to the upstream boundary of the 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): Fourth 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): Fourth 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.

Stearns Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Steel Lake (King County): Fourth 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. Closed waters from WDFW hatchery outlet downstream 400 feet.

From Highway 101 Bridge upstream to the Newbury Creek Road Bridge: First Saturday in June through October 31 season. All species: Selective gear rules.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Stevens Lake (Mason County): Fourth Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Fourth 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 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 and chum.

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 ((January 31. Night closure and)) November 30. Selective gear rules. Night closure from August 1 through November 30. All game fish: First Saturday in June through November 30 season. Release all fish except up to 2 hatchery steelhead per day may be retained. December 1 through ((February 15.)) January 31. Trout: Minimum length fourteen inches. Salmon: Open 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 and chum.

Stillaguamish River, North Fork (Snohomish County): From mouth to mouth of French Creek: The first Saturday in June through January 31 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: Fly fishing only. All species: Release all fish except 2 hatchery steelhead per day may be retained. December 1 through January 31: Trout: Minimum length fourteen inches.

From mouth of French Creek to Swede Heaven Bridge: First Saturday in June through February 15 season. Anti-snagging rule and night closure August 1 through November 30. First Saturday in June through November 30: Fly fishing only. All species: Release all fish except 2 hatchery steelhead per day may be retained. Trout: December 1 through February 15: 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 2 hatchery steelhead may be retained.

Upstream of falls including tributaries and their tributaries: 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 January 31 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.

Stillman River (Lewis County) (Chehalis River tributary): From mouth to water supply pipeline at Mill Creek: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Stimson Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Storm Lake (Snohomish County): Fourth Saturday in April through October 31 season.

Stowe Creek (Lewis County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

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): Fourth 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 January 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

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): Fourth Saturday in April through October 31 season.

Summit Lake (Thurston County): Fourth 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): Fourth Saturday in April through October 31 season. Trout: Minimum length six inches and maximum length eighteen inches.

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): Fourth 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): Fourth Saturday in April through November 30 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Sylvia Creek (Grays Harbor County) (Wynoochee River tributary): From mouth upstream: First Saturday in June through October 31 season. Trout: Minimum length eight inches. All species: Selective gear rules.

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))~~ steel bridge 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))~~ steel bridge approximately one mile upstream of North Shore Road Bridge upstream: 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. Night closure October 1 through October 31.

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): Fourth 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): Fourth 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): Fourth 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): Fourth Saturday in April through October 31 season.

Thompson Creek (Thurston County) (Skookumchuck River tributary): From mouth upstream: All Species: Selective gear rules. (~~Night closure and single point barbless hooks required from August 16 through November 30. Unlawful to fish from a floating device equipped with an internal combustion motor.~~) The first Saturday in June through October 31 season. Trout: Minimum length eight inches.

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.

Thunder Creek (Clallam County) (Tributary to East Fork Dickey River): From mouth upstream: First Saturday in June through (~~October 31~~) April 30 season. Selective gear rules. Trout: Minimum size fourteen inches. (~~Additional season from mouth to D2400 road-~~) Closed waters from D2400 Road upstream, from November 1 through April 30 (~~season. Selective gear rules. Trout: Minimum size fourteen inches~~).

Tibbetts Creek (tributary to Lake Sammamish) (King County): The first Saturday in June through August 31 season. Juveniles only.

Tieton River (Yakima County): (~~Lawful~~) Permissible 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): Fourth 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. Night closure and anti-snagging rule September 1 through October 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained. Trout: Daily limit five, no more than one over twelve inches in length. Release cut-throat. 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 and wild Chinook.

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): Fourth Saturday in April through October 31 season.

Tokul Creek (King County) (Snoqualmie River tributary) and tributaries including beaver ponds above Tokul Road SE: First Saturday in June through October 31 season.

From mouth to the Fish Hatchery Road Bridge: December 1 through February 15 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 February 15 season, closed 5:00 p.m. to 7:00 a.m. daily. Anti-snagging rule. Trout: Minimum length 14 inches.

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 January 31 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 15 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.

Trap Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 15 season. Selective gear rules.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (Clallam County) (Big River tributary): From mouth upstream: The first Saturday in June through October 15 season. Trout: Minimum length fourteen inches. Release kokanee. Selective gear rules. Other game fish: Selective gear rules apply.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Fourth 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. Addi-

tional season November 1 through March 31. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

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): Fourth 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): Fourth Saturday in April through October 31 season.

Umbrella Creek (Clallam County): Outside Olympic National Park, and tributaries, including Elk Lake: The first Saturday in June through October 15 season. Trout: Minimum length fourteen inches. Release kokanee. Selective gear rules. Other game fish: Selective gear rules.

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)~~ game fish: Release all fish. Sturgeon: June 1 through June 30. Minimum fork length 38 inches. Maximum fork length 54 inches. Daily limit one fish.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: The first Saturday in June through August 15 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From lower bridge on Old Belfair Highway upstream ~~((to watershed boundary))~~: First Saturday in June through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): First Saturday in June through October 31 season. Juveniles only.

Vance Creek (Grays Harbor County) (Chehalis River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Fourth 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: Fourth 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): Fourth Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): All species: Anti-snagging rule and night closure August 16 through November 30. Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: ~~((All species: Anti-snagging rule and night closure August 16 through November 30.))~~ First Saturday in June through January 31 season. Trout: 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 and only one may be a wild coho. Release chum(;) and Chinook ~~((and wild coho)).~~

From Lake Aberdeen upstream: ~~((All species: Anti-snagging rule and night closure August 16 through November 30. Trout:))~~ First Saturday in June through October 31 season. Selective gear rules. ~~((Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.))~~

Vesta Creek and all forks (Grays Harbor County) (North River tributary): From mouth upstream: All game fish: The first Saturday in June through October 31 season. Selective gear rules.

Vic Meyers (Rainbow) Lake (Grant County): Fourth Saturday in April through September 30 season.

Vogler Lake (Skagit County): Fourth 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.

Waddell Creek (Thurston County) (Black River tributary): From mouth upstream: The first Saturday in June through October 31 season. Trout: Selective gear rules. Daily limit 2 fish, minimum length eight inches. Other game fish: Selective gear rules.

Wagners Lake (Snohomish County): Fourth Saturday in April through October 31 season.

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

Waitts Lake (Stevens County): Fourth Saturday in April through last day in February season.

Walker Lake (King County): Fourth 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 February 15 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. Night closure and anti-snagging rule September 16 through November 30. Fishing from any floating device prohibited November 1 through ~~((last day in))~~ 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 16 through November 30. Daily limit ~~((2))~~ three coho.

From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls: November 1 through January 31 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 including all tributaries and their tributaries: 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. Fourth Saturday in April through October 31 season. Selective gear rules. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Fourth Saturday in April through October 31 season.

Wapato Lake (Chelan County): Fourth 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 Creek (Pacific County) (Willapa River tributary): From mouth upstream: All game fish: First Saturday in June through October 31 season. Selective gear rules.

Ward Lake (Ferry County): Fourth Saturday in April through October 31 season.

Ward Lake (Thurston County): Fourth 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): Fourth 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): Fourth 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. Game fish: Open year-round. Trout: Open July 1 through November 30. Open December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. Open 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. Game fish: 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. Closed waters from ~~((400))~~ 200 feet (or posted markers) below to 200 feet above the temporary weir while the weir is installed in the river. 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:))~~ markers below footbridge below Dupont Street in Bellingham. Anti-snagging rule and night closure August 1 through December 31. 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 footbridge below DuPont Street in Bellingham to Woburn Street Bridge. Anti-snagging rule and night closure August 1 through December 31. The first Saturday in June through last day in February season. Trout: Minimum length 14 inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Fourth 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): Fourth 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 except up to two hatchery steelhead may be retained.

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 January 15 season: Selective gear rules and night closure. October 1 through October 31 all species: Fly fishing only and release all fish. November 1 through January 15: ~~((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. Night closure and selective gear rules. 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)).~~ Release all game fish. Whitefish: Additional November 1 through January 31 season. Whitefish gear rules apply.

Whitechuck River (Snohomish County): All species: Selective gear rules. 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 county road bridge below 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 except from the mouth to the Hwy. 14 Bridge the daily limit follows the most liberal regulations of the adjacent mainstem Columbia or White Salmon rivers when both areas are open concurrently for salmon. Release wild coho and wild Chinook.

From county road bridge below 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.))~~ Northwestern Lake Road Bridge: Closed waters.

From ~~((gas pipeline crossing above))~~ Northwestern Lake Road Bridge to ~~((Gilmer Creek.))~~ Big Brothers Falls at river mile 16: Closed waters from Big Brothers Falls downstream 400 feet. 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.))~~ All game fish: Catch and release except up to two hatchery steelhead may be retained.

Wide Hollow Creek (Yakima County): Juveniles only.

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

Wildberry Lake (Mason County): Fourth Saturday in April through October 31 season.

Wildcat Creek (Grays Harbor County) (Cloquallum Creek tributary): From mouth to confluence of Middle and East forks: The first Saturday in June through October 31 season. Selective gear rules.

Wildcat Creek, East Fork (Grays Harbor County) (Cloquallum Creek tributary): From mouth to Highway 108 Bridge (Simpson Avenue, in the town of McCleary): The first Saturday in June through October 31 season. Selective gear rules.

Wildcat Lake (Kitsap County): Fourth 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): Fourth 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.

Willapa River (Pacific County): All species: Unlawful to fish from a floating device ~~((equipped with an internal combustion motor))~~ from second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles) from August 1 through November 30.

From mouth (city of South Bend boat launch) to Highway 6 Bridge approximately two miles below mouth of Trap Creek: The first Saturday in June through March 31 season. All species: Night closure, single-point barbless hooks required from August ~~((+6))~~ 1 through November 30. Stationary gear restriction from August 1 through November 30, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creek. All game fish: Release all game fish except that up to 2 hatchery steelhead may be retained per day. Salmon: Open August 1 through November 30. Daily limit six fish, of which no more than three may be adult salmon, and of the three adults, only two may be wild coho. Release chum and wild Chinook. Open December 1 through January 31. Daily limit six fish, of which no more than two may be adult salmon and of the two adult salmon, only one may be a wild coho. Release chum and wild Chinook. Sturgeon: Open year-round from mouth to Highway 6 Bridge.

From Highway 6 Bridge to Fork Creek: The first Saturday in June through July 15 and October ~~((46))~~ 1 through March 31 seasons. All species: Night closure, single point barbless hooks, and stationary gear restriction October ~~((46))~~ 1 through November 30. All game fish: Release all fish except that up to 2 hatchery steelhead may be retained. Salmon: Open ~~((August))~~ October 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)) November 30. Daily limit 6 fish, of which no more than 3 may be adult salmon, and of the three adult salmon only one may be a wild coho. Release chum ~~((wild coho))~~ and wild Chinook. Open December 1 through January 31. Daily limit 6 fish, of which no more than two may be adult salmon, of which only one may be a wild coho. Release chum and wild Chinook.

~~((Sturgeon: Open year round from mouth to Highway 6 Bridge))~~

From Fork Creek upstream: The first Saturday in June through October 31 season. All species: Night closure and ~~((anti-snagging rule))~~ single-point barbless hooks from August 16 through October 31. ~~((All game fish: Selective gear rules))~~ Unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish except up to 2 hatchery steelhead per day may be retained.

Willapa River, South Fork (Pacific County): Closed waters from falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West.

From mouth to bridge on Pehl Road: Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Night closure and anti-snagging rule from August 1 through November 30. Selective gear rules first Saturday in June through ~~((October))~~ July 31. ~~((Unlawful to fish from a floating device equipped with an internal combustion motor))~~ All game fish: First Saturday in June through last day in February season. Release all fish except up to 2 hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 ~~((from mouth to Pehl Road Bridge))~~. Daily limit 6 fish, of which no more than 3 may be adult salmon. Release chum, wild Chinook and wild coho.

From Pehl Road upstream: ~~((All species: Selective gear rules from first Saturday in June through October 31. Night closure and anti-snagging rule from August 1 through November 30. Unlawful to fish from a floating device equipped with an internal combustion motor. All game fish:))~~ First Saturday in June through last day in February season. Release all game fish except that up to 2 hatchery steelhead may be retained per day.

Williams Creek (Pacific County) (Nemah River North Fork tributary): First Saturday in June through October 15 season. Trout: Minimum length eight inches and daily limit two fish. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Williams Lake (Lewis County): Fourth 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.

Williams Lake (Spokane County): Fourth 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 (Pacific County) (Willapa River tributary): All game fish: First Saturday in June through October 31 season. Selective gear rules.

Wilson Creek, North Fork (Pacific County): All game fish: First Saturday in June through October 31 season. Selective gear rules.

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))~~ August 1 through March 15 season, except salmon and steelhead. ((Trout: Minimum length fourteen inches)) All species: Two pole fishing allowed with two pole endorsement from mouth to Burlington Northern Railroad Bridge May 1 through June 30. 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. Trout: Minimum length 14 inches. Salmon and steelhead: Open March 16 through ~~((June 30))~~ July 31. 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 except from the mouth to the Hwy. 14 Bridge the daily limit follows the most liberal regulations of the adjacent mainstem Columbia or Wind rivers when both areas are open concurrently for 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. Closed waters from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries December 1 through September 15. Closed waters: From the Moore Bridge on the Wind River Highway approximately one mile north of the Carson National Fish Hatchery upstream including all tributaries September 16 through November 30. 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): All species: Single-point barbless hooks required August 16 through November 30.

From mouth to West Fork: First Saturday in June through the last day in February season. Trout: Minimum length 14 inches. Salmon: October 1 through November 30. Daily limit six fish, of which no more than two may be adult salmon and of the two adult salmon only one may be a wild coho. Release chum and Chinook. Additional season December 1 through January 31. Daily limit six fish, of which no more than two may be adult salmon. Release chum, Chinook, and wild coho.

From mouth of West Fork to 200 feet below the weir at the Wishkah Rearing Ponds: First Saturday in June through the last day in February season. Trout: Minimum length 14 inches. Salmon: October 1 through December 31. Daily limit six fish, of which no more than two may be adult salmon. Release chum, Chinook, and wild coho.

From 200 feet below to the weir at the Wishkah Rearing Ponds: Closed waters.

From weir upstream: First Saturday in June through October 31 season. All species: Selective gear rules.

Wishkah River, East and West forks (Grays Harbor County): All species: The first Saturday in June through the last day in October season. Selective gear rules.

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): Fourth 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.

Woods Creek (Snohomish County) (Skykomish River tributary) East Fork and its tributaries, including beaver ponds upstream of Old Pipeline Road (above Woods Creek Falls): First Saturday in June through October 31 season.

Wooten Lake (Mason County): Fourth 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): Fourth 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))~~ WDFW White Bridge Access Site: ((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.

~~From 7400 line bridge to Wynoochee Reservoir: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.))~~ November 30. Trout: Minimum length 14 inches. Salmon: Open September 16 through November 30. Daily limit six fish, of which no more than two may be adult salmon, and of the two adults, only one may be a wild coho. Release chum and Chinook.

From WDFW White Bridge Access Site to 7400 line bridge above mouth of Schafer Creek: First Saturday in June through March 31 season. Single point barbless hooks required August 16 through November 30. Bait prohibited September 16 through November 30. Trout: Minimum length 14 inches.

From 7400 line bridge to 400 feet below Wynoochee Dam, including confluence of reservoir upstream to Wynoochee Falls: Closed waters from 400 feet downstream of Wynoochee Dam and from barrier dam near Grisdale. First Saturday in June through October 31 season. Trout: Minimum length 14 inches. Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day.

From Wynoochee Falls upstream: First Saturday in June through October 31 season. All game fish: Selective gear rules. Trout: Eastern Brook Trout are not counted in daily trout limit and the daily limit for this species is five fish, no minimum size. Once daily limit of trout other than Eastern Brook Trout is obtained, then must stop fishing.

Wynoochee Reservoir (Grays Harbor County) upstream to head waters: 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 powerline 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): Fourth 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.

Youngs Creek (Snohomish County) (Skykomish River tributary) and its tributaries, including beaver ponds above the Potson Road/299th Avenue SE Bridge (Elwell Creek tributary, Skykomish River tributary near town of Sultan): First Saturday in June through October 31 season.

**AMENDATORY SECTION** (Amending Order 11-273, filed 10/11/11, effective 11/11/11)

**WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits.** (1) It is unlawful to take, fish for, or possess salmon taken by angling for personal use except from the following coastal areas, during the following seasons, in the quantities and the sizes provided for in WAC 220-56-180,

and for the species designated in this section. An area is open when a daily limit is provided:

~~((1))~~ (2) **Catch Record Card Area 1:**

(a) May 1 through June ~~((47--))~~ 8: Closed.

(b) June ~~((18))~~ 9 through June ~~((25--))~~ 22:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(c) June ~~((26))~~ 23 through September 30~~((--))~~:

(i) Daily limit of 2 salmon, of which not more than one may be a Chinook salmon.

(ii) Release wild coho.

(d) October 1 through April 30~~((--))~~: Closed.

(e) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-56-195.

~~((2))~~ (3) **Catch Record Card Area 2:**

(a) May 1 through June ~~((47--))~~ 8: Closed.

(b) June ~~((18))~~ 9 through June ~~((25--))~~ 23:

(i) Daily limit of 2 salmon.

(ii) Release coho and wild Chinook.

(c) June ~~((26))~~ 24 through September ~~((18--))~~ 23:

(i) Open Sundays through Thursdays only.

(ii) Daily limit of 2 salmon, of which not more than one may be a Chinook salmon.

(iii) Release wild coho.

(d) September ~~((19))~~ 24 through April 30 - Closed.

~~((e) Closed to salmon fishing August 1 through September 18 in the Grays Harbor Control Zone described in WAC 220-56-195(1)).~~

~~((3))~~ (4) **Willapa Bay (Catch Record Card Area 2-1):**

(a) May 1 through June ~~((47--))~~ 8: Closed.

(b) June ~~((18))~~ 9 through July 31~~((--))~~: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through January 31~~((--))~~:

(i) Daily limit of ~~((six))~~ 6 salmon, not more than ~~((three))~~ 3 of which may be adult salmon.

(ii) Release chum and wild Chinook.

(iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(d) February 1 through April 30~~((--))~~: Closed.

~~((4))~~ (5) **Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

(a) May 1 through September 15~~((--))~~: Closed.

(b) September 16 through October 7:

(i) Daily limit of 3 salmon, of which not more than one may be a Chinook salmon and not more than 2 may be wild coho salmon.

(ii) Release chum.

(c) October 8 through November 30~~((--))~~:

(i) Daily limit of ~~((2))~~ 3 salmon, of which not more than 2 may be wild coho salmon.

(ii) Release Chinook and chum.

~~((e))~~ (d) December 1 through April 30~~((--))~~: Closed.

~~((f))~~ (e) Notwithstanding the provisions of this subsection, the Westport Boat Basin and Ocean Shores Boat Basin~~((e))~~ are open only August 16 through January 31~~((--))~~:

(i) Daily limit of ~~((six))~~ 6 salmon, not more than ~~((four))~~ 4 of which may be adult salmon.

(ii) Release wild Chinook.

(iii) Night closure and anti-snagging rule in effect.

~~((5))~~ **(6) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line)(--):**(a) May 1 through June 8: Closed.(b) June 9 through September 23: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.(c) September 24 through April 30: Closed.~~((6))~~ **(7) Catch Record Card Area 3:**(a) May 1 through June ((47--)) 15: Closed.(b) June ((48)) 16 through June ((25--)) 30:(i) Daily limit of 2 salmon.(ii) Release coho and wild Chinook.(c) ~~((June 26))~~ July 1 through September ((48--)) 23:(i) Daily limit of 2 salmon(~~(, of which not more than one may be a Chinook salmon)~~).(ii) Release wild coho.(iii) In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit. (~~Release wild coho.~~)(d) September ((49)) 24 through April 30(--): Closed.(e) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N latitude are also open September ((24)) 29 through October ((9--)) 14:(i) Daily limit (~~(two)~~) of 2 salmon(~~(, of which not more than one may be a Chinook salmon)~~).(ii) Release wild coho.(iii) In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit. (~~Release wild coho.~~)~~((7))~~ **(8) Catch Record Card Area 4:**(a) May 1 through June ((47--)) 15: Closed.(b) June ((48)) 16 through June ((25--)) 30:(i) Daily limit of 2 salmon.(ii) Release coho and wild Chinook.(iii) Waters east of a true north-south line through Sail Rock are closed.(c) ~~((June 26))~~ July 1 through September ((48--)) 23:(i) Daily limit of 2 salmon(~~(, of which not more than one may be a Chinook salmon)~~).(ii) Release wild coho salmon.(iii) In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit. (~~Release wild coho salmon.~~)(iv) Waters east of a true north-south line through Sail Rock are closed (~~(June 26))~~ through July 31.(v) Release Chinook salmon caught east of the Bonilla-Tatoosh line beginning August 1.(vi) Release chum salmon beginning August 1.(d) September ((49)) 24 through April 30(--): Closed.(9) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.AMENDATORY SECTION (Amending Order 11-273, filed 10/11/11, effective 11/11/11)**WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.** (1) It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas and during the seasons, in the quantities, and for the species designated in this section, and in the sizes as defined in WAC 220-56-180. An area is open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters (~~as provided for in~~) under WAC 232-28-620.~~((4))~~ **(2) Catch Record Card Area 5:**(a) May 1 through June 30(--): Closed.(b) July 1 through August 15(--):(i) Daily limit of 2 salmon.(ii) Release chum, wild Chinook and wild coho.(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.(c) August 16 through September ((48--)) 14:(i) Daily limit of 2 salmon.(ii) Release chum, Chinook and wild coho.(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.(d) September ((49)) 15 through September 30(--):(i) Daily limit of 2 salmon.(ii) Release chum and Chinook.(e) October 1 through October 31(~~—Closed~~): Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.(f) November 1 through November 30(~~—Daily limit of 2 salmon, not more than one of which may be a Chinook salmon~~): Closed.(g) December 1 through February 15(--): Closed.(h) February 16 through April 10(--): Daily limit ((4)) of one salmon.(i) April 11 through April 30(--): Closed.~~((2))~~ **(3) Catch Record Card Area 6:**(a) May 1 through June 30(--): Closed.(b) July 1 through August 15(--):(i) Daily limit of 2 salmon.(ii) Release chum, wild Chinook and wild coho.(iii) Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.(c) August 16 through September 30(--):(i) Daily limit of 2 salmon.(ii) Release chum, Chinook and wild coho.(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.(e) October 1 through October 31(--):(i) Daily limit of 2 salmon, not more than ((4)) one of which may be a Chinook salmon, except that waters of Dungeness Bay inside a line from Dungeness Spit Light-house to the Number 2 Red Buoy, and then to the Port Williams Boat Ramp, are open with a daily limit of 2 coho salmon.

(ii) Release all other salmon.

(iii) Waters inside the line described in this subsection are closed at all times except during October.

(f) ~~November 1 through February 15~~ November 30: Closed.

(g) ~~February 16~~ December 1 through April 10(---):

(i) Daily limit ~~(+)~~ of 2 salmon.

(ii) Release wild Chinook.

(h) April 11 through April 30(---): Closed.

~~((3))~~ (4) Catch Record Card Area 7:

(a) May 1 through June 30(---): Closed.

(b) July 1 through July 31(---):

(i) Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iii) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(c) August 1 through September 30(---):

(i) Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(ii) Release chum and wild coho.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) ~~(Waters of Bellingham Bay described in WAC 220-56-195(1), closed April 1 through April 30 and July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be Chinook salmon. November 1 through March 31 and June 1 through June 30 - Same rules as Area 7.~~

~~(e))~~ October 1 through October 31(---): Daily limit of 2 salmon, not more than one of which may be a Chinook salmon. ~~((Release wild coho.~~

~~(f))~~ (e) Waters of Samish Bay described in WAC 220-56-195(4)(7): Closed April 1 through April 30 and July 1 through October 15.

~~((g))~~ (f) November 1 through November 30(---): Closed.

~~((h))~~ (g) December 1 through April 30(---):

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(h) Waters of Bellingham Bay described in WAC 220-56-195(1):

(i) Closed April 1 through April 30 and July 1 through August 15.

(ii) August 16 through October 31: Daily limit of 4 salmon, not more than 2 of which may be Chinook salmon.

(iii) November 1 through March 31 and June 1 through June 30: Same rules as Area 7.

(i) Waters east of a line from Gooseberry Point to Sandy Point: Closed September 4 through October 31.

~~((4))~~ (5) Catch Record Card Area 8-1:

(a) May 1 through July 31(---): Closed.

(b) August 1 through September 30(---):

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31(---):

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(d) November 1 through April 30(---):

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~((5))~~ (6) Catch Record Card Area 8-2:

(a) May 1 through July 31(---) are closed, except ~~((that))~~: Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point ~~((-- June 3 through June 18 and June 20 through July 31,))~~ are open only from Friday through 11:59 a.m. the following Monday of each week ~~((--))~~, May 18 through June 8 and June 10 through July 31:

(i) Daily limit of 2 salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing, beginning June 10.

(b) August 1 through September 30:

(i) Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point(---):

(A) August 1 through September ~~((5,))~~ 3: Open only from Friday through 11:59 a.m. the following Monday of each week ~~((-- and))~~.

(B) September ~~((10))~~ 8 through September ~~((25))~~ 23, open only Saturday and Sunday of each week(---):

(I) Daily limit of 2 salmon.

(II) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(III) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(C) September ~~((26))~~ 24 through September 30 ~~((--))~~: Same rules as remainder of Area 8-2.

(ii) All other waters of Area 8-2(---):

(A) Daily limit of 2 salmon.

(B) Release Chinook.

(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) October 1 through October 31(---):

(i) Daily limit of 2 salmon.

(ii) Release Chinook. ~~((Closed to salmon fishing in waters north of a line from Camano Head to the fishing boundary marker located approximately 1.4 miles north of Hermosa Point.))~~

(d) November 1 through April 30(---):

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~((6))~~ (7) Catch Record Card Area 9:

(a) May 1 through ~~((July 15--))~~ June 30: Closed.

(b) July 1 through July 15:

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(c) July 16 through August 31(---);

(i) Daily limit of 2 salmon.

(ii) Release chum and wild Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) Closed south of a line from Foulweather Bluff to Olele Point, except ~~((lawful))~~ it is permissible to fish from shore between the Hood Canal Bridge and the northern boundary of Salsbury Point Park(=);

(A) Daily limit of 2 salmon.

(B) Release Chinook and chum.

(C) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

~~((e))~~ (d) September 1 through September 30(---);

(i) Daily limit of 2 salmon.

(ii) Release chum and Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

~~((f))~~ (e) October 1 through October 31(---);

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

~~((g))~~ (f) November 1 through November 30(---);

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~((h))~~ (g) December 1 through January 15(---); Closed.

~~((i))~~ (h) January 16 through April 15(---);

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

~~((j))~~ (i) April 16 through April 30(---); Closed.

~~((k))~~ (j) Edmonds Fishing Pier:

(i) Open year-round(---);

(ii) Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(iii) Release chum from August 1 through September 30.

(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

~~((7))~~ **(8) Catch Record Card Area 10:**

(a) May 1 through May 31(---); Closed.

(b) June 1 through June 30(---); Open only north of a line from Point Monroe to Meadow Point. Catch and release.

(c) July 1 through July 15(---);

(i) Daily limit of 2 salmon.

(ii) Release Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(d) July 16 through August 31(---);

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook, and beginning August 1, release chum.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(e) September 1 through September 30(---);

(i) Daily limit of 2 salmon.

(ii) Release chum through September 15.

(iii) Release Chinook.

(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(f) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point(=); Closed July 1 through August 31.

(g) Waters of Elliott Bay east of a line from West Point to Alki Point(=); Closed July 1 through August 31(~~(except waters west of the Spokane Street Bridge open August 19 through August 21 and August 26 through August 28, and open only on Friday through Sunday of each week—Daily limit 2 salmon. Release Chinook and chum. In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit. Bait prohibited. Hooks must measure one-half inch or less from point to shank))~~).

(h) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White(---);

(i) Daily limit of 2 salmon, July 1 through September 30.

(ii) Release wild Chinook.

(iii) Release chum from August 1 through September 15.

(iv) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(i) October 1 through January 31(---); Daily limit of 2 salmon. Release wild Chinook.

(j) Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point(=); Fly fishing only, lead core lines prohibited, and catch and release from January 1 through January 31.

(k) February 1 through April 30(---); Closed.

(l) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier(=); open year-round(---);

(i) Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(ii) Release chum from August 1 through September 15.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

(m) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, from July 1 through October 31(=) night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

~~((8))~~ **(9) Catch Record Card Area 11:**

(a) May 1 through May 31(---); Closed.

(b) June 1 through June 30(---);

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock are closed.

(c) July 1 through September 30(---);

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(iii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit.

(iv) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed July 1 through July 31.

(d) October 1 through October 31(---); Daily limit of 2 salmon.



(e) November 1 through December 31~~((--))~~; Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) January 1 through January 31~~((--))~~; Closed.

(g) February 1 through April 30~~((--))~~;

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(iii) Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock, closed from April 1 through April 30.

(h) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock~~((=))~~ are open year-round~~((--))~~;

(i) Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(ii) In years ending in odd numbers, 2 additional pink salmon may be retained as part of the daily limit from July 1 through September 30.

~~((9))~~ (10) **Catch Record Card Area 12:**

(a) May 1 through June 30~~((--))~~; Closed.

(b) July 1 through October 15, in waters south of Ayock Point~~((--))~~;

(i) Daily limit of 4 salmon, of which no more than ~~((two))~~ 2 may be Chinook salmon.

(ii) Release chum and wild Chinook.

(c) July 1 through August 15, in waters north of Ayock Point~~((--))~~; Closed.

(d) August 16 through October 15:

(i) Waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula, and south of a line true east from Broad Spit~~((--))~~; Daily limit 4 coho salmon. Release all salmon except coho.

(ii) Waters north of a line true east from Broad Spit~~((--))~~; Closed.

(iii) All other waters north of Ayock Point:

(A) August 16 through August 31~~((--))~~; Closed.

(B) September 1 through October 15~~((--))~~; Daily limit of 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31~~((--))~~;

(i) Waters north of a line true east from Broad Spit - Closed.

(ii) All other waters except Hoodspport Hatchery Zone:

(A) Daily limit of 4 salmon, of which no more than ~~((one))~~ 2 may be ~~((a))~~ Chinook salmon~~((-except waters north of a line true east from Broad Spit - Closed))~~;

(B) Release wild Chinook.

(f) January 1 through January 31~~((--))~~; Closed.

(g) February 1 through April 30~~((--))~~;

(i) Daily limit of 2 salmon~~((=))~~;

(ii) Release wild Chinook.

(h) July 1 through December 31, the Hoodspport Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

~~((10))~~ (11) **Catch Record Card Area 13:**

(a) May 1 through June 30~~((--))~~;

(i) Daily limit of 2 salmon.

(ii) Release wild Chinook.

(b) July 1 through September 30~~((--))~~;

(i) Daily limit of 2 salmon.

(ii) Release wild coho and wild Chinook.

(c) October 1 through October 31~~((--))~~;

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed April 16 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed.

(i) Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(ii) Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower ~~((--))~~; Night closure and anti-snagging rule from July 16 through October 31.

(f) November 1 through December 31~~((--))~~; Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(g) January 1 through April 30~~((--))~~; Daily limit ~~((+))~~ of one salmon.

(h) Fox Island Public Fishing Pier~~((=))~~, open year-round~~((--))~~;

(i) Daily limit 2 salmon, not more than one of which may be a Chinook salmon.

(ii) Release wild coho from July 1 through October 31.

(12) Violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested salmon. If the person has harvested salmon, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the salmon are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

## WSR 12-18-007

### PERMANENT RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed August 23, 2012, 2:26 p.m., effective September 23, 2012]

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

Purpose: This proposal to revise WAC 468-38-120 will allow Washington state department of transportation (WSDOT) to authorize manufactured home moves with a length greater than seventy-five feet. The extra length for consideration will be limited to eighty feet long and require special approval from WSDOT region offices along the requested route before a special permit is issued.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-120.

Statutory Authority for Adoption: RCW 46.44.090.

Other Authority: RCW 46.44.093.

Adopted under notice filed as WSR 12-15-026 on July 11, 2012.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

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

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

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

Date Adopted: August 22, 2012.

Stephen T. Reinmuth  
Chief of Staff

AMENDATORY SECTION (Amending WSR 06-07-025, filed 3/7/06, effective 4/7/06)

**WAC 468-38-120 Transport of extra-legal manufactured housing.** (1) **How many vehicles can be combined in the move of a manufactured home?** The vehicle combination is limited to two vehicles, a towing unit, sometimes referred to as a "toter," and the semi-trailer designed housing unit.

(2) **What are the dimensional limits of the combination?** While the overall combination is not limited by dimension, the following limits are established:

(a) **Length:** The length of the manufactured housing unit may not exceed seventy-five feet, including the length of the tongue.

(i) The department's administrator for commercial vehicle services, or designee, is authorized to issue permits, on an individual basis, authorizing the transport of a unit when the length exceeds that specified in (a) of this subsection, but the housing unit will not exceed eighty feet in length, including the length of the tongue.

(ii) In issuing permits under this rule, the administrator will determine the following:

(A) The safety of other highway users will not be impaired; and

(B) The adjacent states, through which the manufactured home may be transported, must also authorize the movement.

(b) **Width:** The width of the manufactured housing unit must not exceed a box (base) width of sixteen feet. The unit may have an eave provided it does not extend beyond either side by:

(i) More than thirty inches for units with a box width less than sixteen feet wide; or

(ii) More than sixteen inches for a unit with a box width of sixteen feet; however, the overall width shall not, under any circumstances, exceed eighteen feet.

(c) **Width exemptions:** External features, such as door-knobs, window fasteners, eave cap, clearance lights, and load securing devices, that extend no more than two inches on each side of the unit, are exempt from the overall width measurement.

(d) **Height:** The height of the unit is limited to the actual overhead clearance of the route.

(3) **What are the criteria for receiving an annual/monthly special permit versus a single trip special permit?**

(a) **Annual/monthly permits** are issued only to dealers or manufacturers described in chapter 46.70 RCW or licensed transporters described in chapter 46.76 RCW. Use of the annual/monthly permit is restricted to the movement of housing units with a box width not exceeding fourteen feet wide, plus an eave not to exceed twelve inches, and a height not to exceed fifteen feet measured from level ground when in transit mode.

(b) **Single trip permits** are required when the permit applicant is not a qualified dealer or transporter as described in (a) of this subsection, or when the width of the housing unit box exceeds fourteen feet wide, the overall width exceeds fifteen feet wide, and/or the height exceeds fifteen feet measured from level ground when in transit mode. **Housing units that exceed sixteen feet wide and/or sixteen feet high must also comply with the requirements of WAC 468-38-405 Superloads**, prior to the issuance of a special permit.

(4) **When is it necessary to include a pilot/escort vehicle(s) in the movement of a manufactured house?** The requirements for a pilot/escort vehicle escorting a manufactured home are the same as those found in WAC 468-38-100, except that the use of a height measuring device (pole) on the front pilot/escort vehicle is not required until the overall height of the housing unit exceeds fifteen feet. The vehicle or load width referenced in WAC 468-38-100 is to be interpreted as overall width when measuring a manufactured home.

(5) **What are the insurance requirements, and what special reporting responsibilities does the transporter have in case of an accident?**

(a) Insurance requirements for the movement of a manufactured home are outlined in RCW 46.44.180.

(b) When an incident occurs while transporting a manufactured house under special permit, the transporter must immediately notify the nearest state patrol office if the damage to the manufactured home is greater than two hundred fifty dollars or if the damage to other vehicles or structures exceeds one hundred dollars. The transport of the home must not resume without permission from the state patrol.

(6) **What requirements must a manufactured home meet for axles, brakes, tires and other suspension components before it can be transported?**

(a) **Axles** on each housing unit in transport must be in sufficient number to support enough tires to comply with (c)(i) and (ii) of this subsection. Any housing unit exceeding fourteen feet wide must have a minimum of four axles.

(b) **Brakes** must be designed and installed to activate if the housing unit accidentally breaks away from the towing vehicle. The brakes on all vehicle/housing unit combinations must be capable of complying with the braking performance requirements of RCW 46.37.351. In addition, there must be compliance with the following special installation criteria:

(i) For housing units manufactured prior to June 15, 1976, brake installation must, at a minimum, comply with the following table:

Width of Unit at Base	Number of Axles Required	Wheels w/Brakes
> 8' 6" but < 10'	2 or more	All wheels on 2 axles (a towing unit w/minimum 9,000 GVWR all wheels on 1 axle)
10' to 14' (under 60' in length)	2 or more (3 or more if > 60' long)	All wheels on 2 axles (tires w/minimum 8:00 x 14.5, 10 ply)

(ii) For all vehicle/housing unit combinations exceeding fourteen feet wide, all wheels on at least three of the axles must be properly equipped with brakes.

(c) **Tire** loadings are dependent on when the housing unit was manufactured and must comply as follows:

(i) **Tire loadings** on housing units manufactured **after January 1, 2002**, (labeled pursuant to *Code of Federal Regulation*, 24 C.F.R. 3282.362 (c)(2)(i)) may not exceed the manufacturer's rating as marked on the sidewall. In the absence of a sidewall marking, the tires on the housing unit must comply with the load rating specified in any of the publications of any organization listed in the *Federal Motor Carrier Safety Standard (FMCSS) No. 119* (49 C.F.R. 571.119, S5.1 (b)). Housing units with no verifiable date of manufacture must also not exceed the manufacturer's tire load rating.

(ii) **Tire loadings** on housing units manufactured **before January 1, 2002**, (labeled pursuant to 24 C.F.R. 3282.362 (c)(2)(i)) must not exceed more than eighteen percent above the manufacturer's rating as marked on the sidewall. In the absence of a sidewall marking, the tires on the housing unit must not exceed eighteen percent above the load rating specified in any of the publications of any organization listed in the *Federal Motor Carrier Safety Standard (FMCSS) No. 119* (49 C.F.R. 571.119, S5.1 (b)). Housing units transported on tires overloaded by nine percent or more must not be moved at speeds exceeding fifty miles per hour (eighty kilometers per hour).

(d) Tow **spare tires**, inflated and ready for use, must be carried during transport.

(e) The manufacturer's rating must not be exceeded for any **wheel, axle, drawbar, hitch, or other suspension device**.

(7) **Does a tow vehicle (toter) have any special requirements?** Yes. The tow vehicle must:

(a) Be equipped with dual wheels on the drive axle.

(b) Have a combined minimum gross axle weight rating, assigned by the manufacturer, of thirty-two thousand pounds, if the housing unit being transported exceeds fourteen feet wide.

(c) Have sufficient engine horsepower to maintain towing speeds of forty-five miles per hour on the interstate and thirty-five miles per hour on other highways.

(8) **What unique travel requirements must be complied with?** Requirements for signs, lights, unit covering, routes, speed, moving multiple units at the same time and lane of travel are as follows:

(a) **Signs** for the towing unit and housing unit must comply with WAC 468-38-155(7). The sign for the housing unit

must be mounted on the rear of the unit, on a horizontal plane, between five and seven feet above the road surface.

(b) In addition to any other **lighting** requirements in law or rule, two six-inch flashing amber lights, with a minimum of thirty-five candle power, a flashing cycle of sixty to one hundred twenty times per minute during transit, must be mounted on the rear of the housing unit, on a horizontal plane, at least ten feet above the road surface. An additional two lights, of the same specifications, must be mounted above the roofline of the towing vehicle, either on the towing vehicle roof or the front of the housing unit. The two lights at each location, front and rear, must be located as close to the outside extremities of the housing unit as practical.

(c) **Coverings** of open sides may be with a rigid material such as plywood or hardboard, or a sufficiently strong ply plastic. When plastic is used, a grillwork of lumber or similar material must be applied to prevent tears and/or billowing of the material.

(d) **Routes** of travel with restrictions must be strictly adhered to. Housing units in transport mode that exceed sixteen feet high or sixteen feet wide must be approved for travel on a case-by-case basis, as per WAC 468-38-405, Superloads. **Dealers selling extra-legal manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of manufactured homes in excess of twelve feet wide.**

(e) **Speed** of the in-transit housing unit is governed by WAC 468-38-175(5).

(f) **Multiple housing units moving together** must comply with WAC 468-38-175(6), Moves in convoy.

(g) The **right-hand lane must be used for travel**, except when passing or avoiding an obstruction. On two-lane highways, housing units must not pass other vehicles except when required to pass a slow moving vehicle that is hindering safe traffic flow.

(9) **Is a decal from the county treasurer required before a manufactured home can be transported?** Yes, except as provided for in RCW 46.44.170 (2)(a) and (b), a decal issued by the county treasurer must be displayed on the rear of the manufactured home during transport on public highways of this state. If the manufactured home is being transported as multiple units (double-wide or more), an individual decal must be displayed on each unit being transported.

(10) **How is the county treasurer decal issued?** The decal is issued at the same time the county treasurer issues the tax certificate that shows all taxes have been paid to date.

(11) **RCW 46.44.170 requires the department to design the decal for uniform implementation. What are the design specifications?** The decal must:

(a) Be at least eight and one-half inches square.

(b) Be printed on Appleton Radiant (~~Fluorescent~~) Fluorescent Bristol (weight .010) or paper of comparable quality.

(c) Be fluorescent orange in color.

(d) Disclose the make, model and serial number of the manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number ID required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(e) Clearly display the expiration date of the decal, which must not be more than fifteen days after the date issued.

(12) **Can decals be transferred to other housing units?** Under no circumstance can the decal be transferred.

(13) **What other vehicles are treated like manufactured housing for permitting purposes?** Any enclosed structure built on a manufactured housing type chassis with its own axles must comply with the provisions of this section to receive an overlegal permit, including, but not limited to: Portable construction offices, portable classrooms, and "park-model" trailers.

### WSR 12-18-010

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 23, 2012, 4:00 p.m., effective September 23, 2012]

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

Purpose: DSHS is amending the rules in estate recovery, WAC 388-527-2754, in order to incorporate needed language from the long-term care partnership (LTCP) program described in WAC 388-513-1400 through 388-513-1455. Individuals with a long-term care partnership policy can designate assets as protected from estate recovery based on the dollar amount paid out by a qualified LTCP policy approved by the Washington state insurance commissioner.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-527-2754.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 12-14-112 on July 5, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: August 21, 2012.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-08-110, filed 4/7/10, effective 5/8/10)

**WAC 388-527-2754 Assets not subject to recovery and other limits on recovery.** (1) Recovery does not apply to the first fifty thousand dollars of the estate value at the time of death and is limited to thirty-five percent of the remaining value of the estate for services the client:

(a) Received (~~before July 25~~) through July 24, 1993; and

(b) When the client died with:

(i) No surviving spouse;

(ii) No surviving child who is:

(A) Under twenty-one years of age;

(B) Blind; or

(C) Disabled.

(iii) A surviving child who is twenty-one years of age or older.

(2) For services received on and after (~~July 24~~) July 25, 1993, all services recoverable under WAC 388-527-2742 will be recovered, even from the first fifty thousand dollars of estate value that is exempt above, except as set forth in subsections (3) through (8) of this section.

(3) For a client who received services on and after (~~July 24~~) July 25, 1993 (~~and before July 1~~) through June 30, 1994, the following property, up to a combined fair market value of two thousand dollars, is not recovered from the estate of the client:

(a) Family heirlooms;

(b) Collectibles;

(c) Antiques;

(d) Papers;

(e) Jewelry;

(f) Photos; and

(g) Other personal effects of the deceased client and to which a surviving child is entitled.

(4) Certain properties belonging to American Indians/Alaska natives (AI/AN) are exempt from estate recovery if at the time of death:

(a) The deceased client was enrolled in a federally recognized tribe; and

(b) The estate or heir documents the deceased client's ownership interest in trust or nontrust real property and improvements located on a reservation, near a reservation as designated and approved by the Bureau of Indian Affairs of the U.S. Department of the Interior, or located:

(i) Within the most recent boundaries of a prior federal reservation; or

(ii) Within the contract health service delivery area boundary for social services provided by the deceased client's tribe to its enrolled members.

(5) Protection of trust and nontrust property under subsection (4) is limited to circumstances when the real property and improvements pass from an Indian (as defined in 25 U.S.C. Chapter 17, Sec. 1452(b)) to one or more relatives (by blood, adoption, or marriage), including Indians not enrolled as members of a tribe and non-Indians, such as spouses and step-children, that their culture would nonetheless protect as family members, to a tribe or tribal organization and/or to one or more Indians.

(6) Certain AI/AN income and resources (such as interests in and income derived from tribal land and other resources currently held in trust status and judgment funds from the Indian Claims Commission and the U.S. Claims Court) are exempt from estate recovery by other laws and regulations.

(7) Ownership interests in or usage rights to items that have unique religious, spiritual, traditional, and/or cultural significance or rights that support subsistence or a traditional life style according to applicable tribal law or custom.

(8) Government reparation payments specifically excluded by federal law in determining eligibility are exempt from estate recovery as long as such funds have been kept segregated and not commingled with other countable resources and remain identifiable.

(9) Assets designated as protected ((under)) by a qualified long term care partnership ((agreement)) (QLTC) policy issued on or after December 1, 2011, may be disregarded for estate recovery purposes if:

(a) The insured individual's estate is the recipient of the estate recovery exemption; or

(b) The insured individual holds title to property which is potentially subject to a pre-death lien and that individual asserts the property is protected under the long term care (LTC) partnership policy.

(10) An individual must provide clear and convincing evidence that the asset in question was designated as protected to the office of financial recovery including:

(a) Proof of a valid QLTC partnership policy; and

(b) Verification from the LTC insurance company of the dollar amount paid out by the policy; and

(c) A current DSHS LTCP asset designation form when the LTC partnership policy paid out more than was previously designated.

(11) The insured individual's estate must provide evidence proving an asset is protected prior to the final recovery settlement.

rules in light of changes in technology, and laws and court decisions related to public records. As directed in RCW 42.56.100, the rules will assist the public in accessing the PDC's records, guide the public and PDC staff on records requests, and provide procedures to protect public records and prevent excessive interference with agency functions.

Repealing WAC 390-13-010; new WAC 390-14-011, 390-14-027 and 390-14-028; and amending WAC 390-14-015, 390-14-020, 390-14-025, 390-14-030, 390-14-035, 390-14-040, 390-14-045, 390-37-001, and 390-37-060.

Citation of Existing Rules Affected by this Order: Repealing WAC 390-13-010; and amending WAC 390-14-015, 390-14-020, 390-14-025, 390-14-030, 390-14-035, 390-14-040, 390-14-045, 390-37-001, and 390-37-060.

Statutory Authority for Adoption: RCW 42.56.100, 42.56.040, 42.17A.110.

Adopted under notice filed as WSR 12-15-030 on July 11, 2012.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 9, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 9, Repealed 1.

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

Date Adopted: August 23, 2012.

Nancy Krier  
General Counsel

## WSR 12-18-015

### PERMANENT RULES

#### PUBLIC DISCLOSURE COMMISSION

[Filed August 24, 2012, 9:34 a.m., effective September 24, 2012]

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

Purpose: The public disclosure commission (PDC) is updating its public records rules to provide access to the public to the agency's records under the Public Records Act, chapter 42.56 RCW. The amendments and new rules address the PDC's jurisdiction, role of public records officer, hours for inspection and copying records, making and processing public records requests, electronic records, copying records, exemptions from disclosure including records of pending investigations, internal reviews of denials of records, and the records index. The PDC is also repealing a rule providing an optional format for requests for lists of individuals because under chapter 42.56 RCW the PDC does not adopt model rules for other agencies. The amendments and new rules implement the recodification of the Public Records Act to chapter 42.56 RCW and modernize the PDC's public records

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-13-010	Optional format for requests for lists of individuals.
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#### NEW SECTION

**WAC 390-14-011 Purpose of this chapter—To implement the Public Records Act and describe the commission.** (1) The purpose of chapter 390-14 WAC is to establish the commission's procedures to provide full access to its public records and to implement the provisions of the Public Records Act under chapter 42.56 RCW for the commission.

(2) The commission implements and enforces chapter 42.17A RCW, the laws governing campaign finance, lobbying, reporting by public treasurers, and personal financial affairs disclosures. A description of the commission organization, general operations and procedures is under chapter 390-12 WAC. More information is located on its web site at

www.pdc.wa.gov. The commission does not implement or enforce the Public Records Act for other public agencies.

(3) If you wish to obtain general information or copies of records, you do not need to submit a formal public records request. You will often find such information on the commission's web site, or you may make an informal routine inquiry by contacting the commission office.

(a) The commission is a disclosure agency. The commission is required to operate a web site. Therefore, the commission routinely places numerous categories of records on its web site. You are strongly encouraged to review the web site prior to making a public records request. The web site provides records and other information that can be viewed at no cost, including: The agency's organizational chart; contact information; statutes; rules and rule-making activity; final orders; enforcement case information and records; declaratory orders; interpretive statements; external policies; manuals; fact books; brochures; videos; commission meeting agendas, materials, and minutes; strategic plans; reports; campaign finance data, reports, and forms; lobbying data, reports and forms; other forms and reports; news releases; and, filer information. Information on the web site is updated regularly.

(b) You may also contact the commission office to make an informal routine inquiry for a record.

(i) For example, informal routine inquiries generally seek a particular form, brochure, manual, report, lobbyist directory, or other similar readily available record specifically filed or created for the public under chapter 42.17A RCW and they can often be responded to on the same or next business day by providing the record. Informal routine inquiries do not seek a record that includes any exempt information, require any clarification, require providing records in installments, or require a search of different types of agency records or records sent to storage. In addition, informal routine inquiries do not provide any fair notice that the inquiry is a formal public records request submitted under the Public Records Act under chapter 42.56 RCW.

(ii) If your informal routine inquiry concerns a record or information on the commission's web site, agency staff may direct you to its on-line location.

(iii) Informal routine inquiries are not subject to the time periods or other procedures in the Public Records Act.

(4) If you want to make a formal request for a record under the Public Records Act, see WAC 390-14-025.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-14-015 Public records officer.** ~~((The executive director is the commission's public records officer.))~~ ((1) The commission's public records officer is responsible for implementing the commission's ((administrative)) rules regarding release of public records, coordinating the staff of the commission in this regard, and insuring the agency's compliance ((by the staff)) with the public records disclosure requirements of chapter 42.56 RCW. In fulfilling these responsibilities, the public records officer may contact you to confirm receipt of your request. Depending upon the nature of the request, the public records officer may also do any of

the following: Contact you to clarify your request, if needed, and let you know whether the records will be provided in one or more installments; contact you to provide you an estimate of time for further response; notify other persons or agencies of your request; oversee the search for potentially responsive records and the review of whether any information in the records may be exempt from disclosure; make arrangements with you for inspection, copying, payment, and pickup or delivery of the records; or deny your request.

((2) You may contact the public records officer through any of the following means:

• By e-mail at pdc@pdc.wa.gov;

• In writing at P.O. Box 40908, 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908;

• By facsimile at 360-753-1112;

• By telephone at 360-753-1111, toll-free 1-877-601-2828.

((3) The name of the current public records officer is on file with the code reviser in accordance with RCW 42.56.580 and is published in the *Washington State Register* which is available on-line at [www.leg.wa.gov/codereviser](http://www.leg.wa.gov/codereviser).

AMENDATORY SECTION (Amending WSR 99-12-058, filed 5/27/99, effective 6/27/99)

**WAC 390-14-020 ((Hours for records inspection and copying.)) Procedures and hours for inspecting and copying records.** ~~((Public))~~ ((1) You can inspect and copy public records ((shall be available for inspection and copying week-days, excluding legal holidays, between)) in the commission office during customary business hours. Customary business hours are typically 8:00 a.m. ((and)) to 5:00 p.m. Monday through Friday, excluding legal holidays or other days the agency is closed. Contact the public records officer to make arrangements for inspection or copying of records at the commission office.

((2) Records and information posted on the commission web site are available to you at any time for inspection and copying from your personal computer or computer terminals publicly available, such as public libraries. A public computer terminal is available in the commission office for you to inspect commission web site records. The terminal is available on a no cost, first-come, first-served basis.

((3) The commission will take reasonable actions to protect records from damage and disorganization while records are being inspected and copied including, but not limited to, the following:

((a) If you seek time at the commission office to inspect records, or if more than one person wants to use the agency's public computer terminal to inspect records on the commission's web site, the public records officer will work with you to provide a schedule. The schedule will take into account the space or time needed to inspect the records, any staff assistance needed, and other demands on the agency.

((b) You may not remove public records from the area the public records officer makes available for inspection. The public records officer has the discretion to designate the means and the location for the inspection of records.

(c) Inspection of any public record must be conducted in the presence of a designated agency employee.

(d) Public records may not be marked or altered in any manner during inspection.

(e) After inspection is complete, the public records officer or designee will make requested copies or arrange for copying and pickup or delivery. Copying and mailing charges apply. See WAC 390-14-030.

(f) Public records that are maintained in a file or jacket, or in chronological order, may not be dismantled except by a designated agency employee for purposes of copying.

(g) Depending upon the specific nature or scope of the request, the public records officer may make other arrangements or provide other procedures to provide full public access to public records, protect public records from damage or disorganization, and prevent excessive interference with other essential functions of the agency or unreasonable disruption of the agency. The public records officer may take into account the volume of records responsive to your request, the availability of staff, and other factors. Such procedures may include making records available on a partial or installment basis.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-14-025 ((Requests for public records.))**

**How do I make a public records request for commission records under the Public Records Act?** (1) ~~((In accordance with requirements of chapter 42.56 RCW that agencies provide full public access to public records, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, requests))~~ **Making a public records request.** You may make a request to inspect or copy public records ~~((may be made))~~ in person ~~((s))~~ by completing the public records request form, or by sending the form or a letter, ((by telephone)) fax or ((by electronic means)) e-mail to the public records officer.

The commission office is located at 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington. The mailing address is: Public Disclosure Commission, P.O. Box 40908, Olympia, ~~((WA))~~ Washington 98504-0908. Telephone number: 360-753-1111. Toll-free telephone number: 1-877-601-2828. Facsimile number: 360-753-1112. ~~((Electronic mail))~~ E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov). Mark your request to the attention of the public records officer. Include contact information such as your name, address, e-mail address and telephone number, or other contact information. Your request must identify the public records requested, the date of your request, and describe whether you want copies or if you want only to inspect the records. The public records officer may ask you to confirm that you will pay for the records or ask you for a deposit.

**(2) Form.** A public records request form is available for you at the commission office and on-line at [www.pdc.wa.gov](http://www.pdc.wa.gov).

**(3) E-mail requests.**

(a) Send your e-mail request to [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov). Do not send your request to other commission e-mail addresses.

This procedure helps the agency see your request so it can respond timely. Include the information described in subsection (1) of this section. E-mail requests sent to agency e-mail addresses other than [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) will not be considered a public records request under chapter 42.56 RCW but will be responded to as an informal routine inquiry or a general request for information.

(b) Public records requests received via e-mail after regular business hours or on nonbusiness days will be considered received the next business day.

**(4) Making oral requests.** To avoid misunderstandings about what records you seek, you are strongly encouraged to make a public records request in writing. If you make an oral request, the public records officer will ask you to confirm it before beginning to process it. Your request will be processed after the agency verifies your request in writing.

**(5) Records posted on the commission web site.** You are strongly encouraged to review the commission's web site at [www.pdc.wa.gov](http://www.pdc.wa.gov) prior to making a request to see if the records you seek are already posted.

**(6) Assistance.** ~~((2))~~ Whenever ~~((a member of the public))~~ you request ~~((s))~~ assistance in making a public records request, the ~~((staff member to whom the request is made shall))~~ public records officer will assist ~~((the member of the public))~~ you in identifying the appropriate public record.

NEW SECTION

**WAC 390-14-027 How will my public records request be processed?** (1) The public records officer may confirm receipt of your request for public records within five business days. Depending upon the nature of the request, the public records officer may also take any of the steps listed in WAC 390-14-015. A search for potentially responsive records begins when the public records officer determines that your request seeks clearly identifiable records. The public records officer may determine that a search can begin when the records you seek are clearly identifiable in the text of your initial request, or when you have provided the officer adequate clarification about your request.

(2) The commission will generally provide records in the format you request, to the extent feasible and reasonable and within current resources. If the commission cannot provide the records to you in the format you request, the commission at its option may provide the records in another format. See WAC 390-14-028. The commission may provide records in a format in which the record is maintained by the commission for its business purposes. The commission is not required to create new records in order to respond to your request. The public records officer will explain why any records are withheld in whole or in part. See WAC 390-14-035. You must pay applicable charges for records you receive. See WAC 390-14-030. There is no cost to you for inspecting records at the commission office or on the web site.

(3) The public records officer will close your request when:

- (a) You have been provided the requested records;
- (b) You withdraw the request or ask that the processing end; or

(c) You fail to:

- (i) Provide clarification or otherwise respond to the public records officer when requested;
- (ii) Inspect or pay for an installment of records; or
- (iii) Pay any requested deposit.

#### NEW SECTION

**WAC 390-14-028 How are public records requests for electronic records processed?** (1) **Requesting electronic records.** The process for you to request an electronic public record is the same as for requesting paper public records. See WAC 390-14-025.

(2) **Providing electronic records.** The commission may provide records to you electronically if you request them to be provided electronically, to the extent feasible and reasonable and within current resources. Given technology and resource changes, the commission may adjust at any time how or in what specific format records may be provided electronically, and those adjustments may not be set out in rule. However, the following general procedures apply:

(a) Records provided on the commission's web site have been provided to you electronically. The commission will not provide those records in another electronic format. The public records officer will identify the link to the web site location of the records you request.

(b) If you request an electronic record that is not on the web site and not reasonably translatable into the format you request, or the commission cannot provide the record in electronic format you request given the commission's current technology and resources, then at the commission's option either:

- (i) Electronic copies will be provided to you in a format currently used by the commission; or
  - (ii) Paper copies will be provided to you.
- (c) The commission does not have an obligation to convert an electronic record to a digital format that is different than a format maintained by the commission.

(d) The commission does not have an obligation to purchase additional software, equipment, licenses or other items to respond to your requests for records.

(3) **Exempt information in electronic records.** When electronic records you request require redaction to withhold exempt information and redactions cannot be provided electronically, or the records are contained in a data base or program that contains exempt or proprietary information, the commission may provide you paper copies with any redactions noted on those copies.

AMENDATORY SECTION (Amending WSR 99-12-060, filed 5/27/99, effective 6/27/99)

**WAC 390-14-030 What are the charges for inspecting or copying (of) public records?** ~~(No fee shall be charged)~~ (1) The commission does not charge a fee for the inspection of public records ~~(The commission shall charge a fee of:~~

- ~~• Ten cents per page for paper copies of public records maintained on paper or electronically;~~
- ~~• Twenty-five cents per film for copies of public records maintained on microfiche;~~

~~• Twenty cents per diskette for copies of electronically maintained public records; and~~

~~• Two dollars per CD-ROM for copies of electronically maintained public records.~~

~~The commission shall charge persons who use agency equipment to make paper copies from microfiche ten cents per page. These charges are the amounts necessary to reimburse the commission for its actual costs incident to copying, including the use of the commission's equipment. Charges will not be assessed if the total cost involved in a particular request is less than one dollar.)~~ made available in the commission office or on the commission web site.

(2) The commission does not charge a fee for locating public records and making them available to you for copying.

(3) The commission may charge a published fee for copying records, if you order copies. The commission's schedule of charges for copies is published on the commission's web site at [www.pdc.wa.gov](http://www.pdc.wa.gov) and is available by contacting the public records officer. The executive director may revise the schedule periodically as needed.

(4) Before beginning to make copies, the public records officer may require you to deposit up to ten percent of the estimated costs of copying and mailing all the records selected by you. The public records officer may also require you to pay the remainder of the copying costs before providing you all the records, or require you to pay the costs of copying an installment before providing you that installment. If you do not retrieve or pay for an installment of records within the time frame set by the public records officer, the balance of the request will not be fulfilled and your request will be closed.

(5) If it is reasonable and feasible to do so, the commission may provide copies of records electronically. See WAC 390-14-028. Charges for electronic records, if any, are provided in the commission's schedule. Electronic disclosure of records includes providing them on the commission's web site.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-14-035 (~~Exempting records from public inspection-)~~ What records are exempt from public inspection and copying?** (1) The public records officer ~~(shall delete)~~ may redact information from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.56.210, another section of chapter 42.56 RCW or other applicable law. After such ~~(data)~~ information is ~~(deleted)~~ redacted, the remainder of the record ~~(shall)~~ may be made available. It is possible a record may be withheld in its entirety.

(2) (All denials of requests for public records must be accompanied by) If the agency denies all or part of your request, you will be provided a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(3) Examples of exemptions that the agency may cite include, but are not limited to: Records related to a pending



investigation (RCW 42.56.240(1)); records protected by the attorney client privilege or attorney work product (RCW 42.56.290 and 5.60.060); personal information in any files maintained for employees, appointees or elected officials to the extent that disclosure would violate their right to privacy (RCW 42.56.230); and bank account, credit card or similar numbers (RCW 42.56.230).

(4) During the course of any investigation, records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.56.-240(1), until the investigation is completed. See WAC 390-37-060(4).

(5) If you make a request for a record that implicates the privacy of an individual as defined in RCW 42.56.050, the agency may provide written notice of the request to allow the individual to request a protective order from a court under chapter 42.56 RCW.

(6) The commission is required by law to return certain documents provided to the commission by candidates, campaigns, or political committees within one week of the completion of an audit or field investigation; therefore, those records may not be in the agency's possession if a records request is made after that time. See RCW 42.17A.105.

(7) The agency is prohibited by RCW 42.56.070 from disclosing lists of individuals for commercial purposes. If you request such records you may be required to sign an affidavit attesting that you will not use those records for commercial purposes.

(8) The commission may, in its discretion, release requested records despite the applicability of exemptions, if it determines that it is in the public interest and that the rights of third parties will not be prejudiced. This provision does not apply to releases of lists of individuals for commercial purposes.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-14-040 ((Internal review of denials of) What happens if my public records request((s-)) is denied?** (1) ((Any person who)) If you object((s)) to the denial of ((a)) all or part of your request for a public record you may petition the commission chair for prompt review of such decision by ((tendering)) submitting a written request for review to the public records officer. ((The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.)) Your request for review must be in writing and address the specific reasons given by the agency when it denied your original public records request. Because of the risk of misunderstandings in oral communications, the commission will not consider an oral request for review.

(2) ((Immediately after receiving a)) The public records officer will immediately refer your written request for review of a decision denying a public record((,-the public records officer shall refer it)) to the chair of the commission or the chair's designee. The chair ((shall)) or chair's designee will immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial.

In any case, the ((request shall be returned)) agency will provide you with a final decision within two business days following your petition for review of the original denial in accordance with RCW 42.56.520 unless you and the agency agree to a longer time period for this review.

(3) The agency may also consider, and you are encouraged to consider, using alternative dispute resolution mechanisms to address the issues in your request for review.

(4) If the agency denies you access to public records because it claims the record is exempt in whole or in part from disclosure, you may request the attorney general's office to review the matter under RCW 42.56.530. See WAC 44-06-160.

(5) You may seek court review of a denial of a public records request under RCW 42.56.550 beginning two business days after the agency initially denies your request, regardless of any internal administrative appeal.

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

**WAC 390-14-045 What is the records index((:))?** (1) The commission has ((established and)) implemented ((a)) an indexing system ((of indexing)) for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the commission has maintained an index.

(b) Final adjudicative orders and declaratory orders issued after June 30, 1990, that contain an analysis or decision of substantial importance to the commission in carrying out its duties.

(c) Interpretive and policy statements ((that were)) issued after June 30, 1990.

(2) Final and declaratory orders ((shall be)) are evaluated by the executive director or executive director's designee. Those orders which are determined to have substantial importance ((shall be)) are indexed and posted on the agency's web site.

(3) Final orders ((shall be)) are indexed by the name of the person against whom the order was issued and by citation to the law involved.

(4) Declaratory orders ((shall be)) are indexed by number, subject matter, phrase describing the issue or holding and citation to the law involved.

(5) Interpretive statements and policy statements ((shall be)) are indexed by number and subject matter and are available on the agency's web site.

(6) Most indexes are available on-line and the indexes are available for public inspection and copying weekdays, excluding legal holidays or other days the agency is closed, between 8:00 a.m. and 5:00 p.m. at the Public Disclosure Commission, 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908.

(7) The indexes ((shall be)) are updated ((quarterly)) periodically. In addition to the indexing system, the commission also maintains and continually updates its web site at [www.pdc.wa.gov](http://www.pdc.wa.gov), which includes commission rules, manuals and brochures; commission meeting agendas and materials; historical data, reports and other agency documents.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

**WAC 390-37-001 Enforcement cases—Jurisdiction.**

The commission enforces ~~((the sections of))~~ chapter 42.17A RCW concerning campaign financing, lobbyist reporting, reporting of public officials' financial affairs, reporting by public treasurers, political advertising, ~~((and))~~ campaign contribution limitations and the other provisions in chapter 42.17A RCW. The commission does not enforce the Public Records ~~((provisions of))~~ Act under chapter ~~((42.17))~~ 42.56 RCW ~~((because RCW 42.17.340))~~. RCW 42.56.550 provides for direct review by the superior courts for persons seeking to enforce chapter 42.56 RCW.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing (adjudicative proceeding).** (1) Upon receipt of a complaint ~~((not))~~ the following will occur:

(a) The executive director will conduct an initial review of the complaint to determine if it is obviously unfounded or frivolous~~(s)~~ or appears on its face to have merit. An initial review is a preliminary investigation to determine if there is sufficient ground indicating that a material violation of chapter 42.17A RCW may have occurred and/or the respondent may not be in substantial compliance with the relevant statutes and rules.

(b) Whenever an initial review of a complaint indicates that a material violation of chapter 42.17A RCW may have occurred and/or the respondent may not be in substantial compliance with the relevant statutes and rules, the executive director ~~((shall))~~ may direct ~~((an))~~ a formal investigation be conducted.

(c) If ~~((after an initial review of the complaint it is determined that a complete and thorough))~~ the executive director determines a formal investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before ~~((continuing the investigation))~~ proceeding.

(2) The executive director shall initiate an adjudicative proceeding or provide a report to the commission whenever an investigation reveals facts that the executive director has reason to believe are a material violation of ~~((the sections of))~~ chapter 42.17A RCW ~~((under the commission's jurisdiction))~~ and do not constitute substantial compliance.

(3) The respondent shall be notified of the date of the adjudicative proceeding no later than ten calendar days before that date. The notice shall contain the information required by RCW 34.05.434. The complainant shall also be provided a copy of this notice.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.56.240(1).

(a) The records are exempt until:

(i) The enforcement matter is scheduled for an adjudicative proceeding;

(ii) After receiving a report on an enforcement matter, the commission accepts the investigation as complete and moves the matter forward to an adjudicative proceeding, or dismisses the complaint, or refers the matter to law enforcement authorities under RCW 42.17A.105 or 42.17A.755(3);

(iii) The commission or chair concur in a dismissal by the executive director; or

(iv) The commission or executive director otherwise finally disposes of the complaint.

(b) Without waiving any exemptions from public disclosure that are otherwise available for pending investigations, the commission may make public:

(i) A copy of a complaint filed with or submitted to the commission, including any attachments; and

(ii) Materials concerning an enforcement matter that are placed on the commission's web site with a commission meeting agenda.

(c) If a request is made for any such record that implicates the privacy of an individual as defined in RCW 42.56.050, written notice of the records request ~~((will))~~ may be provided to the individual in order that such individual may request a protective order from a court under RCW 42.56.540.

(d) Certain documents provided to the commission shall be returned to candidates, campaigns, or political committees as required by RCW 42.17A.105 within seven calendar days of the commission's final action upon completion of an audit or field investigation.

**WSR 12-18-021**

**PERMANENT RULES**

**WASHINGTON STATE UNIVERSITY**

[Filed August 27, 2012, 8:45 a.m., effective September 27, 2012]

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

Purpose: The university is updating the rules for spectator events and safety rules.

Citation of Existing Rules Affected by this Order: Amending WAC 504-36-030.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 12-12-080 on June 6, 2012.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: August 24, 2012.

Ralph T. Jenks, Director  
Procedures, Records, and Forms  
and University Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-20-019, filed 9/19/97, effective 9/19/97)

**WAC 504-36-030 Spectator events—Safety rules.** (1) Protection of the safety and general welfare of students, faculty and staff, performers and officials, and members of the general public attending or participating in spectator events on the campus is a primary concern of Washington State University.

(2) The following rules of conduct are applicable to all public events of Washington State University, including specifically, but not limited to, Martin Stadium and the ~~((Performing Arts))~~ Beasley Coliseum and to all public areas of the facility wherein the event is held (hereafter the "event site").

(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or safety hazard for other spectators or participants is prohibited.

(b) Possession and/or consumption of ~~((alcoholic beverages or))~~ illegal drugs is prohibited; possession and/or consumption of alcoholic beverages is permitted subject to restrictions.

(i) Any ~~((such materials))~~ illegal drugs or alcoholic beverages, except for such beverages provided in accordance with (b)(ii) of this subsection, found shall be delivered to the custody of designated university officials or their representatives upon request. In addition, violators of this ~~((rule))~~ section may be subject to university disciplinary action (if applicable) and/or legal proceedings, and to removal from the event site.

(ii) Alcoholic beverages may be possessed, sold, served, and consumed at event sites only under a valid permit or license issued by the Washington state liquor control board. Events at which alcoholic beverages are possessed, sold, served, and consumed must comply with the restrictions imposed by the Washington state liquor control board, have restricted attendance, and be limited to specified room(s) or area(s). Possession, consumption, service, dispensation, or sale of alcohol is prohibited except to persons of legal age.

(c) Except as provided in (b) of this subsection, possession of glass or metal beverage containers, or devices used for carrying such beverage containers, is prohibited ~~((: Provided, That))~~; however, this ~~((rule))~~ section shall not apply to personal canteens or thermos bottles one liter or less in size, containing beverages not in violation of this ~~((rule))~~ section, and provided further, that this ~~((rule))~~ section shall not apply to small soft-sided articles used to carry such permitted containers, as more fully described in ~~((subpart))~~ (d) of this ~~((rule below))~~ subsection. All such items shall be subject to a visual inspection upon entry to the event site. Any containers or devices prohibited by this ~~((rule))~~ section shall be removed by the possessor or delivered to the custody of designated university officials or their representatives upon request. This ~~((rule))~~ section shall not apply to approved vendors.

(d) Knapsacks, duffel bags, backpacks, bags used to transport permitted beverage containers or other soft sided bags shall be small enough to fit completely under one seat, and shall be so kept at all times to maintain clear aisles, walkways and stairs. All such items are subject to a visual inspection upon entry into the event site. No hard sided bags, suitcases, coolers or other similar items shall be permitted into the event site.

(e) Aisles, walkways and stairs shall be kept clear of hazards and obstacles (including but not limited to those items discussed in ~~((subparts))~~ (c) and (d) of this ~~((rule))~~ subsection at all times, to ensure safe and easy passage for persons attending the event, university and security officials, and others at the event site.

(f) Possession of any fireworks, weapons, explosive devices or artificial noisemaking devices (such as airhorns) is prohibited in the event site. Any such items shall be surrendered to designated university officials upon request. In addition, possession of such items may subject violators of this ~~((rule))~~ section to university disciplinary action (if applicable) and/or legal proceedings, and to removal from the event site.

(g) Smoking is prohibited in areas designated as "no smoking."

(h) An individual is entitled to occupy only the seat for which he or she has the proper ticket.

(i) ~~((Video taping equipment))~~ Recording video of the event for commercial purposes is not permitted into the event site without written permission from the WSU athletic department.

(j) Umbrellas may not be opened or raised in seating areas of any event site, in order to ensure that all persons attending the event have as clear and unobstructed a view of the event as possible. Personal sized umbrellas may be brought into the event site and stored as described in ~~((subparts))~~ (d) and (e) of this ~~((rule))~~ subsection.

(3) Where there is reasonable cause to believe that persons are, or are attempting to, violate the requirements identified in WAC 504-36-030(2), such person or persons will be denied license or privilege to enter or remain in or upon the premises, and designated officials may take necessary action to deny entry or to remove such persons from the premises.

Failure to vacate the premises upon request of designated university officials may result in subsequent legal process under the laws of the state of Washington.

(4) For purposes of WAC 504-36-030 (1) and (2) designated officials include the president of the university, the vice president for business ~~((affairs))~~ and finance, and the following officials:

(a) Director of athletics or designee for athletic events;  
(b) Director of the coliseum or designee for coliseum events;

(c) Director of the Compton Union Building or designee for events in the Compton Union Building;

(d) Director of the School of Music ~~((and Theatre Arts))~~ or designee for events sponsored by that school;

(e) The WSU executive director of public safety or designee;

(f) Officers of the WSU police department when (1) acting at the request of any of the above-named officials to

enforce university regulations, or (2) enforcing state laws or local ordinances.

**WSR 12-18-023**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 27, 2012, 12:05 p.m., effective September 27, 2012]

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

Purpose: The department is amending WAC 388-478-0005 to increase the cash assistance grant maximum to an eight person household for temporary assistance for needy families, state family assistance and refugee cash assistance. This change may affect households with six or more members.

This amendment is necessary to comply with the 2011-2013 Revised Omnibus Operating Budget as mandated under 3ESHB 2127, Laws of 2012.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08A.100, 74.04.770, and 74.08.-090.

Other Authority: 3ESHB 2127, Laws of 2012.

Adopted under notice filed as WSR 12-15-069 on July 18, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

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

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

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

Date Adopted: August 23, 2012.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-21-024, filed 10/11/11, effective 11/11/11)

**WAC 388-478-0005 Cash assistance need and payment standards and grant maximum.** (1) Need standards for cash assistance programs represent the amount of income required by individuals and families to maintain a minimum and adequate standard of living. Need standards are based on assistance unit size and include basic requirements for food, clothing, shelter, energy costs, transportation, household

maintenance and operations, personal maintenance, and necessary incidentals.

(2) Payment standards for assistance units in medical institutions and other facilities are based on the need for clothing, personal maintenance, and necessary incidentals (see WAC 388-478-0040 and 388-478-0045).

(3) Need and payment standards for persons and families who do not reside in medical institutions and other facilities are based on their obligation to pay for shelter.

(a) Eligibility and benefit levels for persons and families who meet the requirements in WAC 388-478-0010 are determined using standards for assistance units with an obligation to pay shelter costs.

(b) Eligibility and benefit levels for all other persons and families are determined using standards for assistance units who have shelter provided at no cost.

(c) For recent arrivals to Washington state who apply for temporary assistance for needy families (TANF), see WAC 388-468-0005.

(4) ~~((Effective May 1, 2011))~~ Starting July 1, 2012, the monthly cash assistance grant for an assistance unit cannot exceed ~~((seven hundred and twenty six dollars))~~ the payment standard for a family of eight listed in WAC 388-478-0020(1).

**WSR 12-18-024**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 27, 2012, 12:10 p.m., effective September 27, 2012]

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

Purpose: The department is amending my [by] permanent adoption WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?, 388-412-0015 General information about your food assistance allotments, 388-424-0020 How does my alien status impact my eligibility for Washington Basic Food program benefits?, 388-489-0025 Can my transitional food assistance benefits end before the end of my five-month transition period?, chapter 388-400 WAC to establish new section WAC 388-400-0050 If I am not eligible for federal benefits through the Washington Basic Food program because of my alien status, can I receive benefits through the state-funded food assistance program? and chapter 388-424 WAC to establish new section WAC 388-424-0030 How does my alien status impact my eligibility for state-funded benefits under the food assistance program?

Pursuant to RCW 74.08A.120, the department is establishing a state-funded food assistance program for legal immigrants that will provide benefits at fifty percent of the federal supplemental nutrition assistance program benefit amount.

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0040, 388-412-0015, 388-424-0020, and 388-489-0025.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.500, 74.04.510, 74.04.515, 74.08.090, and 74.08A.-120.

Adopted under notice filed as WSR 12-15-066 on July 18, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 4, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 4, Repealed 0.

Date Adopted: August 23, 2012.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-02-035, filed 12/29/10, effective 2/1/11)

**WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?** The Washington Basic Food program (Basic Food) is a federally-funded nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.

(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0034 and 388-408-0035.

(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements (~~for the federal supplemental nutrition assistance program (SNAP) including~~) of:

(a) The most current version of the Food and Nutrition Act of 2008;

(b) Federal regulations adopted by the U.S. Department of Agriculture, Food and Nutrition Services (FNS) related to the supplemental nutrition assistance program (SNAP); and

(c) Standards FNS publishes each year for income limits, resource limits, income deductions, and benefit amounts for SNAP.

(3) To be eligible for Basic Food benefits, each AU member must:

(a) Meet the citizenship or alien status requirements (~~for Basic Food benefits as described under~~) of WAC 388-424-0020.

(b) Be a resident of the state of Washington as required under WAC 388-468-0005;

(c) Give us their Social Security number as required under WAC 388-476-0005;

(d) Give us proof of identity as required under WAC 388-490-0005;

(e) (~~Participate in the Basic Food employment and training program (BFE&T) if required~~) Meet the Basic Food work requirements under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

(4) To be eligible for Basic Food, your AU must:

(a) Have total monthly income before taxes and deductions at or under the gross monthly income standard under WAC 388-478-0060. We don't use income that isn't counted under WAC 388-450-0015 as part of your AU's gross monthly income;

(b) Have net income at or under the net monthly income standard under WAC 388-478-0060. We subtract deductions allowed under WAC 388-450-0185 to determine your AU's net monthly income.

(c) Have resources we must count under WAC 388-470-0055 that are at or below your AU's resource limit under WAC 388-470-0005;

(d) Report changes of circumstances as required under WAC 388-418-0005; and

(e) Complete a mid-certification review and provide proof of any changes if required under WAC 388-418-0011.

(5) If your AU is categorically eligible for Basic Food under WAC 388-414-0001, your AU can have income over the gross or net income standard, and have resources over the resource limit and still be eligible for benefits.

(6) If your AU has income at or under the gross income standard or is categorically eligible for Basic Food, we determine if you are eligible for Basic Food and calculate your monthly benefits as described under WAC 388-450-0162.

(7) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for Basic Food or to receive more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470 WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for a portion of the out-of-pocket medical expenses for the elderly or disabled individual as described under WAC 388-450-0200; and

(d) Being exempt from the **gross monthly income** standard under WAC 388-478-0060.

(8) For Basic Food, **elderly** means a person who is age sixty or older;

(9) For Basic Food, **disabled** means a person who:

(a) Receives SSI;

(b) Receives disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Receives disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Receives disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

(g) Is a spouse of a veteran and:

(i) Either needs an attendant or is permanently house-bound; or

(ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

(10) If a person in your household attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not count this person as a member of your AU under WAC 388-408-0035.

(11) If your AU currently receives food benefits under WASHCAP or lives on or near an Indian reservation and receives benefits from a tribal food distribution program approved by FNS, your AU is not eligible for food assistance benefits through the Washington Basic Food program.

(12) If a person in your AU is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status as defined in WAC 388-424-0001;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

**NEW SECTION**

**WAC 388-400-0050 If I am not eligible for federal benefits through Washington Basic Food program because of my alien status, can I receive benefits through the state-funded food assistance program?** (1) If you are not eligible for federally-funded Basic Food benefits solely because you do not meet the alien status requirements under WAC 388-424-0020, you may be eligible for the state-funded food assistance program (FAP) if you meet both of the following requirements:

(a) You are a Washington state resident; and

(b) You meet the alien status requirements under WAC 388-424-0030.

(2) FAP follows the same eligibility rules as federally-funded Basic Food except for rules related to alien status. A summary of the rules for Basic Food is found in WAC 388-400-0040.

(3) Benefits for FAP are set by the biennial state operating budget as described in RCW 74.08A.120(3). These benefits are calculated as described in subsections (4) and (5) of this section.

(4) If your assistance unit (AU) includes both people who are eligible for federally-funded Basic Food benefits and

people who are eligible for state-funded FAP benefits, we determine the amount of your federal and state food benefits by applying the following process:

(a) We calculate your AU's monthly benefits under WAC 388-450-0162 **as if** all the eligible persons in your AU could receive federally-funded Basic Food benefits; and

(b) We then calculate your AU's monthly benefits under WAC 388-450-0162 for only the people in your AU **who are** eligible for federally-funded benefits.

If (a) is more than (b)	If (b) is more than (a)
Your AU receives: • Basic Food benefits in the amount calculated using step (b); and • FAP benefits equal to half the difference between (a) and (b), rounded down to the next whole dollar.	Your AU receives Basic Food benefits in the amount calculated using step (b).

(5) If your AU only includes persons eligible for FAP, we determine the amount of your state-funded FAP benefits by:

(a) Applying the calculation for Basic Food under WAC 388-450-0162 **as if** all the persons in your AU were eligible to receive Basic Food; and

(b) Issuing FAP benefits to your AU equal to half the amount calculated in subsection (5)(a), rounded down to the next whole dollar.

**AMENDATORY SECTION** (Amending WSR 11-19-047, filed 9/13/11, effective 10/14/11)

**WAC 388-412-0015 General information about your food assistance allotments.** (1) Your monthly allotment under the Washington Basic Food program, food assistance program for legal immigrants (FAP), Washington combined application project (WASHCAP), or the transitional food assistance (TFA) programs is the total dollar value of benefits your assistance unit (AU) receives for a calendar month.

**(2) How we determine monthly allotments:**

(a) We calculate your monthly allotment for federally-funded Basic Food as described under WAC 388-450-0162 ~~((if your AU has income))~~;

~~((b) ((If your AU does not have countable income you receive)) We calculate your monthly allotment for state-funded food assistance as described under WAC 388-400-0050.~~

**(3) Maximum allotment:**

~~((a) The maximum allotment for the number of ((eligible)) people in your AU eligible for federally-funded Basic Food benefits is described under WAC 388-478-0060.~~

~~((b) The maximum allotment for the number of people in your AU eligible for state-funded FAP benefits is set by the legislature in the biennial operating budget as described in WAC 388-400-0050.~~

**(4) Prorated benefits in the first month -** If we determine you are eligible for food assistance, your first month's benefits are calculated from the date you applied through the

end of the month of your application. This is called proration and is based on a thirty-day month:

(a) If your prorated benefits for the first month are under ten dollars, you will not receive an allotment for the first month.

(b) If there was a delay in processing your application, we determine when your benefits start under WAC 388-406-0055.

~~((4))~~ **(5) Combined allotment for first and second month's benefits** - If you apply for benefits on or after the sixteenth of the month, and we determine you are eligible for food assistance, we issue both the first and second months benefits in one allotment if you are eligible for both months.

~~((5))~~ **(6) Minimum allotment** - ~~((If your AU has one or two members, your monthly allotment will be at least sixteen dollars unless))~~ Unless it is the first month of your certification period and your benefits are prorated as described in subsection (4) of this section, your monthly allotment will be at least:

~~((It is the first month of your certification period;))~~ Sixteen dollars if your AU has one or two members, and at least one person is eligible for federally-funded Basic Food.

~~((Your AU is eligible for only a partial month; and~~

~~We reduced your first month's allotment below sixteen dollars based on the date you became eligible for food assistance under WAC 388-406-0055))~~ Eight dollars if your AU has one or two members, and all members of your AU are eligible for state-funded FAP.

~~((6))~~ **(7) Use of food assistance benefits** - Your food assistance benefits may only be used to buy eligible food items as described under WAC 388-412-0046. If you use your benefits in any other way, it is an intentional program violation under WAC 388-446-0015 and could result in fines, imprisonment, disqualification from receiving food assistance benefits, or any combination of these penalties.

**AMENDATORY SECTION** (Amending WSR 11-02-035, filed 12/29/10, effective 2/1/11)

**WAC 388-424-0020 How does my alien status impact my eligibility for ~~(Washington)~~ federally-funded Basic Food ~~(program)~~ benefits?** (1) If you are a U.S. citizen or U.S. national as defined in WAC 388-424-0001 and meet all other eligibility requirements, you may receive federal Basic Food benefits.

(2) If you are not a U.S. citizen or U.S. national, you must fall within (a) or (b) of this subsection, and meet all other eligibility requirements, in order to receive federal Basic Food benefits:

(a) You are a member of one of the following groups of lawful immigrants as defined in WAC 388-424-0001:

- (i) Amerasian;
- (ii) Asylee;
- (iii) Cuban or Haitian entrant;
- (iv) Deportation or removal withheld;
- (v) Refugee;
- (vi) Special immigrant from Iraq or Afghanistan;
- (vii) Victim of trafficking;
- (viii) Noncitizen American Indian; or
- (ix) Hmong or Highland Lao tribal member.

(b)(i) You are a member of one of the following groups of qualified aliens as defined in WAC 388-424-0001:

- (A) Conditional entrant;
- (B) Lawful permanent resident (LPR);
- (C) Paroled for one year or more; or
- (D) Abused spouse or child or parent or child of an abused spouse or child.

(ii) And, one of the following also applies to you:

(A) You have worked or can get credit for forty Social Security Administration (SSA) work quarters - as described in WAC 388-424-0008;

(B) You are an active duty personnel or honorably discharged veteran of the U.S. military or you are the spouse, unmarried surviving spouse, or unmarried dependent child of someone who meets this requirement, as described in WAC 388-424-0007;

(C) You receive cash or medical benefits based on Supplemental Security Income (SSI) criteria for blindness or disability;

(D) You have lived in the U.S. as a "qualified alien" as described in WAC 388-424-0001 for at least five years;

(E) You are under age eighteen; or

(F) You were lawfully residing in the U.S. on August 22, 1996 and were born on or before August 22, 1931.

**(3) If you are a legal immigrant not eligible for federal benefits under Basic Food only because of your alien status, you may be eligible for state-funded food assistance program (FAP) benefits under WAC 388-400-0050.**

#### NEW SECTION

**WAC 388-424-0030 How does my alien status impact my eligibility for state-funded benefits under the food assistance program?** (1) If you are not a citizen and are not eligible for federally-funded Basic Food benefits, you may be eligible for state-funded benefits under the food assistance program (FAP) if you are a legal immigrant. This means you must be one of the following:

(a) A "qualified alien" as defined in WAC 388-424-0001, who does not meet the eligibility requirements under WAC 388-424-0020 to receive federally-funded Basic Food benefits; or

(b) A "nonqualified alien" as described in WAC 388-424-0001 who:

(i) Is not a nonimmigrant as described in WAC 388-424-0001(d);

(ii) Intends to stay in the United States indefinitely; and

(iii) The United States Immigration and Customs Enforcement is not taking steps to enforce your departure.

(2) If you are eligible for state-funded FAP, we calculate your benefits as described under WAC 388-400-0050.

**AMENDATORY SECTION** (Amending WSR 11-02-035, filed 12/29/10, effective 2/1/11)

**WAC 388-489-0025 Can my transitional food assistance benefits end before the end of my five-month transition period?** Your transitional food assistance benefits will end early if:

(1) Someone who gets transitional food assistance with you applies and is approved for temporary assistance for

needy families while still living in your home. You may reapply to have your eligibility for Basic Food determined;

(2) We learn that you and your household are no longer residing in the state of Washington; or

(3) **All members** of your household are ineligible to get Basic Food for any of the following reasons:

(a) Refusal to cooperate with quality assurance (WAC 388-464-0001);

(b) Transfer of property to qualify for Basic Food assistance (WAC 388-488-0010);

(c) Intentional program violation (WAC (~~388-466-0015~~ ~~388-446-0015~~)) 388-446-0015 and 388-446-0020);

(d) Fleeing felon or violating a condition of probation or parole (WAC 388-442-0010);

(e) Alien status (WAC 388-424-0020 and 388-424-0030);

(f) Employment and training requirements (WAC 388-444-0055 and 388-444-0075);

(g) Work requirements for able-bodied adults without dependents (WAC 388-444-0030);

(h) Student status (WAC 388-482-0005);

(i) Living in an institution where residents are not eligible for Basic Food (WAC 388-408-0040); or

(j) Deceased.

### WSR 12-18-026

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 27, 2012, 12:13 p.m., effective September 27, 2012]

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

Purpose: The division of child support (DCS) is amending WAC 388-14A-8200 to implement HB 2393 (chapter 109, Laws of 2012), which amended RCW 26.23.040 concerning new hire reporting.

HB 2393 amended RCW 26.23.040, the Washington statute regarding new hire reporting. This statute is a state plan requirement for the child support program under Title IV-D of the federal Social Security Act (42 U.S.C. 653A(b)). DCS is amending WAC 388-14A-8200 to implement HB 2393, which was adopted to implement changes to federal law contained in two acts: (1) The Claims Resolution Act of 2010 (P.L. 111-291), which among other things makes changes to employer reporting requirements. Under this new provision, employers are now required to report, among other elements, the date that an employee first performs services for pay; and (2) the Trade Adjustment Assistance Extension Act of 2011 (P.L. 112-40), which in Section 253 amends 42 U.S.C. 653a (a)(2) to provide a definition of the term "newly-hired employee," a term which was not previously defined. A state's employer reporting statute must contain the new definition.

DCS adopted emergency rules, effective June 7, 2012, under WSR 12-13-004.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-8200.

Statutory Authority for Adoption: HB 2393 (chapter 109, Laws of 2012); RCW 26.23.040(1), 34.05.350 (1)(b), 43.20A.550, 74.04.055, 74.08.090, 74.20A.310.

Adopted under notice filed as WSR 12-15-072 on July 18, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: August 23, 2012.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

**WAC 388-14A-8200 All Washington employers must report new hires to the Washington state support registry.** (1) RCW 26.23.040 requires all employers doing business in the state of Washington to comply with the employer reporting requirements regarding new hires.

(2) For the purposes of this section, a "new hire" is defined as any person who resides or works in the state of Washington to whom the employer anticipates paying earnings and who:

(a) Has not previously been employed by the employer;

or

(b) Was previously employed by the employer but has been separated from such employment for at least sixty consecutive days.

(3) The minimum information that an employer must report is the employee's name, date of birth, Social Security number (~~and~~), and date of hire.

(a) For purposes of this section, the "date of hire" is defined as the date on which the employee first performed services for pay for the employer.

(b) The "date of hire" of an employee described in subsection (2)(b) of this section, is the date on which the employee returned to perform services for pay after a layoff, furlough, separation, or leave without pay.

((3)) (4) Employers must report the required information to the Washington State Support Registry (WSSR). An employer may report using the employee's W-4 form or any equivalent form, and may submit the information by:

(a) First class mail;

(b) Fax;

(c) Electronic transmission; or



(d) Any other means authorized by the WSSR which will result in timely reporting.

(5) An employer who submits a copy of the employee's completed W-4 form complies with the ((filing)) reporting requirements of RCW 26.23.040(3).

((4)) (6) If an employer reports by submitting a W-4 form, the employer may choose to ((voluntarily)) report the ((other)) additional statutory elements by writing or typing the employee's date of birth and date of hire on the form.

**WSR 12-18-027**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
(Division of Child Support)

[Filed August 27, 2012, 12:14 p.m., effective September 27, 2012]

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

Purpose: The division of child support (DCS) is adopting new sections and/or amendments, and repealing three sections in chapter 388-14A WAC, to implement §5 of SSB 6386 (chapter 253, Laws of 2012) and the technical amendments contained in SHB 2828 (chapter 4, Laws of 2012). Both bills have an effective date of June 7, 2012. Families applying for a child-care subsidy on or after June 7, 2012, are not required to apply for DCS services as a condition of eligibility.

DCS is amending WAC 388-14A-2040, 388-14A-2045, 388-14A-2050 and 388-14A-2075; and repealing WAC 388-14A-2007, 388-14A-2042, and 388-14A-2093.

Amending WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support?, 388-14A-2045 What can I do if I am afraid that cooperating with the division of child support will be harmful to me or to my children?, 388-14A-2050 Who decides if I have good cause not to cooperate?, and 388-14A-2075 What happens if the division of child support determines that I am not cooperating?

Repealing WAC 388-14A-2007 Does an application for subsidized child care automatically become an application for support enforcement services?, 388-14A-2042 What happens if I don't cooperate with DCS while I receive a child care subsidy?, and 388-14A-2093 Who receives notice of DCS' intent to close a case when the custodial parent receives a child care subsidy?

DCS adopted emergency rules, effective June 7, 2012, under WSR 12-13-002.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-14A-2007, 388-14A-2042 and 388-14A-2093; and amending WAC 388-14A-2040, 388-14A-2045, 388-14A-2050, and 388-14A-2075.

Statutory Authority for Adoption: §5 of SSB 6386 (chapter 253, Laws of 2012); SHB 2828 (chapter 4, Laws of 2012); RCW 34.05.220, 43.20A.550, 74.04.055, 74.08.090, 70.20.040.

Adopted under notice filed as WSR 12-15-071 on July 18, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 3.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 3.

Date Adopted: August 23, 2012.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-23-087, filed 11/17/11, effective 12/18/11)

**WAC 388-14A-2040 Do I have to cooperate with the division of child support in establishing or enforcing child support?** (1) You must cooperate with the division of child support (DCS) when you receive public assistance unless the department determines there is good cause not to cooperate under WAC 388-422-0020.

~~(2) ((You must cooperate with the division of child support (DCS) when you receive a child care subsidy, unless the department determines there is good cause not to cooperate under WAC 388-422-0020 or another rule of the department of early learning (DEL)).~~

~~(3))~~ As described in WAC 388-14A-2080, DCS may close a nonassistance case if the custodial parent (CP) fails to cooperate, if cooperation is essential for the next step in enforcement.

~~((4))~~ (3) For purposes of this section and WAC 388-14A-2075, cooperating with DCS includes cooperating with those acting on behalf of DCS (its "representatives"), namely the prosecuting attorney, the attorney general, or a private attorney paid per RCW 74.20.350. In cases where paternity is at issue, the custodial parent (CP) of a child who receives assistance must cooperate whether or not the parent receives assistance.

~~((5))~~ (4) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

(a) Identify and locate the responsible parent;

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

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

~~((6))~~ (5) The CP must also cooperate by sending to DCS any child support received by the CP while on assistance, as required by RCW 74.20A.275 (3)(c). If the client keeps these payments, known as retained support, the CP

must sign an agreement to repay under RCW 74.20A.275, and the CP must honor that agreement.

~~((7))~~ (6) The cooperation requirements of subsections (1), ~~(3) and (4)~~ ~~((and (5)))~~ above, but not subsection ~~((6))~~ (5), apply to a recipient of medicaid-only assistance.

~~((8) The cooperation requirements of subsections (2), (4) and (5) above, but not subsection (6), apply to a recipient of a child care subsidy.))~~

AMENDATORY SECTION (Amending WSR 11-23-087, filed 11/17/11, effective 12/18/11)

**WAC 388-14A-2045 What can I do if I am afraid that cooperating with the division of child support will be harmful to me or to my children?** (1) If a custodial parent (CP) receiving public assistance fears that the establishment or enforcement of support may result in harm to the CP or the children, the CP may be excused from the cooperation requirements. The CP must contact the community services division (CSD) to claim good cause not to cooperate under WAC 388-422-0020. The CP may claim good cause:

- (a) At the time of application for public assistance; or
- (b) At any time thereafter.

(2) If a CP who is not receiving public assistance fears that the establishment or enforcement of support may result in harm to the CP or the children, the CP should tell the division of child support (DCS) that family violence is an issue in the case, so that DCS may take appropriate action. The CP may ask DCS to close the nonassistance support enforcement case.

~~((3) If a CP who receives a child care subsidy but does not receive public assistance claims good cause not to comply with the requirement to seek support enforcement services, the department of early learning (DEL) or CSD may grant good cause, either under WAC 388-422-0020 or under DEL rules.~~

~~(a) If the CP does not claim good cause at the time the child care subsidy is granted, the CP may later claim good cause by contacting CSD.~~

~~(b) If the CP requests DCS to close a nonassistance case, DCS notifies CSD that the case has been closed. The CP may claim good cause if CSD takes action to sanction the CP for closing the DCS case.))~~

AMENDATORY SECTION (Amending WSR 11-23-087, filed 11/17/11, effective 12/18/11)

**WAC 388-14A-2050 Who decides if I have good cause not to cooperate?** (1) The community services division (CSD) decides whether you have good cause not to cooperate with the division of child support (DCS). You must tell CSD if you want to claim good cause.

(a) CSD determines good cause under WAC 388-422-0020 ~~((or under the rules adopted by the department of early learning (DEL)))~~.

(b) You may claim good cause at the time you apply for public assistance ~~((or for a child care subsidy))~~, or at any time thereafter.

(2) When you make a claim of good cause not to cooperate, DCS does not take any action on your case while CSD is reviewing your good cause claim.

~~((3) If you are not receiving public assistance but are applying for a child care subsidy, you may be granted good cause and not be required to apply for child support enforcement services.))~~

AMENDATORY SECTION (Amending WSR 11-23-087, filed 11/17/11, effective 12/18/11)

**WAC 388-14A-2075 What happens if the division of child support determines that I am not cooperating?** (1) When the division of child support (DCS) or its representatives believe that a custodial parent (CP) who receives cash assistance or medical assistance is not cooperating as defined in WAC 388-14A-2040, DCS sends a notice to the CP and to the community services division (CSD) about the noncooperation.

(a) The notice contains the following information:

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

(ii) What actions the CP must take to resume cooperation;

(iii) That this notice was sent to CSD;

(iv) That the CP may contact CSD immediately if the CP disagrees with the notice, needs help in order to cooperate, or believes the actions required are unreasonable; and

(v) That CSD may sanction the CP by either reducing or terminating the grant.

(b) CSD sends a notice of planned action to the CP as provided by WAC 388-472-0005 (1)(i).

(c) Either the notice of alleged noncooperation or CSD's notice of planned action may serve as the basis for a sanction.

(d) If the noncooperation was due to missing an interview without reasonable excuse, the CP will be considered to be cooperating when the CP appears for a rescheduled interview and either provides information or attests to the lack of information. DCS or its representative must reschedule the interview within seven business days from the date the CP contacts them to reschedule an interview.

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

(2) There is no hearing right for a notice of noncooperation, but the CP may request a hearing on the sanction imposed by CSD.

~~(3) ((When DCS or its representatives believe that a CP who does not receive public assistance but does receive a child care subsidy is not cooperating, and that cooperation is essential for the next step in establishment or enforcement, DCS sends a notice of case closure to the CP.~~

~~(a) The notice of case closure contains the following information:~~

~~(i) That DCS cannot take the next step in establishment or enforcement because of the CP's failure to cooperate;~~

~~(ii) What actions the CP must take to resume cooperation;~~

~~(iii) The DCS will notify CSD of case closure;~~

~~(iv) That DCS may close the nonassistance case if the CP does not cooperate within sixty days; and~~

~~(v) That CSD may sanction the CP. Any sanctions for failure to cooperate are determined by CSD.~~

~~(4))~~ If the CP takes the actions required to resume cooperation within sixty days, DCS leaves the case open and continues to establish or enforce the support obligation.

~~((5))~~ (4) The CP may request a hearing to contest case closure, as described in WAC 388-14A-2095.

~~((6) If DCS closes the case due to noncooperation, a CP who does not receive public assistance but does receive a child care subsidy may request a hearing on the sanction imposed by CSD:))~~

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-14A-2007	Does an application for subsidized child care automatically become an application for support enforcement services?
WAC 388-14A-2042	What happens if I don't cooperate with DCS while I receive a child care subsidy?
WAC 388-14A-2093	Who receives notice of DCS' intent to close a case when the custodial parent receives a child care subsidy?

#### **WSR 12-18-044**

##### **PERMANENT RULES**

#### **DEPARTMENT OF COMMERCE**

[Filed August 29, 2012, 4:09 p.m., effective September 29, 2012]

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

Purpose: Repeal of chapter 365-120 WAC regarding emergency shelter, transitional housing, operating and rent programs. The Homelessness Housing and Assistance Act, chapter 43.185C RCW, was enacted after the initial creation of these rules, making the rules redundant. Significant changes resulting from the rule repeal include:

Allowing for more flexible definitions of emergency shelter and transitional housing, which are now strictly split at ninety days of service. Total assistance will continue to be limited to two years under existing program guidelines.

Eliminating the outdated definition of the words "rent assistance" as only allowing ninety-one days to twenty-four months of assistance. "Rent assistance" without the rules could be from one day to twenty-four months.

Eliminating the WAC definition of "homeless" that does not match and is not as comprehensive as the definition in chapter 43.185C RCW.

Citation of Existing Rules Affected by this Order: Repealing chapter 365-120 WAC.

Statutory Authority for Adoption: RCW 43.185C.120.

Adopted under notice filed as WSR 12-13-005 on June 6, 2012.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 9.

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

Date Adopted: August 29, 2012.

Nick Demerice  
Director of Government Affairs  
Rules Coordinator

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 365-120-010	Authority.
WAC 365-120-020	Purpose.
WAC 365-120-030	Definitions.
WAC 365-120-040	Contractor funding allocation and distribution.
WAC 365-120-050	Funding application process.
WAC 365-120-060	Eligibility for all applicants.
WAC 365-120-070	Eligibility for emergency shelter assistance.
WAC 365-120-080	Eligibility for operating assistance for transitional housing.
WAC 365-120-090	Eligibility for rental assistance.

#### **WSR 12-18-047**

##### **PERMANENT RULES**

#### **DEPARTMENT OF**

#### **FINANCIAL INSTITUTIONS**

(Division of Consumer Services)

[Filed August 29, 2012, 4:37 p.m., effective November 1, 2012]

Effective Date of Rule: November 1, 2012.

Purpose: The proposed rules implement chapter 17, Laws of 2012, and are amendments that generally add clarity and consistency to the rules.

The rules are being amended under the authority of OFM Guideline 3(f), October 12, 2011.

Citation of Existing Rules Affected by this Order: Repealing WAC 208-620-395 and 208-620-432; and amend-

ing WAC 208-620-010, 208-620-045, 208-620-055, 208-620-104, 208-620-105, 208-620-260, 208-620-271, 208-620-320, 208-620-325, 208-620-328, 208-620-341, 208-620-378, 208-620-400, 208-620-430, 208-620-505, 208-620-510, 208-620-511, 208-620-515, 208-620-520, 208-620-545, 208-620-550, 208-620-551, 208-620-552, 208-620-568, 208-620-570, 208-620-610, 208-620-613, 208-620-620, 208-620-622, 208-620-630, 208-620-710, 208-620-725, 208-620-730, 208-620-805, 208-620-820, 208-620-825, and 208-620-900.

Statutory Authority for Adoption: RCW 43.320.040.

Other Authority: RCW 31.04.165.

Adopted under notice filed as WSR 12-13-072 on June 19, 2012.

Changes Other than Editing from Proposed to Adopted Version: WAC 208-620-010, "advertise," "advertising" and "advertising material," technical amendment to remove language referring to another statute. "Service or servicing a reverse mortgage loan," technical amendment of proposed language to fix a citation. "Simple interest method," proposed language amended to apply more generally to loan documents not specifically to one type of loan document, WAC 208-620-105(5), technical amendment to existing language for consistency, WAC 208-620-440(3), proposed language amended to remove language on a certain assessment methodology, WAC 208-620-510 (3)(a), technical amendment of proposed language for clarity, WAC 208-620-520(1), technical amendment of existing language for clarity, WAC 208-620-551 (2)(a)(iii), proposed language amended to clarify content of required notice to reflect servicer's right to recoup from the borrower amounts advanced on the borrower's behalf for the payment of insurance on the mortgaged property, WAC 208-620-551 (2)(d), proposed language amended for consistency with the federal law requirement, WAC 208-620-551(6), technical amendment of proposed language for consistency, WAC 208-620-552(1), technical amendment to existing language for consistency with federal law, WAC 208-620-552(2), new language added for consistency with the Mortgage Broker Practices Act, WAC 208-620-710 (3)(c), technical amendment of proposed language to correct reference to the act, WAC 208-620-710 (18)(a)(ii), new language added for clarity, WAC 208-620-710(19), technical amendment to fix a leap year problem with the month of February, WAC 208-620-710(24), technical amendment to existing language for consistency with current practice, WAC 208-620-710(28), new language added to reflect with current process, WAC 208-620-730 (7)(a), (b), technical amendment to remove existing obsolete language, WAC 208-620-825(12), technical amendments to proposed language for clarity, WAC 208-620-900, multiple technical amendments to proposed language for clarity, WAC 208-620-900 (3)(c), (e), proposed language amended to add language that compliance can be achieved by providing a monthly statement, WAC 208-620-900 (3)(f), new language to create a later compliance date, WAC 208-620-900 (4)(a), proposed language amended to provide a date certain for a requirement, WAC 208-620-900 (4)(a)(ii), new section created with existing proposed language to include a later compliance date, WAC 208-620-900 (5)(b)(iv), amended to provide a later compliance date, WAC 208-620-900 (5)(c), technical amendment to correct a citation, WAC 208-620-900(6),

existing language stricken and moved, then amended. See WAC 208-620-900 (5)(b)(iv) and (7)(b), WAC 208-620-900 (6)(a)(i), amended to provide a later compliance date, WAC 208-620-900 (6)(a)(iii), amended to provide a date certain for a requirement, WAC 208-620-900 (6)(c), new language added requiring servicers to provide a copy of a loan modification agreement to the borrower, and WAC 208-620-900 (7)(b), proposed language amended to strike a requirement.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 3, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 15 [14], Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 23, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 3, Amended 35, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 29, 2012.

Deborah Bortner, Director  
Division of Consumer Services

**AMENDATORY SECTION** (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-010 Definitions.** The definitions set forth in this section apply throughout this chapter unless the context clearly requires a different meaning.

"Act" means the Consumer Loan Act, chapter 31.04 RCW.

"Advertise, advertising, and advertising material" means any form of sales or promotional materials used in connection with the business. Advertising material includes, but is not limited to, newspapers, magazines, leaflets, flyers, direct mail, indoor or outdoor signs or displays, point-of-sale literature or educational materials, other printed materials; radio, television, public address system, or other audio broadcasts; or internet pages.

"Affiliate" means any person who controls, is controlled by, or is under common control with another.

"Annual percentage rate" has the same meaning as defined in Regulation Z, 12 C.F.R. Section 226 et seq.

"Application" means the submission of a borrower's financial information in anticipation of a credit decision relating to a residential mortgage loan, which includes the borrower's name, monthly income, Social Security number to obtain a credit report, the property address, an estimate of the value of the property, and the mortgage loan amount sought. An application may be submitted in writing or electronically and includes a written record of an oral application. If the submission does not state or identify a specific property, the submission is an application for a prequalification and not an application for a residential mortgage loan under this part. The subsequent addition of an identified property to the sub-

mission converts the submission to an application for a residential mortgage loan.

"Bank Secrecy Act" means the Bank Secrecy Act (BSA), 31 U.S.C. 1051 et seq. and 31 C.F.R. Section 103.

"Bond substitute" means unimpaired capital, surplus and qualified long-term subordinated debt.

"Borrower" means any natural person who consults with or retains a licensee or person subject to this chapter in an effort to obtain or seek information about obtaining a loan, regardless of whether that person actually obtains such a loan.

"Commercial context" or "commercial purpose" means actions taken for the purpose of obtaining anything of value for oneself, or for an entity or individual for which the individual acts, rather than exclusively for public, charitable, or family purposes.

"Common ownership" exists if an entity or entities possess an ownership or equity interest of five percent or more in another entity.

"Creditor" has the same meaning as in the Truth in Lending Act, 15 U.S.C. 1602(f) and Regulation Z, 12 C.F.R. 1026 (formerly 12 C.F.R. 226).

"Department" means the department of financial institutions.

"Depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act on the effective date of this section, and includes credit unions.

"Depository Institutions Deregulatory and Monetary Control Act" means the Depository Institutions Deregulatory and Monetary Control Act of 1980 (DIDMCA), 12 U.S.C. § 1735f-7a.

"Director" means the director of the department of financial institutions or his or her designated representative.

"Equal Credit Opportunity Act" means the Equal Credit Opportunity Act (ECOA), 15 U.S.C. section 1691 and Regulation B, 12 C.F.R. (~~(Section)~~) Part 1002 (formerly Part 202).

"Fair Credit Reporting Act" means the Fair Credit Reporting Act (FCRA), 15 U.S.C. Section 1681 et seq.

"Fair Debt Collection Practices Act" means the Fair Debt Collection Practices Act, 15 U.S.C. section 1692.

"Federal banking agencies" means the Board of Governors of the Federal Reserve System, Comptroller of the Currency, Director of the Office of Thrift Supervision, National Credit Union Administration, and Federal Deposit Insurance Corporation.

"Federal Trade Commission Act" means the Federal Trade Commission Act, 15 U.S.C. section 45(a).

"Filing" means filing, recording, releasing or reconveying mortgages, deeds of trust, security agreements or other documents, or transferring certificates of title to vehicles.

"Gramm-Leach-Bliley Act (GLBA)" means the Financial Modernization Act of 1999, 15 U.S.C. Sec. 6801-6809, and the GLBA-mandated Federal Trade Commission (FTC) privacy rules, at 16 C.F.R. Parts 313-314.

"Home Mortgage Disclosure Act" means the Home Mortgage Disclosure Act (HMDA), 12 U.S.C. sections 2801 through 2810 and 12 C.F.R. (~~(Section)~~) Part 1003 (formerly Part 203).

"Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild. This includes step-

parents, stepchildren, stepsiblings, and adoptive relationships.

"Individual servicing a mortgage loan" means a person who on behalf of a lender or servicer licensed by this state, or a lender or servicer exempt from licensing, who collects or receives payments including payments of principal, interest, escrow amounts, and other amounts due, on existing obligations due and owing to the licensed lender or servicer for a residential mortgage loan when the borrower is in default, or in reasonably foreseeable likelihood of default, working with the borrower and the licensed lender or servicer, collects data and makes decisions necessary to modify either temporarily or permanently certain terms of those obligations, or otherwise finalizing collection through the foreclosure process.

For purposes of this definition "on behalf of a lender or servicer" means that the individual person is employed by the lender or servicer and does not receive any compensation or gain directly or indirectly from the borrower for performing the described activities.

"Insurance" means life insurance, disability insurance, property insurance, insurance covering involuntary unemployment and such other insurance as may be authorized by the insurance commissioner in accordance with Title 48 RCW.

"Lender" means any person that extends money to a borrower with the expectation of being repaid.

"License" means a license issued under the authority of this chapter with respect to a single place of business.

"License number" means your ((NMLSR)) NMLS unique identifier displayed as prescribed by the director.

"Licensee" means a person who holds one or more current licenses.

"Live check" means a loan solicited through the mail in the form of a check, which, when endorsed by the payee, binds the payee to the terms of the loan agreement contained on the check.

"Loan" means a sum of money lent at interest or for a fee or other charges and includes both open-end and closed-end transactions.

"Loan originator" means the same as mortgage loan originator.

"Loan processor" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under chapter 31.04 RCW.

A loan processor engaged as an independent contractor for a licensee must hold a mortgage loan originator license.

"Long-term subordinated debt" means for the purposes required in RCW 31.04.045 outstanding promissory notes or other evidence of debt with initial maturity of at least seven years and remaining maturity of at least two years.

"Making a loan" means advancing, offering to advance, or making a commitment to advance funds for a loan.

"Material litigation" means proceedings that differ from the ordinary routine litigation incidental to the business. Litigation is ordinary routine litigation if it ordinarily results from the business and does not deviate from the normal business litigation. Litigation involving five percent of the

licensee's assets or litigation involving the government would constitute material litigation.

"Mortgage broker" means the same as in RCW 19.146.-010 except that for purposes of this chapter, a licensee or person subject to this chapter cannot receive compensation as both a consumer loan licensee making the loan and as a mortgage broker in the same transaction.

"Mortgage loan originator" or "loan originator" means an individual who for direct or indirect compensation or gain or in the expectation of direct or indirect compensation or gain (1) takes a residential mortgage loan application; or (2) offers or negotiates terms of a residential mortgage loan, including short sale transactions.

Mortgage loan originator also includes an individual who for compensation or gain performs residential mortgage loan modification services or holds himself or herself out as being able to perform residential mortgage loan modification services.

Mortgage loan originator also includes an individual who holds himself or herself out as being able to perform any of the activities described in this definition. For purposes of this definition, a person "holds themselves out" by advertising or otherwise informing the public that the person engages in any of the activities of a loan originator, including the use of business cards, stationery, brochures, rate lists or other promotional items.

Mortgage loan originator does not include any individual who performs purely administrative or clerical tasks and does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of Title 11, United States Code.

For the purposes of this definition, administrative or clerical tasks means the receipt, collection, and distribution of information common for the processing of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing of a residential mortgage loan. An individual who holds himself or herself out to the public as able to obtain a loan is not performing administrative or clerical tasks.

Mortgage loan originator does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law to conduct those activities, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such a lender, mortgage broker, or other mortgage loan originator. See the definition of real estate brokerage activity in this subsection.

This definition does not apply to an individual servicing a mortgage loan before July 1, 2011.

This definition does not apply to employees of a housing counseling agency approved by the United States department of Housing and Urban Development unless the employees of a housing counseling agency are required under federal law to be individually licensed as mortgage loan originators.

~~"(Nationwide Mortgage Licensing System and Registry (NMLSR)) NMLS"~~ means a ~~((mortgage))~~ multistate licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators and other license types.

~~"(Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage. This definition is limited to implementation of the S.A.F.E. Act.)"~~

"Out-of-state licensee" means a licensee that does not maintain a physical presence within the state, or a licensee that maintains headquarters or books and records outside Washington.

"Person" includes individuals, partnerships, associations, trusts, corporations, and all other legal entities.

"Principal" means either (1) any person who controls, directly or indirectly through one or more intermediaries, a ten percent or greater interest in a partnership, company, association or corporation; or (2) the owner of a sole proprietorship.

"Principal amount" means the loan amount advanced to or for the direct benefit of the borrower.

"Principal balance" means the principal amount plus any allowable origination fee.

"RCW" means the *Revised Code of Washington*.

"Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including (1) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property; (2) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property; (3) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to such a transaction; (4) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and (5) offering to engage in any activity, or act in any capacity, described in (1) through (4) of this definition.

"Real Estate Settlement Procedures Act" means the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. Sections 2601 et seq., and Regulation X, 12 C.F.R. Part 1024 (formerly 24 C.F.R. ((Sections)) Part 3500 ((et seq))).

"Records" mean books, accounts, papers, records and files, no matter in what format they are kept, which are used in conducting business under the act.

"Referring a delinquent loan to foreclosure" means taking any step in furtherance of foreclosure. Examples include, but are not limited to: Sending a referral to a foreclosure trustee or attorney inside or outside of the servicing entity requesting they begin the foreclosure process; making a record in written or electronic form that flags, comments, blocks, suspends or in any way indicates in the electronic record of a mortgage loan that foreclosure has begun; any such marking of an electronic record that impairs the record in a way that payments will not be applied or will be routed into a suspense account.

"Registered mortgage loan originator" means any individual who (1) meets the definition of mortgage loan originator and is an employee of: A depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or an institution regulated by the farm credit administration; and (2) is regis-

tered with, and maintains a unique identifier through, the nationwide mortgage licensing system and registry.

"Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling.

"Residential mortgage loan modification" means a change in one or more of a residential mortgage loan's terms or conditions. Changes to a residential mortgage loan's terms or conditions include, but are not limited to, forbearances; repayment plans; changes in interest rates, loan terms (length), or loan types; capitalizations of arrearages; or principal reductions.

~~"Residential mortgage loan modification services" ((includes negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform residential mortgage loan modification services. Residential mortgage loan modification services also includes the collection of data for submission to an entity performing mortgage loan modification services. Residential mortgage loan modification services do not include actions by individuals servicing a mortgage loan before July 1, 2011)). See WAC 208-620-045.~~

~~("Registered mortgage loan originator" means any individual who (1) meets the definition of mortgage loan originator and is an employee of: A depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or an institution regulated by the farm credit administration; and (2) is registered with, and maintains a unique identifier through, the nationwide mortgage licensing system and registry.))~~

"S.A.F.E. Act" means the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, Title V of the Housing and Economic Recovery Act of 2008 ("HERA"), Public Law No. 110-289, effective July 30, 2008; and Regulation G, 12 C.F.R. Part 1007; and Regulation H, 12 C.F.R. Part 1008.

"Senior officer" means an officer of a consumer loan company at the vice-president level or above.

"Service or servicing a loan," ~~((means on behalf of the lender or investor of a residential mortgage loan:~~

~~(a) Collecting or receiving payments on existing obligations due and owing to the lender or investor, including payments of principal, interest, escrow amounts, and other amounts due;~~

~~(b) Collecting fees due to the servicer;~~

~~(c) Working with the borrower and the licensed lender or servicer to collect data and make decisions necessary to modify certain terms of those obligations either temporarily or permanently;~~

~~(d) Otherwise finalizing collection through the foreclosure process; or~~

~~(e) Servicing a reverse mortgage loan. See RCW 31.04.015(26).~~

~~"Service or servicing a reverse mortgage loan" means, pursuant to an agreement with the owner of a reverse mortgage loan: Calculating, collecting, or receiving payments of interest or other amounts due; administering advances to the~~

~~borrower, and providing account statements to the borrower or lender. See RCW 31.04.015(27)) See WAC 208-620-055.~~

"Simple interest method" means the method of computing interest payable on a loan by applying the rate of interest specified in the note, or its periodic equivalent to the unpaid balance of the principal amount outstanding for the time outstanding. For nonresidential mortgage loans, each payment must first be applied to any unpaid penalties, fees, or charges, then to accumulated interest, and last to the unpaid balance of the principal amount until paid in full. In using such method, interest must not be payable in advance or compounded. For residential mortgage loans, each payment must be applied as directed in the loan documents.

"State" means the state of Washington.

"Subsidiary" means a person that is controlled by another.

"Table funding" means a settlement at which a mortgage loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds.

"Telemarketing and Consumer Fraud and Abuse Act" means the Telemarketing and Consumer Fraud and Abuse Act, 15 U.S.C. § 6101 to 6108.

"Telephone Sales Rule" means the rules promulgated in 16 C.F.R. Part 310.

"Third-party residential mortgage loan modification services" means residential mortgage loan modification services offered or performed by any person other than the owner or servicer of the loan.

"Third-party service provider" means any person other than the licensee who provides goods or services to the licensee in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

"Truth in Lending Act" means the Truth in Lending Act (TILA), 15 U.S.C. Sections 1601 et seq., and Regulation Z, 12 C.F.R. Part 1026 (formerly 12 C.F.R. ((Sections)) Part 226 ((et seq)).

"Unique identifier" means a number or other identifier assigned by protocols established by the ~~((nationwide mortgage licensing system and registry))~~ NMLS.

#### NEW SECTION

**WAC 208-620-045 How does the department interpret the definition of residential mortgage loan modification services in RCW 31.04.015(23)?** Residential mortgage loan modification services means activities conducted by individuals or entities not engaged in servicing the borrower's existing residential mortgage loan. The activities may include negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform residential mortgage loan modification services. The activities may also include the collection of data for submission to another entity performing mortgage loan modification services or to a residential mortgage loan servicer.

NEW SECTION

**WAC 208-620-055 How does the department interpret the definition of service or servicing a loan in RCW 31.04.015(26)?** Service or servicing a residential loan means:

(1) Collecting or attempting to collect payments on existing obligations due and owing to the lender or investor, including payments of principal, interest, escrow amounts, and other amounts due;

(2) Collecting fees due to the servicer for the servicing activities;

(3) Working with the borrower to collect data and make decisions necessary to modify certain terms of those obligations either temporarily or permanently;

(4) Otherwise finalizing collection through the foreclosure process; or

(5) Servicing a reverse mortgage loan. See RCW 31.04.015(26).

AMENDATORY SECTION (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-104 Who is exempt from licensing as a consumer loan company?** (1) See RCW 31.04.025 (1), (2)(a) through (d) and (f) through (h) and (j).

(2) Under RCW 31.04.025 (2)(e), any person making a loan primarily for business, commercial, or agricultural purposes unless the loan is secured by a lien on the borrower's primary residence.

(3) Under RCW 31.04.025 (2)(i), a nonprofit housing organization seeking exemption must meet the following standards:

(a) Has the status of a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986;

(b) Promotes affordable housing or provides home ownership education, or similar services;

(c) Conducts its activities in a manner that serves public or charitable purposes, rather than commercial purposes;

(d) Receives funding and revenue and charges fees in a manner that does not incentivize it or its employees to act other than in the best interests of its clients;

(e) Compensates its employees in a manner that does not incentivize employees to act other than in the best interests of its clients;

(f) Provides or identifies for the borrower residential mortgage loans with terms favorable to the borrower and comparable to mortgage loans and housing assistance provided under government housing assistance programs; and

(g) Meets other standards as prescribed by the director.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-105 Who is exempt from licensing as a mortgage loan originator under this act?** The following are exempt from licensing as a mortgage loan originator:

(1) Registered mortgage loan originators (~~(employed by an entity that is exempt from the act)~~);

(2) Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;

(3) Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual's residence;

(4) A Washington licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator; (~~and~~)

(5) Individuals who do not take residential mortgage loan applications or negotiate the terms of residential mortgage loans for compensation or gain or in the expectation of compensation or gain; and

(6)(a) An employee of a bona fide nonprofit organization who acts as a loan originator only with respect to his or her work duties to the bona fide nonprofit organization, and who acts as a loan originator only with respect to residential mortgage loans with terms that are favorable to the borrower.

(b) Terms favorable to the borrower are terms consistent with loan origination in a public or charitable context, rather than a commercial context.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-260 If I am licensed under the Consumer Loan Act, can I broker residential mortgage loans in the state of Washington?** Yes. You may broker residential mortgage loans under the Consumer Loan Act (~~or Mortgage Broker Practices Act.~~

~~(1) If you broker~~). Brokered loans (~~(under the Consumer Loan Act license, you are subject to the act and the loans)~~) are subject to the annual assessment under WAC 208-620-240.

~~((2) If you are licensed under the Mortgage Broker Practices Act, chapter 19.146 RCW, you must comply with that act. If you do hold that additional license, the loans you broker are subject to that act and are not subject to the annual assessment under this act.))~~

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-271 Do I need a license to assist a borrower with a residential mortgage loan modification?** Yes. Persons providing third-party loan modification services for compensation or gain must be licensed under this chapter, or under chapter 19.146 RCW. See also WAC 208-620-550 and 208-620-551.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-320 What is the amount of the bond required for my consumer loan license?** (1) Nonresidential loan origination. If you originate nonresidential loans the bond amount is based on the annual dollar amount of loans you originate. See the following chart:



- |  |           |
|--|-----------|
| 1. Zero to twenty million in loans originated: | \$30,000  |
| 2. Twenty million to forty million:            | \$50,000  |
| 3. Forty million to fifty million:             | \$100,000 |
| 4. Fifty million and above:                    | \$150,000 |

(2) Residential mortgage loan origination.

(a) If you originate residential mortgage loans, the bond amount is based on the annual dollar amount of residential mortgage loans you originate. Use the chart in subsection (1) of this section for the bond amount.

(b) If you only service residential mortgage loans, your bond amount at application is thirty thousand dollars. Thereafter and subject to annual adjustment, your bond amount is based on the annual dollar amount of the residential mortgage loans serviced pursuant to the following schedule (see RCW 31.04.045(6)):

- |   |          |
|---|----------|
| 1. Zero to fifty million in loan principal: | \$30,000 |
| 2. Fifty million and above:                 | \$50,000 |

(c) If you originate and service residential mortgage loans, your bond amount will be based on your origination activity volumes.

(3) Third-party loan modification services. If you only offer third-party residential mortgage loan modification services, your bond amount is thirty thousand dollars.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-325 What will my bond amount be in the first year of licensing?** (1) Your initial bond amount will be based on either your prior year's loan origination volume in Washington or one hundred thousand dollars. See the bonding chart in WAC 208-620-320.

(2) If you only service residential mortgage loans your initial bond amount is thirty thousand dollars. For subsequent years see the bonding chart in WAC 208-620-320.

(3) If you only provide third-party residential mortgage loan modification services, your bond amount is thirty thousand dollars initially and thereafter.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-328 How often must I report my loan origination and residential mortgage loan servicing volume?** You must report your loan origination and residential mortgage loan servicing volume as directed on the form prescribed each year during the annual assessment period.

AMENDATORY SECTION (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-341 If I originate residential mortgage loans and my company relies on the bond (~~alternative~~) substitute, must my licensed mortgage loan originators obtain an individual bond?** Yes. They must each obtain

individual bonds based on their mortgage loan origination volume. See WAC 208-620-710 (3)(h).

NEW SECTION

**WAC 208-620-378 Knowledge of the law and rules.**

You are responsible for ensuring that your employees and mortgage loan originators have a sufficient understanding of the act and the rules.

AMENDATORY SECTION (Amending WSR 08-15-125, filed 7/22/08, effective 8/22/08)

**WAC 208-620-400 Can I share an office with another business?** (1) ~~(A licensee)~~ You may conduct ~~((its))~~ your business in a licensed location in which other persons are engaged in business.

(2) ~~(The licensee)~~ If you originate residential mortgage loans, you must comply with RESPA ~~((Sec. 3500.15))~~ (12 C.F.R. 1024.14, including the required disclosures and prohibitions on referral fees if:

(a) The licensee has effective control over the person sharing space; or

(b) The person sharing space has effective control over the licensee; or

(c) The licensee and the person sharing space are under common control by a third person; or

(d) The licensee is a corporation related to another corporation as parent to subsidiary and one refers business incident to or a part of a real estate settlement service to the other.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-430 What are my annual filing requirements as a consumer loan licensee?** Each year you are required to file two annual reports on forms provided by the department. You must also pay a fee (assessment) based on your activities during the reporting year. The reports and the assessment fee must be provided to the department on March 1st of each year or within thirty days of ceasing Washington operations (the due date).

(1) **Annual reports and assessment fee on activity (~~due March 1st~~).** You must provide the annual reports (annual assessment report and consolidated annual report) and the assessment fee by ~~((March 1st of each year))~~ the due date. ~~((The worksheet and annual assessment must also be provided to the department by March 1st of each year.))~~

(2) **Late penalties.** ~~(A licensee that)~~ If you fail ~~((s))~~ to submit the required annual reports ~~((worksheet))~~ and assessment fee by ~~((March 1st is))~~ the due date you are subject to a penalty of fifty dollars ~~((per report))~~ for each item for each day of delay. For example, if the department receives the ~~((consolidated))~~ two annual reports and ~~((worksheet))~~ assessment fee on March 4th, ~~((the licensee))~~ you would have to pay an additional ~~((three))~~ four hundred fifty dollars as a late penalty. If the items are filed with the department more than thirty days after ceasing Washington operations, the late penalty will accrue at the same rate. The maximum late penalty that will be assessed is five thousand dollars per reporting year. More penalties may be assessed if the department must

make a bond claim to collect the amounts due. See subsection (3) of this section.

(3) **Failure to file.** If a licensee fails to pay its annual assessment fee or file the annual reports by ~~((April 1st))~~ the due date the director may file a claim against the licensee's surety bond for failing to ~~((faithfully conform to and abide by))~~ comply with the Consumer Loan Act. The department may make a claim ~~((on the licensee's surety bond))~~ for the late penalties under subsection (2) of this section and the greater of:

- (a) The assessment fee paid the previous year;
- (b) The average annual assessment fee paid in the previous two years; or
- (c) Fifteen hundred dollars.

(4) **Annual reporting of residential mortgage loan data.** On an annual basis the company licensee must provide information on the characteristics of residential mortgage loan originations in an electronic format prescribed by the ~~((direction))~~ director.

~~((5))~~ **Residential mortgage loan annual reports content.**

(a) ~~The director will provide the report format or forms and worksheet for the reporting requirement described in subsection (4) of this section.~~

(b) For the annual reporting of loan data, the company licensee must provide:

(i) Information sufficient to identify the mortgage loan and the unique identifier of the mortgage loan originator, mortgage broker (if applicable), and mortgage lender for the loan;

(ii) Information sufficient to enable a computation of key items in the federal truth in lending disclosures, including the annual percentage rate, finance charge, amount financed, a schedule of payments, and any deviations between the final disclosures and the most recent disclosures issued prior to the final disclosures;

(iii) Information included in the initial and any subsequent good faith estimate (GFE) disclosures required under the federal Real Estate Settlement Procedures Act including the rate, the date of any interest rate lock, itemization of settlement charges and all compensation;

(iv) Information included in the final HUD-1 Settlement Statement;

(v) Information related to the terms of the loans, including adjustable rate loan features (including timing of adjustments, indices used in setting rates, maximum and minimum adjustments, floors and ceilings of adjustments), the undiscounted interest rate (if maintained by the mortgage lender in an electronic format), penalties for late payments, and penalties for prepayment (including computation of the penalty amount, duration of prepayment penalty, the maximum amount of penalty);

(vi) Information typically used in underwriting, including the appraised value of the property, sales price of the property (if a purchase loan), loan to value, borrowers' income, monthly payment amount, housing debt to income ratio including taxes and insurance, total debt to income ratio including taxes and insurance, and credit score(s) of borrowers; and

~~((vii)) Information included in a loan application register for mortgage lenders required to submit information pursuant to the federal Home Mortgage Disclosure Act.))~~

**AMENDATORY SECTION** (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-505 In addition to the Consumer Loan Act, what other laws do I have to comply with?** You must ensure you are in compliance with all federal and state laws and regulations that apply to lending or brokering loans when applicable to the transaction including, but not limited to, the Truth in Lending Act, the Equal Credit Opportunity Act, the Home Mortgage Disclosure Act, the Bank Secrecy Act, the Real Estate Settlement Procedures Act, the Gramm-Leach-Bliley Act, the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, the Federal Trade Commission Act, the Telemarketing and Consumer Fraud and Abuse Act, the Washington State Fair Housing Act, the S.A.F.E. Act, and the Federal Trade Commission ~~((Telephone))~~ Telemarketing Sales Rule ~~((, 16 C.F.R. Part 310)).~~

**AMENDATORY SECTION** (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-510 What are my disclosure obligations to consumers? (1) Content requirements.** In addition to complying with the applicable disclosure requirements in the federal and state statutes referred to in WAC 208-620-505 if the loan will be secured by a lien on real property, you must also provide the borrower or potential borrower an estimate of the annual percentage rate on the loan and a disclosure of whether or not the loan contains a prepayment penalty within three business days of receipt of a loan application.

(2) **Proof of delivery.** The licensee must be able to prove that the disclosures under subsection (1) of this section were provided within the required time frames. For purposes of determining the timeliness of the required early disclosures, the department may use the date of the credit report or may use the date of an application received from a broker. In most cases, proof of mailing is sufficient evidence of delivery. If the licensee has an established system of disclosure tracking that includes a disclosure and correspondence log, checklists, and a reasonable system for determining if a borrower did receive the documents, the licensee will be presumed to be in compliance.

(3) **Residential mortgage loans—Rate locks.** Within three business days, including Saturdays, of receipt of a residential mortgage loan application you must provide the borrower with the following disclosure about the interest rate:

(a) If a rate lock agreement has not been entered into, you must disclose to the borrower that the disclosed interest rate and terms are subject to change. Compliance with the RESPA good faith estimate is considered compliance.

(b) If a rate lock agreement has been entered into you must disclose to the borrower whether the rate lock agreement is guaranteed ~~((and))~~, whether and under what conditions any rate lock fees are refundable to the borrower, and:

(i) The number of days in the rate lock period;

(ii) The expiration date of the rate lock;

(iii) The rate of interest locked;

(iv) If applicable, the index and a brief explanation of the type of index used, the margin, the maximum interest rate, and the date of the first interest rate adjustment; and

(v) Any other terms of the rate lock agreement.

(c) If the borrower wants to lock the rate after the initial disclosure, you must provide a new rate lock (~~((disclosure and a rate lock))~~) agreement within three business days of the rate lock date that includes the (~~((following~~:

~~((i) The length of the rate lock period;~~

~~((ii) The expiration date of the rate lock;~~

~~((iii) The rate of interest locked;~~

~~((iv) If applicable, the index and a brief explanation of the type of index used, the margin, the maximum interest rate, and the date of the first interest rate adjustment; and~~

~~((v) Any other terms of the rate lock agreement)) items from (b) of this subsection.~~

(d) You must disclose payment of a rate lock fee as a cost in Block 2 of the GFE. On the HUD-1, the cost of the rate lock must be recorded on Line 802 and the credit must be recorded in section 204-209 with "P.O.C. (borrower)" recorded to the left of the borrower column.

**(4) Residential mortgage loans—Loans brokered (~~((loans))~~) to other creditors.** Within three business days following receipt of a residential mortgage loan application you must provide to each borrower:

(a) If a rate lock agreement has not been entered into, you must disclose to the borrower that the disclosed interest rate and terms are subject to change. Compliance with the RESPA good faith estimate is in compliance with subsection (3)(a) of this section.

(b) An estimate of the annual percentage rate on the loan and a disclosure of whether or not the loan contains a prepayment penalty;

~~((b))~~ (c) A good faith estimate that conforms with RESPA ((24)), Regulation X, 12 C.F.R. ((3500)) 1024;

~~((c))~~ (d) A truth in lending disclosure that conforms with TILA, Regulation Z, 12 C.F.R. ((Section 226)) 1026.

~~((d))~~ (e) A rate lock disclosure containing the following:

(i) If a rate lock agreement has been entered into you must disclose to the borrower whether the rate lock agreement is guaranteed (~~((and))~~), whether and under what conditions any rate lock fees are refundable to the borrower, and:

(A) The number of days in the rate lock period;

(B) The expiration date of the rate lock;

(C) The rate of interest locked;

(D) If applicable, the index and a brief explanation of the type of index used, the margin, the maximum interest rate, and the date of the first interest rate adjustment; and

(E) Any other terms of the rate lock agreement.

(ii) If the borrower wants to lock the rate after the initial disclosure, you must provide a new rate lock (~~((disclosure and a rate lock))~~) agreement within three business days of the rate lock date. The rate lock agreement must include the (~~((following~~:

(A) The length of the rate lock period;

(B) The expiration date of the rate lock;

(C) The rate of interest locked;

~~((D) If applicable, the index and a brief explanation of the type of index used, the margin, the maximum interest rate, and the date of the first interest rate adjustment; and~~

~~((E) Any other terms of the rate lock agreement)) items from this subsection (4)(e).~~

~~((e))~~ (f) You must disclose payment of a rate lock fee as a cost in Block 2 of the GFE. On the HUD-1, the cost of the rate lock must be recorded on Line 802 and the credit must be recorded in section 204-209 with "P.O.C. (borrower)" recorded to the left of the borrower column.

**(5) Residential mortgage loans—Shared appreciation mortgages (SAM) or mortgages with shared appreciation provisions.** Within three business days following receipt of a loan application for a shared appreciation mortgage, or a mortgage with a shared appreciation provision, in addition to the disclosures required by federal law or by this chapter, you must provide each borrower with a written disclosure containing at a minimum the following:

(a) The percentage of shared equity or shared appreciation you will receive (or a formula for determining it);

(b) The value the borrower will receive for sharing his or her equity or appreciation;

(c) The conditions that will trigger the borrower's duty to pay;

(d) The conditions that may cause the lender to terminate the mortgage or shared appreciation provision early;

(e) The procedure for including qualifying major home improvements in the home's basis (if any);

(f) Whether a prepayment penalty applies or other conditions applicable, if a borrower wishes to repay the loan early, including but not limited to, any date certain after which the borrower can repay the loan by paying back the lender's funds plus accrued equity; and

(g) The date on which the SAM terminates and the equity or appreciation becomes payable if no triggering event occurs.

**(6) Loan modifications.** You must immediately inform the borrower in writing if the owner of the loan requires additional information from the borrower, or if it becomes apparent that a residential mortgage loan modification is not possible.

(7) Each licensee must maintain in its files sufficient information to show compliance with state and federal law.

**AMENDATORY SECTION** (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-511 What is the disclosure required under RCW 19.144.020 for residential mortgage loans?**

(1) You must provide the borrower with a clear, brief one page summary to help borrowers understand their loan terms. The disclosure summary must be provided on one page separate from any other documents and must use clear, simple, plain language terms that are reasonably understandable to the average person.

(2) You must provide the initial disclosure summary to the borrower within three business days following your receipt of a complete loan application.

(3) You must redisclose material loan terms within three days of a significant change, or at least three days before closing, whichever is earlier.

(4) You may provide the disclosure summary in electronic form, in a manner consistent with the procedure for delivery of electronic disclosure under Regulation Z of the Truth in Lending Act, 12 C.F.R. Part 226, currently in effect, which implements the E-Sign Act of 2000, 15 U.S.C. Sec. 7001 et seq.

(5) The department has developed model forms that comply with this provision. See the department's web site. See also RCW 19.144.020 and WAC 208-600-200.

(6) Disclosure in compliance with the Real Estate Settlement Procedures Act, 12 U.S.C. Sec. 2601, and Regulation X, 12 C.F.R. 1024.7 (formerly 24 C.F.R. Sec. 3500.7) is considered compliance with the disclosure requirements of this section.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-515 What authority do I have as a licensee?** As a licensee you may:

(1) Lend money with a note rate that does not exceed twenty-five percent per annum as determined by the simple interest method of calculating interest owed. This applies only to nonmortgage loans, junior lien mortgage loans, and to lenders that are not "creditors" under the Depository Institutions Deregulatory and Monetary Control Act when making first lien mortgage loans. The requirement for the simple interest method of calculating interest does not apply to reverse mortgages.

(2) Make open-end loans as authorized in RCW 31.04.115 provided that:

(a) The annual fee allowed in RCW 31.04.115(3) may not exceed fifty dollars; and

(b) The annual fee must be charged in advance as a lump sum. It must not be charged monthly and must not be financed.

(3) In accordance with Title 48 RCW, sell insurance covering real and personal property, covering the life or disability or both of the borrower, covering the involuntary unemployment of the borrower, or other insurance products approved by the Washington state office of the insurance commissioner.

(4) Service residential mortgage loans. See also WAC 208-620-320, 208-620-325, 208-620-550, 208-620-551, and 208-620-900.

(5) Provide third-party loan modification services for residential mortgage loans. See also WAC 208-620-320, 208-620-325, 208-620-545, 208-620-550, and 208-620-552.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-520 How long must I maintain my records under the Consumer Loan Act? What are the records I must maintain?**

(1) **General records.** Each licensee must maintain the books, accounts, records, papers, documents, files, and other information relevant to a loan or servicing of a loan for a min-

imum of twenty-five months, or the period of time required by federal law, whichever is longer, after making the final entry on that loan at a licensed location ~~((approved by the director. Mortgage transaction documents have a different retention period; see subsection (3)(a) of this section)).~~

(2) **Advertising records.** These records include newspaper and print advertising, scripts of radio and television advertising, telemarketing scripts, all direct mail advertising, and any advertising distributed directly by delivery, facsimile or computer network.

(3) **Other specific records.** The records required under subsection (1) of this section include, but are not limited to:

(a) All loan agreements or notes and all addendums, riders, or other documents that supplement the final loan agreements;

(b) All forms of loan applications, written or electronic (the Fannie Mae 1003 is an example);

(c) The initial rate sheet or other supporting rate information;

(d) The last rate sheet, or other supporting rate information, if there was a change in rates, terms, or conditions prior to settlement;

(e) Rate lock agreements and the supporting rate sheets or other rate supporting document;

(f) All written disclosures required by the act and federal laws and regulations. Some examples of federal law disclosures include, but are not limited to: The good faith estimate, truth in lending disclosures, Equal Credit Opportunity Act disclosures, affiliated business arrangement disclosures, and RESPA servicing disclosure statement;

(g) Documents and records of compensation paid to employees and independent contractors;

(h) An accounting of all funds received in connection with loans with supporting data;

(i) Settlement statements (the final HUD-1 or HUD-1A);

(j) Broker loan document requests (may also be known as loan document request or demand statements) that include any prepayment penalties, terms, fees, rates, yield spread premium, loan type and terms;

(k) Records of any fees refunded to applicants for loans that did not close;

(l) All file correspondence and logs;

(m) All mortgage broker contracts with lenders and all other correspondence with the lenders; and

(n) All documents used to support the underwriting approval.

(4) Loan servicing documents. See subsection (1) of this section.

(5) Abandoned records. If you do not maintain your records as required, you are responsible for the costs of collection, storage, conversion to electronic format, or proper destruction of the records.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-545 Must I provide a written fee agreement when I provide third-party residential mortgage loan modification services?** Yes. You must provide a written fee agreement as prescribed by the director when pro-

viding residential mortgage modification services. You must provide a copy of the signed fee agreement to the consumer and you must keep a copy as part of your books and records.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-550 What business practices are prohibited?** In addition to RCW 31.04.027, the following constitute an "unfair or deceptive" act or practice:

(1) Failure to provide the exact pay-off amount as of a certain date within five business days after being requested in writing to do so by a borrower of record or their authorized representative;

(2) Failure to record a borrower's payment as received on the day it is delivered to any of the licensee's locations during its regular working hours;

(3) Soliciting or entering into a contract with a borrower that provides in substance that the licensee may earn a fee or commission through its "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(4) **Engaging in unfair or deceptive advertising practices.** Unfair advertising may include advertising that offends public policy, or causes substantial injury to consumers or to competition in the marketplace. See also WAC 208-620-630;

(5) Negligently making any false statement or willfully making any omission of material fact in connection with any application or any information filed by a licensee in connection with any application, examination or investigation conducted by the department;

(6) Making any payment, directly or indirectly, or withholding or threatening to withhold any payment, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(7) Leaving blanks on a document that is signed by the borrower or providing the borrower with documents with blanks;

(8) Failing to clearly disclose to a borrower whether the payment advertised or offered for a real estate loan includes amounts for taxes, insurance or other products sold to the borrower;

(9) Purchasing insurance on an asset secured by a loan without first attempting to contact the borrower by mailing one or more notices to the last known address of the borrower, unless mail has been previously returned as undeliverable from the address, in order to verify that the asset is not otherwise insured;

(10) Willfully filing a lien on property without a legal basis to do so;

(11) Coercing, intimidating, or threatening borrowers in any way with the intent of forcing them to complete a loan transaction;

(12) Failing to reconvey title to collateral, if any, within thirty business days when the loan is paid in full unless conditions exist that make compliance unreasonable;

(13) Intentionally delaying the closing of a residential mortgage loan for the sole purpose of increasing interest, costs, fees, or charges payable by the borrower;

(14) Steering a borrower to a residential mortgage loan with less favorable terms than they qualify for in order to increase the compensation paid to the company or mortgage loan originator. An example is counseling, or directing a borrower to accept a residential mortgage loan product with a risk grade less favorable than the risk grade the borrower would qualify for based on the licensee or other regulated person's then current underwriting guidelines, prudently applied, considering the information available to the licensee or other regulated person, including the information provided by the borrower;

(15) Failing to indicate on all residential mortgage loan applications the company's unique identifier, the loan originator's unique identifier, and the date the application was taken;

(16) Receiving compensation or anything of value from any party for assisting in real estate "flopping." Flopping occurs during some short sales where the value of the property is misrepresented to the lender who then authorizes the sale of the property for less than market value. The property is then resold at market value or near market value for a profit. The failure to disclose the true value of the property to the lender constitutes fraud and is a violation of this chapter;

(17) Receiving compensation for making the loan and for brokering the loan in the same transaction.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-551 Residential mortgage loan servicers—What business practices are prohibited?** (1) In addition to being subject to RCW 31.04.027, you are prohibited from requiring or encouraging a borrower to:

~~((+))~~ (a) Waive his or her legal defenses, counterclaims, and other legal rights against the servicer for future acts;

~~((2))~~ (b) Waive his or her right to contest a future foreclosure;

~~((3))~~ (c) Waive his or her right to receive notice before the owner or servicer of the loan initiates foreclosure proceedings;

~~((4))~~ (d) Agree to pay charges not enumerated in any agreement between the borrower and the lender, servicer, or owner of the loan; or

~~((5))~~ (e) Cease communication with the lender or investor.

~~((6))~~ (2) As to force placed insurance you are ~~((further))~~ prohibited from:

(a) Purchasing insurance on a property secured by a loan you service without providing ~~((one or more))~~ two prior written notices to the ~~((borrower's))~~ homeowner's last known address ~~((in order to verify that the property is not otherwise insured.~~

~~((b))~~ seeking verification of existing insurance coverage. The notices must state:

(i) How the homeowner provides proof there is insurance coverage in place;

(ii) That without proof of insurance the servicer may obtain coverage at the homeowner's expense, that such coverage may only protect the mortgage holder, and that the cost of

the coverage may be higher than that the homeowner may be able to obtain privately:

(iii) That the homeowner may request the servicer to set up an escrow account to advance insurance payments and that upon establishment of an escrow account the servicer may charge the borrower the amount of the insurance payments advanced on the borrower's behalf respecting the mortgaged property including a cushion amount (see WAC 208-620-900 (4)(b));

(iv) The second written notice must be sent thirty days after the first written notice.

(b) Failing to advance payments to a property insurer regardless of the homeowner making a payment to the servicer when the homeowner has an escrow account for the payment of insurance.

(c) Purchasing force placed insurance at a price that is not commercially reasonable.

(d) Collecting private mortgage insurance beyond the date for which private mortgage insurance is no longer required. You must terminate force placed insurance within thirty days of receiving evidence from the homeowner of the existence of coverage. You must refund to the homeowner all premiums for force placed insurance collected during any period of time for which the homeowner's private insurance was in place.

(3) You are additionally prohibited from:

(a) Knowingly misapplying or recklessly applying loan payments to the outstanding balance of a loan.

~~((e))~~ (b) Knowingly misapplying or recklessly applying payments to escrow accounts.

~~((f))~~ (c) Charging excessive or unreasonable fees to provide loan payoff information.

~~((g))~~ (d) Knowingly or recklessly providing inaccurate information to a credit bureau, thereby harming a borrower's creditworthiness.

~~((h))~~ (e) Collecting private mortgage insurance beyond the date for which private mortgage insurance is no longer required.

~~((i))~~ (e) Knowingly or recklessly facilitating the illegal foreclosure of real property collateral.

(4) You are prohibited from referring a delinquent mortgage to foreclosure if you have received the homeowner's loan modification application and you have not evaluated the homeowner for all available loan modifications.

(5) You are prohibited from using any funds in a suspense account to pay your own fees for servicing.

(6) You are prohibited from pursuing any collection activities while a complete loan modification application is being reviewed or while the borrower is making payments pursuant to a trial or permanent modification. This prohibition includes activities conducted by others on your behalf.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-552 Third-party residential loan modification service providers—What business practices are prohibited?** In addition to RCW 31.04.027, you are prohibited from:

~~(1) Collecting an advance fee ((of more than seven hundred fifty dollars)).~~

~~(2) ((Collecting an advance fee without a written fee agreement)) Charging total fees in excess of usual and customary charges, or total fees that are not reasonable in light of the service provided when providing residential mortgage loan modification services.~~

~~(3) Failing to provide a written fee agreement as prescribed by the director when providing residential mortgage modification services.~~ See also WAC 208-620-545.

~~((3))~~ (4) As a condition to providing loan modification services requiring or encouraging a borrower to:

(a) Waive his or her legal defenses, counterclaims, and other legal rights against the servicer for future acts;

(b) Waive his or her right to contest a future foreclosure;

(c) Waive his or her right to receive notice before the owner or servicer of the loan initiates foreclosure proceedings;

(d) Agree to pay charges not enumerated in any agreement between the borrower and the lender, servicer, or owner of the loan; or

(e) Cease communication with the lender, investor, or loan servicer or stop or delay making regularly scheduled payments on an existing mortgage unless a mortgage loan modification is completely negotiated and executed with the lender or investor and the modification agreement itself provides for a cessation or delay in making regularly scheduled payments; or

(f) Enter into any contract or agreement to purchase a borrower's property.

~~((4))~~ (5) You are further prohibited from failing in a timely manner to:

(a) Communicate with or on behalf of the borrower;

(b) Act on any reasonable request from or take any reasonable action on behalf of a borrower.

~~((5))~~ (6) Engaging in false or misleading advertising. In addition to WAC 208-620-630, examples of false or misleading advertising include:

(a) Advertising which includes a "guarantee" unless there is a bona fide guarantee which will benefit a borrower.

(b) Advertising which makes it appear that a licensee has a special relationship with lenders when no such relationship exists.

~~((6))~~ (7) Leading a borrower to believe that the borrower's credit record will not be negatively affected by a mortgage loan modification when the licensee has reason to believe that the borrower's credit record may be negatively affected by the mortgage loan modification.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-568 What fees am I not allowed to charge when providing third-party residential mortgage loan modification services under the act?** You must not charge total fees in excess of usual and customary charges, or total fees that are not reasonable in light of the service provided.

AMENDATORY SECTION (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-570 What are the grounds for suspending or revoking a consumer loan company license?**

The director may suspend or revoke a license if the licensee, or any principal, officer, or board director of the licensee:

- (1) **Failing to pay.** Fails to pay a fee due the department;
- (2) **Injunction or administrative action.** Is or has been subject to an injunction or a civil or administrative action issued pursuant to the Consumer Loan Act, the Consumer Protection Act, the Mortgage Broker Practices Act or similar laws of this state or another state;
- (3) **Substantial unpaid debt.** Has accumulated substantial unpaid debt;
- (4) **Violation of lending laws.** Has been found in violation of another state's lending laws, securities laws, real estate laws or insurance laws resulting in substantial license limitations or significant fines, restitution, or both;
- (5) **Criminal charges.** The person is the subject of a criminal felony charge, or a criminal misdemeanor charge involving dishonesty or financial misconduct;
- (6) **Bond canceled.** Has had its surety bond canceled or revoked for cause;
- (7) **Deterioration of business.** Has allowed the licensed consumer loan business to deteriorate into a condition which would result in denial of a new application for a license;
- (8) **Aiding unlicensed practice.** Has aided or abetted an unlicensed person to practice in violation of the Consumer Loan Act or the Mortgage Broker Practices Act;
- (9) **Incompetence resulting in injury.** Has demonstrated incompetence or negligence that results in financial harm to a person or that creates an unreasonable risk that a person may be harmed;
- (10) **Insolvency.** Is insolvent in the sense that the value of the licensee's liabilities exceeds its assets or in the sense that the applicant or licensee cannot meet its obligations as they mature;
- (11) **Failure to comply.** Has failed to comply with an order, directive, subpoena, or requirement of the director, or his or her designee, or with an assurance of discontinuance entered into with the director, or his or her designee;
- (12) **Misrepresentation or fraud.** Has performed an act of misrepresentation or fraud in any aspect of the conduct of the lending or brokering business or profession;
- (13) **Failure to cooperate.** Has failed to cooperate with the director, or his or her designee, including without limitation by:
  - (a) Not furnishing records requested by the director for purposes of conducting a lawful investigation for disciplinary actions or denial, suspension, or revocation of a license; or
  - (b) Not furnishing records requested by the director for purposes of conducting a lawful investigation into a complaint against the licensee filed with the department, or providing a full and complete written explanation of the circumstances of the complaint upon request by the director;
- (14) **Interference with investigation.** Has interfered with a lawful investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's designee, or by the use of threats or harassment against a client, witness, employee of the licensee, or repre-

sentative of the director for the purpose of preventing them from discovering evidence for, or providing evidence in, any disciplinary proceeding or other legal action.

AMENDATORY SECTION (Amending WSR 06-04-053, filed 1/27/06, effective 2/27/06)

**WAC 208-620-610 What authority does the department have to investigate violations of the Consumer Loan Act?** (1) The director may enforce all laws and rules relating to the licensing and regulation of licensees and persons subject to this chapter.

(2) The director may impose fines of up to one hundred dollars per day upon the licensee, its employees or loan originators, or other persons subject to this chapter for any violation of this chapter or for failure to comply with any order or subpoena issued by the director under this chapter.

(3) Each day's continuance of the violation is a separate and distinct offense.

(4) **Testimony.** The director or designees may require the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or the subject matter of any investigation, examination, or hearing.

~~((2))~~ (5) **Production of records or copies.** The director or designee may require the production of books, accounts, papers, records, files, and any other information deemed relevant to the inquiry. The director may require the production of original books, accounts, papers, records, files, and other information; may require that such original books, accounts, papers, records, files, and other information be copied; or may make copies himself or herself or by designee of such original books, accounts, papers, records, files, or other information.

~~((3))~~ (6) **Subpoena authority.** If a licensee or person does not attend and testify, or does not produce the requested books, accounts, papers, records, files, or other information, then the director or designated persons may issue a subpoena or subpoena duces tecum requiring attendance or compelling production of the books, accounts, papers, records, files, or other information.

AMENDATORY SECTION (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-613 When I develop policies and procedures to implement the federal guidelines on applicable conventional residential mortgage loans, what topics must be included?** The policies and procedures must include, at a minimum, underwriting standards, risk management, consumer protection, and control systems. If you only broker residential mortgage loans under your CLA license, your policies and procedures must comply with WAC 208-660-500. For purposes of this section, the definition of "subprime" and "subprime loans" is taken from the *2001 Interagency Expanded Guidance for Subprime Lending Programs* (an attachment to SR 01-4 (GEN), January 31, 2001, by the Board of Governors of the Federal Reserve System, Division of Banking, Supervision and Regulation).

(1) Underwriting standards. To ensure that underwriting standards are consistent with prudent lending practices, the

underwriting standards should include, at a minimum, an analysis of borrower characteristics, loan product attributes, and the borrower's ability to repay the obligation.

(a) Analysis of borrower characteristics. The analysis must include tolerances for combining borrowers with certain characteristics with certain nontraditional loan products.

The criteria or range of reasonable tolerances should consider the characteristics listed in the *2001 Interagency Expanded Guidance for Subprime Lending Programs*.

(b) Loan product attributes. Products with the following attributes, when combined with the borrower characteristics above result in higher risk. The risks are increased if borrowers are not adequately informed of the product features and risks.

- Low initial payments based on a fixed introductory rate that expires after a short time and then adjusts to a variable index rate plus a margin. Because initial and subsequent monthly payments are based on these low introductory rates, a wide initial spread means that borrowers are more likely to experience negative amortization, severe payment shock, and an earlier than scheduled recasting of monthly payments. Loans made to subprime borrowers must not contain any provisions that may lead to negative amortization.

- Very high or no limits on how much the payment amount or the interest rate may increase.

- Limited or no documentation of the borrower's income. Stated income is only acceptable if there are mitigating factors that clearly minimize the need for direct verification of repayment capacity. Licensees generally must be able to readily document income using recent W-2 statements, pay stubs, or tax returns. An exception to this is when the loan product underwriting itself contemplates reduced documentation (for example, FHA loans).

- Substantial prepayment penalties or prepayment penalties that extend beyond sixty days prior to the date the interest rate will reset.

- Simultaneous second lien loans. When features are layered, mitigating factors should be present to support the underwriting decision and the borrower's repayment capacity.

(c) Ability to repay. For all nontraditional mortgage loan products, the analysis of a borrower's repayment capacity must include an evaluation of their ability to repay the debt by final maturity at the fully indexed rate, assuming a fully amortizing repayment schedule. In addition, for prime borrowers qualifying for loan products that permit negative amortization, the repayment analysis must be based on the initial loan amount plus any balance increase that may accrue from the negative amortization provision. The analysis should avoid over reliance on credit scores as a substitute for income verification. The higher a loan's credit risk, either from borrower characteristics or loan features, the more important it is to verify the borrower's income, assets, and outstanding liabilities.

(2) Risk management. The scope of the risk management activities should be determined by the volume of nontraditional mortgages originated or used as investment. Licensees that target subprime borrowers through tailored marketing, underwriting standards, and risk selection must ensure that

such programs do not feature terms that could become predatory or abusive. Policy topics should include, at a minimum:

(a) Acceptable product attributes;

(b) Production, sales and securitization practices;

(c) Limits on risk layering. When features are layered, licensees should demonstrate that mitigating factors support the underwriting decision and the borrower's repayment capacity. Mitigating factors could include higher credit scores, lower LTV and DTI ratios, significant liquid assets, mortgage insurance, or other credit enhancements;

(d) Growth and volume limits by loan type;

(e) Performance measures. Incentive programs should not produce high concentrations of nontraditional products. Design performance measures and reporting systems that provide early warning for increased risk;

(f) Management reporting and quality control. Focus on the high risk lending activities. Monitor and document compliance with underwriting standards. Quality control should include regular audits of nontraditional loan products. Perform due diligence in establishing and maintaining relationships with third party originators. Third party originations must meet the underwriting standards. Document and respond in writing to all complaints. Take immediate remedial action which could include more thorough application reviews, more frequent reunderwriting, or terminating the third party originator;

(g) Secondary market activity. The risk management practices should be commensurate with the nature and volume of activity and should include contingency planning for response to reduced demand in the secondary market. Establish a policy on repurchase practices.

(3) Consumer protection.

Communication with borrowers. Providers must focus on information important to consumer decision making; highlight key information so that it will be noticed; employ a user-friendly and readily navigable format for presenting the information; and use plain language, with concrete and realistic examples. Comparative tables and information describing key features of available loan products, including reduced documentation programs, also may be useful for consumers. Specifically:

- Promotional materials and other product descriptions must provide information about the costs, terms, features, and risks of nontraditional mortgages that can assist consumers in their product selection decisions.

- Licensees must apprise borrowers of potential increases in payment obligations. The information should describe when structural payment changes will occur and what the new payment would be or how it was calculated.

- If negative amortization is possible under the terms of a nontraditional mortgage product, borrowers must be advised of the potential for increasing principal balances and decreasing home equity as a consequence of the borrower making minimum payments.

- Borrowers must be alerted to the fact that the loan has a prepayment penalty and the amount of the penalty.

- Borrowers must be made aware of any pricing premium based on reduced documentation.

- Monthly statements must provide information that enables borrowers to make informed payment choices,



including an explanation of each payment option available and the impact of that choice on loan balances. For example, the monthly payment statement must contain an explanation, if applicable, next to the minimum payment amount that making this payment would result in an increase to the borrower's principal loan balance.

(4) Control standards. ~~((a))~~ Actual practices must be consistent with the written policies and procedures. Employees must be trained in the policies and procedures and performance monitored for compliance. Incentive programs should not produce high concentrations of nontraditional products. Performance measures and reporting systems should be designed to provide early warning of increased risk.

~~((b) Reporting to DFI. In a separate written document, as prescribed by the director and submitted with the consolidated annual report, every licensee must submit information regarding the offering of nontraditional mortgage loan products as prescribed by rule.)~~

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-620 How do I have to identify my business when I advertise?** You must ~~((either))~~ identify the business using your Washington consumer loan license name ~~((, or using))~~. You may also use an approved DBA name ~~((with))~~ if you include the main office license name ~~((or))~~ and license number (CLA-123456). For use of URL addresses and web pages, see WAC 208-620-621 and 208-620-622.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-622 When I advertise using the internet or any electronic form (including, but not limited to, text messages), is there specific content my web pages must contain?** Yes. You must provide the following language, in addition to any other, on your web pages or in any medium where you hold yourself out as being able to provide the services:

(1) Main or home page.

(a) The company's license name and NMLS unique identifier must be displayed on the licensee's main or home web page.

(b) If mortgage loan originators are named, their NMLS numbers must follow the names.

(c) The main or home page must also contain a link to the NMLS consumer access web site page for the company.

(2) Branch office web page - no DBA. Comply with subsection (1) of this section.

(3) Main or branch office web page - DBA. If the company uses a DBA on a web page the web page must also contain the main office license name, ~~((empty))~~ license number, be in compliance with subsection (1)(b) of this section, and the web page must contain a link to the NMLS consumer access web site page for the company.

(4) Mortgage loan originator web page. If a loan originator maintains a separate home or main page, ~~((the URL address to the site must be a DBA of the licensee and))~~ the licensee's name and license number must also appear on the

web page. The web page must also contain the loan originator's NMLS number and a link to the NMLS consumer access web page for the company.

(5) Compliance with other laws. Web site content used to solicit Washington consumers must comply with all relevant state and federal statutes for specific services and products advertised on the web site.

(6) Oversight. The company is responsible for web site content displayed on all company web pages used to solicit Washington consumers including main, branch, and mortgage loan originator web pages.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-630 What are the advertising restrictions?** (1) **Licensees are prohibited from advertising with envelopes or stationery that contain an official-looking emblem designed to resemble a government mailing or that suggest an affiliation that does not exist. Some examples of emblems or government-like names, language, or nonexistent affiliations that will violate the state and federal advertising laws include, but are not limited to:**

(a) Characterizing products as "government loan programs," "government-supported loans," or other words that may mislead a consumer into believing that the government is guaranteeing, endorsing, or supporting the advertised loan product. Using the words "FHA loan," "VA loan," or words for other products that are in fact endorsed or sponsored by a federal, state, or local government entity is allowed.

(b) An official-looking emblem such as an eagle, the Statue of Liberty, or a crest or seal that resembles one used by any state or federal government agency.

(c) Envelopes designed to resemble official government mailings, such as IRS or U.S. Treasury envelopes, or other government mailers.

(d) Warnings or notices citing government codes or form numbers not required by the U.S. Postmaster to be shown on the mailing.

(e) The use of the term "official business," or similar language implying official or government business, without also including the name of the sender.

(f) Any suggestion or representation that the licensee is, or is affiliated with, a state or federal agency, municipality, bank, savings bank, trust company, savings and loan association, building and loan association, credit union, or other entity that it does not actually represent.

(2) **When I am advertising interest rates, the act requires me to conspicuously disclose the annual percentage rate (APR) implied by the rate of interest. What does it mean to "conspicuously" disclose the APR?** The required disclosures in your advertisement must be reasonably understandable. Consumers must be able to see, read, or hear, and understand the information. Many factors, including the size, duration, and location of the required disclosures, and the background or other information in the advertisement, can affect whether the information is clear and conspicuous. This requirement applies to all mandatory disclosures. The disclosure of the APR must be at least equivalent to any other rates disclosed in the advertisement.

(3) **The act prohibits me from advertising an interest rate unless that rate is actually available at the time of the advertisement. How may I establish that an advertised interest rate was "actually available" at the time it was advertised?** Whenever a specific interest rate is advertised, the licensee must retain a copy of supporting rate information, and the APR calculation for the advertised interest rate.

(4) **Must I quote the annual percentage rate when discussing rates with a borrower?** Yes. You must quote the annual percentage rate and other terms of the loan if you give an oral quote of an interest rate to the borrower. TILA's Regulation Z, 12 C.F.R., part 226.26 provides guidance for using the annual percentage rate in oral disclosures.

(5) **May a licensee advertise rates or fees as the "lowest" or "best"?** No. Rates described as "lowest," "best," or other similar words cannot be proven to be actually available at the time they are advertised. Therefore, they are a false or deceptive statement or representation prohibited by RCW 31.04.027.

(6) **May I solicit using advertising that suggests or represents that I am affiliated with a state or federal agency, municipality, federally insured financial institution, trust company, building and loan association, when I am not; or that I am an entity other than who I am?** No. It is an unfair and deceptive act or practice and a violation of the act for you to suggest or represent that you are affiliated with a state or federal agency, municipality, federally insured financial institution, trust company, building and loan association, or other entity you do not actually represent; or to suggest or represent that you are any entity other than who you are.

(7) **If I advertise using a borrower's current loan information, what must I disclose about that information?** When an advertisement includes information about a borrower's current loan that you did not obtain from a solicitation, application, or loan, you must provide the borrower with the name of the source of the information.

(8) **Is it a violation to advertise that third-party services are "free" when the licensee has paid for the services?** Yes. Advertising using the term "free," or any other similar term or phrase that implies there is no cost to the applicant is deceptive because you can recover the cost of the purportedly "free" item through the negotiation process. This is a violation of RCW 31.04.027 (2), (7), and ~~((40))~~ (12). See the Federal Trade Commission's *Guide Concerning Use of the Word "Free" and Similar Representations*, available at <http://www.ftc.gov/bcp/guides/free.htm>, 16 C.F.R. § 251.1(g) (2003).

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-710 Mortgage loan originator—Licensing.** (1) **Must I have a license to act as a mortgage loan originator for a consumer loan company?** Yes. You must not engage in the business of a mortgage loan originator without first obtaining and maintaining annually a license under this act. You must register with and maintain a valid unique identifier issued by the ~~((nationwide mortgage licensing system and registry (NMLSR)))~~ NMLS.

(2) **How do I apply for a loan originator license?** Your application consists of filing an on-line application through the ~~((NMLSR))~~ NMLS and providing Washington specific requirements directly to DFI. You must pay an application fee and filing fee through the ~~((NMLSR system))~~ NMLS.

(3) **What are the eligibility requirements to become a licensed loan originator?**

(a) Be eighteen years or older.

(b) Have a high school diploma, an equivalent to a high school diploma, or three years work experience in the industry.

(i) The work experience must be in one or more of the following, within the last five years:

(A) As a mortgage broker or designated broker of a mortgage broker for a minimum of two years; or

(B) As a mortgage banker, responsible individual, or manager of a mortgage banking business; or

(C) As a loan originator with responsibility primarily for originating loans secured by a lien on residential real estate; or

(D) As a branch manager of a lender with responsibility primarily for loans secured by a lien on residential real estate; or

(E) As a manager or supervisor of mortgage loan originators; or

(F) As a mortgage processor, underwriter, or quality control professional; or

(G) As a regulator, examiner, investigator, compliance expert, or auditor, whose primary function is the review of mortgage companies and their compliance processes, and the department determines your background is sufficient.

(ii) The work experience must be evidenced by a detailed work history and:

(A) W-2 Federal Income Tax Reporting Forms in the designated broker appointee's name; or

(B) 1099 Federal Income Tax Reporting Forms in the designated broker appointee's name; or

(C) Corporate tax returns signed by the designated broker appointee or corporate officer for a licensed or exempt residential mortgage company.

(iii) In addition to supplying the application information, both you and the company intending to sponsor you must be in good standing with the department.

(c) **Demonstrate financial responsibility.** For the purposes of this section, an applicant has not demonstrated financial responsibility when the applicant shows disregard in the management of his or her financial condition. A determination that an individual has shown disregard in the management of his or her financial condition may include, but is not limited to, an assessment of: Your credit report, current outstanding judgments, except judgments solely as a result of medical expenses; current outstanding tax liens or judgments or other government liens or filings; foreclosures within the last three years; or a pattern of seriously delinquent accounts within the past three years. Specifically, you are not eligible to receive a loan originator license if you have one hundred thousand dollars or more of tax liens against you at the time of application.

(d) Complete twenty hours of prelicensing education from an ((NMLSR)) NMLS approved provider. See WAC 208-620-720.

(e) **Pass a licensing test.** You must take and pass the ((NMLSR)) NMLS tests that assess your knowledge of the mortgage business and related regulations at the federal and state level. See WAC 208-620-725.

(f) **Complete prelicensing education.** You must complete prelicensing education. See WAC 208-620-720.

(g) **Submit an application.** You must complete an application through the ((NMLSR)) NMLS and provide information directly to DFI. You must pay application and filing fees to the ((NMLSR)) NMLS.

(h) **Prove your identity.** You must provide information to prove your identity.

(i) **Provide a bond.**

(i) If you are employed by a company that is exempt from licensing, or uses a bond substitute, you must obtain and maintain an individual bond based on the volume of your mortgage loan origination activity. By March 1st of each year, you must determine your required bond amount and provide DFI with proof of having an adequate bond. The bond must be in the following amount:

1. Zero to twenty million in loans originated:	\$20,000
2. Twenty million to thirty million:	\$30,000
3. Thirty million to forty million:	\$40,000
4. Forty million and above:	\$50,000

(ii) If you are employed by a company that is exempt and is a nonprofit housing organization making loans under housing programs that are funded in whole or in part by federal or state programs with the primary purpose of assisting low-income borrowers with purchasing or repairing housing or for the development of housing for low-income Washington state residents, the bond must be in the following amounts:

1. Zero to fifty million in loans originated:	\$10,000
2. Fifty +:	\$20,000

(j) File a quarterly call report. Reserved.

**(4) In addition to reviewing my application, what else will the department consider to determine if I qualify for a loan originator license?**

(a) **General fitness and prior compliance actions.** The department will investigate your background to see that you demonstrate the experience, character, and general fitness that commands the confidence of the community and creates a belief that you will conduct business honestly and fairly within the purposes of the act. This investigation may include a review of the number and severity of complaints filed against you, or any person you were responsible for, and a review of any investigation or enforcement activity taken against you, or any person you were responsible for, in this state, or any jurisdiction.

(b) **License suspensions or revocations.** You are not eligible for a loan originator license if you have been found to be in violation of the act or the rules, or have had a license

issued under the act or any similar state statute suspended or revoked.

(c) **Criminal history.** You are not eligible for a loan originator license if you have been convicted of, or pled guilty or nolo contendere to a felony in a domestic, foreign, or military court:

(i) During the seven-year period preceding the date of the application for licensing and registration; or

(ii) At any time preceding the date of application, if the felony involved an act of fraud, dishonesty, breach of trust, or money laundering.

**(5) What will happen if my loan originator license application is incomplete?** After submitting your on-line application through the ((NMLSR)) NMLS and filing the required information and documentation with the department, the department will notify you of any application deficiencies.

**(6) How do I withdraw my application for a loan originator license?**

(a) Once you have submitted the on-line application through ((NMLSR)) NMLS you may withdraw the application through ((NMLSR)) NMLS. You will not receive a refund of the ((NMLSR)) NMLS filing fee or the amount the department uses to investigate your license application.

(b) The withdrawal of your license application will not affect any license suspension or revocation proceedings in progress at the time you withdraw your application through the ((NMLSR)) NMLS.

**(7) When will the department consider my loan originator license application to be abandoned?** If you do not respond within fifteen days and as directed by the department, your loan originator license application is considered abandoned and you forfeit all fees paid. Failure to provide the requested information will not affect new applications filed after the abandonment. You may reapply by submitting a new application package and new application fee.

**(8) What happens if the department denies my application for a loan originator license, and what are my rights if the license is denied?** See WAC 208-620-615.

**(9) May I transfer, sell, trade, assign, loan, share, or give my loan originator license to someone else?** No. A loan originator license authorizes only the individual named on the license to conduct the business at the location listed on the license.

**(10) How do I change information on my loan originator license?** You must submit an amendment to your license through the ((NMLSR)) NMLS. You may be charged a fee.

**(11) What is an inactive loan originator license?** When a licensed loan originator is not sponsored by a licensed or exempt entity, the license is inactive. When a person holds an inactive license, they may not conduct any of the activities of a loan originator, or hold themselves out as a licensed loan originator.

**(12) When my loan originator license is inactive, am I subject to the director's enforcement authority?** Yes. Your license is granted under specific authority of the director and under certain situations you may be subject to the director's authority even if you are not doing any activity covered by the act.

(13) **When my loan originator license is inactive, must I continue to pay annual fees, and complete continuing education for that year?** Yes. You must comply with all the annual licensing requirements or you will be unable to renew your inactive loan originator license.

(14) **May I originate loans from a web site when my license is inactive?** No. You may not originate loans, or engage in any activity that requires a license under the act, while your license is inactive.

(15) **How do I activate my loan originator license?** The sponsoring company must submit a sponsorship request for your license through the ((NMLSR)) NMLS. The department will notify you and the sponsoring company if approved.

(16) **When may the department issue interim loan originator licenses?** To prevent an undue delay, the director may issue interim loan originator licenses with a fixed expiration date. The license applicant must meet the minimum requirements to obtain a license under the S.A.F.E. Act to receive an interim license.

(17) **When does my loan originator license expire?** The loan originator license expires annually on December 31st. If the license is an interim license, it may expire in less than one year.

(18) **How do I renew my loan originator license?**

(a) Before the license expiration date you must renew your license through the ((NMLSR)) NMLS. Renewal consists of:

(i) Paying the annual assessment fee; and

(ii) Meeting the continuing education requirement. You will not have a continuing education requirement in the year in which you complete the core twenty hours of prelicensing education. See WAC 208-620-730.

(b) The renewed license is valid until it expires, or is surrendered, suspended or revoked.

(19) **If I let my loan originator license expire, must I apply to get a new license?** If you complete all the requirements for renewal (~~before March 1st~~) on or before the last day of February each year, you may renew an existing license. However, if you renew your license during this two-month period, in addition to paying the annual assessment on your license, you must pay an additional fifty percent of your annual assessment. See subsection (17) of this section for the license renewal requirements.

During this two-month period, your license is expired and you must not conduct any business under the act that requires a license.

Any renewal requirements received by the department must be evidenced by either a United States Postal Service postmark or department "date received" stamp by March 1st. If you fail to comply with the renewal request requirements you must apply for a new license.

(20) **If I let my loan originator license expire and then apply for a new loan originator license within one year of the expiration, must I comply with the continuing education requirements from the prior license period?** Yes. Before the department will consider your new loan originator application complete, you must provide proof of satisfying the continuing education requirements from the prior license period.

(21) **May I still originate loans if my loan originator license has expired?** No. Once your license has expired you may no longer conduct the business of a loan originator, or hold yourself out as a licensed loan originator, as defined in the act and these rules.

(22) **May I surrender my loan originator's license?** Yes. Only you may surrender your license before the license expires through the ((NMLSR)) NMLS.

Surrendering your loan originator license does not change your civil or criminal liability, or your liability for any administrative actions arising from acts or omissions occurring before the license surrender.

(23) **Must I display my loan originator license where I work as a loan originator?** No. Neither you nor the company is required to display your loan originator license. However, evidence that you are licensed as a loan originator must be made available to anyone who requests it.

(24) **If I operate as a loan originator on the internet, must I display my license number on my web site?** Yes. You must display your license number(;) and license name. You must also display the license number and name as it appears on the license of the company you represent, on the web site.

(25) **Must I include my loan originator license number on any documents?** You must include your license number immediately following your name on solicitations, correspondence, business cards, advertisements, and residential mortgage loan applications.

(26) **When must I disclose my loan originator license number?** In the following situations you must disclose your loan originator license number and the name and license number of the company you are associated with:

(a) When asked by any party to a loan transaction, including third-party providers;

(b) When asked by any person you have solicited for business, even if the solicitation is not directly related to a mortgage transaction;

(c) When asked by any person who contacts you about a residential mortgage loan;

(d) When taking a residential mortgage loan application.

(27) **May I conduct business under a name other than the name on my loan originator license?** No. You must only use the name on your license when conducting business. If you use a nickname for your first name, you must use your name like this: "FirstName "Nickname" LastName."

(28) **As a licensed mortgage loan originator, what are my reporting responsibilities?** You must notify the director through amendment to the NMLS within ten business days to a change of:

(a) Answers to the NMLS generated disclosure questions;

(b) Sponsorship status;

(c) Residence address; or

(d) Any change in the information supplied to the director in your original application.

AMENDATORY SECTION (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-725 Mortgage loan originator—Testing. Must I pass a test prior to becoming a loan originator?** Yes.

(1) You must take and pass the ((NMLSR)) NMLS sponsored loan originator test. The test has two parts; one on federal law and regulation, and one on Washington specific law and regulation. You must receive a score of seventy-five percent or higher to pass the test.

(2) **Where may I find information about the loan originator test?** The ((NMLSR)) NMLS web site will publish the names and contact information of approved testing providers.

(3) **How much does the loan originator test cost?** Testing costs are set by the test provider and the ((NMLSR)) NMLS and may be modified from time to time. The ((NMLSR)) NMLS web site will publish the current testing fee with the testing provider contact information.

(4) **How do I register to take the loan originator test?** Register through the ((NMLSR)) NMLS web site.

(5) **What topics may be covered in the loan originator test?** At a minimum, the test topics will include ethics, federal and state law and regulation pertaining to mortgage origination, federal and state law and regulation on fraud, consumer protection, nontraditional mortgage products, and fair lending.

(6) **After passing the ((NMLSR)) loan originator test, will I have to take it again?** If you fail to maintain a valid license for a period of five years or longer you must retake the test, not taking into account any time during which you were a registered mortgage loan originator.

(7) **How soon after failing the loan originator test may I take it again?** After taking and failing the test you must wait thirty days before taking it again. After failing ((four)) three consecutive times, you must then wait at least six months before taking the test again.

AMENDATORY SECTION (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-730 Loan originator—Continuing education.** (1) **How many clock hours of loan originator continuing education must I have each year?** You must complete a minimum of eight hours of continuing education approved by the ((nationwide mortgage licensing system and registry)) NMLS which must include at least three hours of federal law and regulations; two hours of ethics (which must include instruction on fraud, consumer protection, and fair lending issues); and two hours of training related to lending standards for the nontraditional mortgage product marketplace. Additionally, the director may require at least one hour of continuing education on Washington law provided by and administered through an approved provider.

(2) **As a loan originator, may I take the same approved course multiple times to meet my annual continuing education requirement?** No. You may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(3) **If I teach an approved continuing education course may I use my course as credit toward my annual loan originator continuing education requirement?** Yes. As an instructor of an approved continuing education course, you may receive credit for your annually required loan originator continuing education courses from the course(s) you teach. You will receive credit at the rate of one course taught equaling two continuing education course credits.

(4) **If I accumulate more than the required loan originator continuing education course credits during a year, may I carry-over the excess credit to the next year?** No. Continuing education credits only apply to the year in which they are taken.

(5) **If I fail to complete the required continuing education, what happens to my loan originator license?** When your license expires, the department will not renew it, and you cannot continue conducting any business under the act. See WAC ((208-620-XXX)) 208-620-710 to renew your license if you miss the December 31st renewal deadline.

(6) **How will I know which courses and providers satisfy the continuing education requirement?** ((NMLSR)) NMLS will publish information about approved continuing education providers on their web site.

(7) **How do I provide the department with proof of the continuing education courses I have completed?**

((a) For SAFE required courses,) The course provider will report your continuing education to the ((NMLSR)) NMLS and DFI will have access to that information.

((b) For Washington specific courses, you must provide the department with proof of your satisfactory completion of the course, in a form prescribed by the department.)

AMENDATORY SECTION (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-805 Does this ((section)) part (WAC 208-602-800 through 208-602-850) apply to the FHA approved home equity conversion mortgage (HECM) product?** No. ((This section does)) WAC 208-620-800 through 208-620-850 do not apply to the HECM product or to any federally administered reverse mortgage product.

AMENDATORY SECTION (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-820 What specific loan terms and conditions are allowed or required in the proprietary reverse mortgages I make to Washington residents?** (1) Loan prepayment.

(a) Prepayment, in whole or in part, or the refinancing of a reverse mortgage loan, must be permitted without penalty at any time during the term of the reverse mortgage loan. For the purposes of this subsection, penalty ((does not include)) means an amount of money charged to the borrower in addition to any fees, payments, or other charges, not including interest, that would have otherwise been due upon the reverse mortgage being due and payable. However, when a reverse mortgage lender has paid or waived all of the usual fees or costs associated with a reverse mortgage loan, a prepayment penalty may be imposed, provided the penalty does not

exceed the total amount of the usual fees or costs that were initially absorbed or waived by the reverse mortgage lender.

(b) You may not impose a prepayment penalty under this subsection if the prepayment is caused by the occurrence of the death of the borrower.

(c) If a prepayment penalty is imposed under the circumstances described in (a) of this subsection you must disclose the prepayment penalty to the borrower.

(2) Interest rate. A reverse mortgage loan may provide for a fixed or adjustable interest rate or combination thereof, including compound interest, and may also provide for interest that is contingent on the value of the property upon execution of the loan or at maturity, or on changes in value between closing and maturity.

(3) Late advances. A late advance is a scheduled monthly advance that you do not mail or electronically transfer to the borrower on or before the first business day of the month, or within five business days of the date you receive the borrower's request, or such other regularly scheduled contractual date.

(a) If you make a late advance you must pay a late charge of ten percent of the entire amount that should have been advanced to the borrower.

(b) For each additional day you fail to make the advance, you must pay interest on the late advance at the interest rate stated in the loan documents. If the loan documents provide for an adjustable interest rate, the rate in effect when the late charge first accrues is used. You must pay late charges from your funds and they may not be added to the unpaid principal balance of the borrower's loan or in any other way collected from the borrower.

(c) You forfeit the right to interest and monthly servicing fees for any months you fail to make a timely advance.

(4) Loan acceleration. The reverse mortgage loan may become due and payable upon the occurrence of any one of the following events:

(a) The home securing the loan is sold or title to the home is otherwise transferred;

(b) All borrowers cease occupying the home as a principal residence, except as provided in subsection (5) of this section; or

(c) A defaulting event occurs which is specified in the loan documents.

(5) Repayment. Repayment of the reverse mortgage loan is subject to the following additional conditions:

(a) Temporary absences from the home not exceeding one hundred eighty consecutive days do not cause the mortgage to become due and payable;

(b) Extended absences from the home exceeding one hundred eighty consecutive days, but less than one year, do not cause the mortgage to become due and payable if the borrower has taken prior action that secures and protects the home in a satisfactory manner, as specified in the loan documents;

(c) Your right to collect reverse mortgage loan proceeds is subject to the applicable statute of limitations for written loan contracts. Notwithstanding any other provision of law, the statute of limitations commences on the date that the reverse mortgage loan becomes due and payable as provided in the loan agreement;

(d) If the borrower mortgaged one hundred percent of the full value of the house, the amount owed will be the lesser amount of:

(i) The fair market value of the house, minus the sale costs; or

(ii) The outstanding balance of the loan.

(e) If the borrower mortgaged less than one hundred percent of the full value of the house, the amount owed by the borrower must not be greater than the outstanding balance of the loan or the percentage of the fair market value (minus sale costs, as provided in the contract), whichever amount is less;

(f) The lender must enforce the debt only through the sale of the property and must not obtain a deficiency judgment against the borrower.

(6) Fee disclosure. Using conspicuous, bold sixteen-point or larger type, you must disclose in the loan agreement any interest rate or other fees to be charged during the period that commences on the date that the reverse mortgage loan becomes due and payable, and that ends when repayment in full is made.

(7) Deed of trust disclosure. The first page of any deed of trust securing a reverse mortgage loan must contain the following statement in sixteen-point boldface type: "This deed of trust secures a reverse mortgage loan."

(8) Ancillary products. You or any other party that participates in the origination of a reverse mortgage loan must not require an applicant for a reverse mortgage to purchase an annuity, insurance, or other financial product as a condition of obtaining a reverse mortgage loan. You or the broker of a reverse mortgage loan must not:

(a) Offer an annuity, insurance, or other financial product to the borrower prior to the closing of the reverse mortgage or before the expiration of the borrower's right to rescind the reverse mortgage agreement;

(b) Refer the borrower to anyone for the purchase of an annuity, insurance, or other financial product prior to the closing of the reverse mortgage or before the expiration of the borrower's right to rescind the reverse mortgage agreement;

(c) Provide marketing information or sales leads to anyone regarding the prospective borrower or receive any compensation for such an annuity, insurance, or other financial product sale or referral; or

(d) You or any other party that participates in the origination of a reverse mortgage loan must maintain safeguards, acceptable to the department of financial institutions, to ensure that you do not provide reverse mortgage borrowers with any other financial or insurance products and that individuals participating in the origination of a reverse mortgage loan have no ability or incentive to provide the borrower with any other financial or insurance product.

(9) Borrower counseling. Prior to accepting a final and complete application for a reverse mortgage loan or assessing any fees, you must refer the prospective borrower to an independent housing counseling agency approved by the federal department of Housing and Urban Development for counseling. The counseling must meet the standards and requirements established by the federal department of Housing and Urban Development for reverse mortgage counseling. You must provide the borrower with a list of at least five independent housing counseling agencies approved by the federal

department of Housing and Urban Development, including at least two agencies that can provide counseling by telephone. Telephone counseling will only be used for counseling at the borrower's request. You must create and maintain a form that includes the borrower's signature for telephone counseling requests.

(10) Counseling certification. You must not accept a final and complete application for a reverse mortgage loan from a prospective applicant or assess any fees upon a prospective applicant without first receiving a certification from the applicant or the applicant's authorized representative that the applicant has received counseling from an agency as described in subsection (9) of this section. The certification must be signed by the borrower and the agency counselor, and must include the date of the counseling and the names, addresses, and telephone numbers of both the counselor and the borrower. Electronic facsimile copy of the housing counseling certification satisfies the requirements of this subsection. You must maintain the certification in an accurate, reproducible, and accessible format for the term of the reverse mortgage plus three years.

(11) Minimum age. You may not make a reverse mortgage loan to any Washington state resident unless that resident is a minimum of sixty years of age as of the date of execution of the loan.

(12) Advances. Except for the initial disbursement of moneys to the closing agent, you must issue advances directly to the borrower, or his or her legal representative, and not to an intermediary or third party.

(13) Rescission rights. The borrower in a proprietary reverse mortgage transaction has the same right to rescind the transaction as provided in the Truth in Lending Act, Regulation Z, 12 C.F.R. Sec. 226.

(14) Property appraisals. Prior to execution of the loan and at the end of the loan term, you must obtain an independent appraisal of the property value, or use the current year's tax assessment valuation of the property. You must provide copies of these appraisals to the borrower within five days of the borrower's written request, provided the borrower has paid for the appraisal.

**AMENDATORY SECTION** (Amending WSR 09-24-090, filed 12/1/09, effective 1/1/10)

**WAC 208-620-825 What reverse mortgage program information must I submit to the director for approval before offering or making proprietary reverse mortgages?** (1) A description of all proprietary reverse mortgage products available to borrowers.

(2) A copy of each proprietary loan product contract.

(3) A copy of all disclosures provided to borrowers for all proprietary reverse mortgage products.

(4) A copy of the projected total cost of credit disclosure provided to borrowers. The projected total cost of credit disclosure must reflect at a minimum the following factors, as applicable:

(a) All costs and charges to the consumer;

(b) All advances to and for the benefit of the consumer;

(c) Any shared appreciation or equity in the dwelling that you are entitled to receive under the contract to receive;

(d) Any limitation on the consumer's liability (such as nonrecourse limits and equity conservation agreements);

(e) Each of the assumed annual appreciation rates for the dwelling:

(i) Zero percent;

(ii) Four percent;

(iii) Eight percent;

(f) Each of the following assumed loan periods:

(i) Two years;

(ii) The actuarial life expectancy of the consumer to become obligated on the reverse mortgage transaction (as of the consumer's most recent birthday). If there is more than one consumer, the period must be the actuarial life expectancy of the youngest consumer as of that consumer's most recent birthday;

(g) Reserved.

(5) Your complaint processing policies and procedures.

(6) A copy of all notes and mortgages used in proprietary reverse mortgage loan transactions.

(7) If third party originators are used, copies of all due diligence policies and procedures for their use and copies of all compensation and incentive policies and procedures.

(8) A copy of your underwriting policies.

(9) A description of your title search methods.

(10) A copy of your policy for paying subsequent liens.

(11) A copy of your appraisal practices.

(12) A copy of audited financial statements and unaudited balance sheet and income statement for the most recent end quarter for the last two years of audited financial statements. If you are relying on your parent company's capital to satisfy WAC 208-620-810(2), you must also include the parent company's last two years of audited financial statements and the most recent end quarter unaudited balance sheet and income statement.

**AMENDATORY SECTION** (Amending WSR 10-20-122, filed 10/5/10, effective 11/5/10)

**WAC 208-620-900 What requirements must I comply with when servicing residential mortgage loans?** In addition to complying with all other provisions of ~~((the))~~ this act you must:

(1) Other applicable laws, regulations, and programs. Comply with the following:

(a) Chapters 61.24 and 19.148 RCW and any other applicable state or federal law, regulation, and program. Any conflict that arises between this chapter and chapter 19.148 RCW will be resolved in favor of this chapter.

~~(b) Comply with ((applicable federal laws or regulations when servicing a residential mortgage loan)) the federal Servicemembers Civil Relief Act.~~

~~((b) Comply with applicable federal laws or regulations when servicing a residential mortgage loan guaranteed or insured by a government program.~~

~~(c) Comply with applicable federal laws or regulations when servicing a residential mortgage loan guaranteed or insured by Fannie Mae or Freddie Mae.~~

~~(d))~~ (c) A violation of an applicable state or federal law ~~((or)), regulation, or program~~ is a violation of this act.

(2) ~~((Comply with chapter 19.148 RCW.~~

~~(3) You must assess fees to a borrower's account within forty-five days of the date on which the fee was incurred. You must clearly and conspicuously explain the fee in a statement mailed to the borrower at the borrower's last known address no more than thirty days after assessing the fee.~~

~~(4)(a) You must accept and credit all amounts received within one business day of receipt when the borrower has made the payment to the address where instructed, provided that the borrower has provided sufficient information to credit the account. If you use the scheduled method of accounting, any regularly scheduled payment made prior to the scheduled due date must be credited no later than the due date.~~

~~(b) You may enter into a written contract with the borrower whereby you hold funds of a certain type or sent by a certain method for a period of time until the funds are available.~~

~~(5) You must notify the borrower if a payment is received but not credited. You must mail the notification to the borrower within ten business days by mail at the borrower's last known address. The notification must identify the reason the payment was not credited or treated as credited to the account, as well as any actions the borrower must take to make the residential mortgage loan current.~~

~~(6)) Servicing and ownership transfers or sales.~~

~~(a) As to acquiring servicing rights from another servicer you must:~~

~~(i) Continue processing loan modification requests and honoring trial and permanent modifications;~~

~~(ii) Designate the homeowner as a third-party intended beneficiary in any subsequent contract for transfer or sale, unless doing so would violate another state law or federal HAMP or GSE modification programs requirements; and~~

~~(b) As to transferring or selling the servicing of loans with pending modification requests or trial or permanent modifications you must:~~

~~(i) Inform the successor servicer if a loan modification is pending;~~

~~(ii) Obligate the successor servicer to accept and continue processing loan modification requests and to honor trial and permanent loan modification agreements; and~~

~~(iii) Designate the homeowner as a third-party intended beneficiary in any contract for transfer or sale, unless doing so would violate state law or federal HAMP or GSE modification programs requirements.~~

~~(3) Payment processing and fees.~~

~~(a) You must accept and credit all amounts received within one business day of receipt when the borrower has made the payment to the address where instructed, provided, that the borrower has provided sufficient information to credit the account. If you use the scheduled method of accounting, any regularly scheduled payment made prior to the scheduled due date must be credited no later than the due date. You must apply the payment as specified in the loan documents.~~

~~(b) You may enter into a written contract with the borrower whereby you hold funds of a certain type or sent by a certain method for a period of time until the funds are available before crediting them to the borrower's account.~~

(c) You must notify the borrower if a payment is received but not credited and instead placed in a suspense account. You must mail the notification to the borrower within ten business days by mail at the borrower's last known address. The notification must identify the reason the payment was not credited or treated as credited to the account, as well as any actions the borrower must take to make the residential mortgage loan current. If you provide monthly or more frequent statements that include this information you are not required to provide the information in a notice in addition to the monthly or more frequent statement. In the event of a conflict between this subsection (3)(c) or (d) of this section immediately following or both, and the requirements of an applicable bankruptcy court order, compliance with the bankruptcy court requirements are considered compliance with the subsections.

(d) When the suspense account contains enough money to make a full payment, you must apply that payment to the mortgage as of the date the full amount became available in the suspense account.

(e) You must assess any incurred fees to a borrower's account within forty-five days of the date on which the fee was incurred. You must clearly and conspicuously explain the fee in a statement mailed to the borrower at the borrower's last known address no more than thirty days after assessing the fee. If you provide monthly or more frequent statements that include this information you are not required to provide the information in a notice in addition to the monthly or more frequent statement.

(f) If you provide monthly or more frequent statements that include the information required under this subsection, you have until January 1, 2013, to program these changes. On and after January 1, 2013, you must be in compliance with this subsection.

(4) Maintenance of the escrow account.

(a)(i) If you collect escrow amounts held for the borrower for payment of insurance, taxes, or other charges with respect to the property, you must collect and make all payments from the escrow account and, to the extent you have control, ensure that no late penalties are assessed or other negative consequences result for the borrower.

(ii) At least annually, or upon the borrower's request, you must inform the borrower in writing of the amount of reserve required in an escrow account. The notice must also advise the borrower of any fees the borrower will incur for not maintaining the reserve amount or fees the borrower will incur if you advance escrow amounts on the borrower's behalf and then collect the amounts from the borrower. You must comply with (a)(ii) of this subsection beginning on January 1, 2013.

(b) You may enter into a written agreement with the borrower whereby you are not required to make escrow payments unless funds are available in the escrow account. The agreement must include language that puts the borrower on notice that the borrower is responsible for the payment of the escrow amounts if a sufficient amount is not maintained in the escrow account. ((See also subsection (1)(e) of this section.))

(c) You must notify the borrower within ten business days of any change to the escrow account other than the



changes brought about by the borrower's regularly scheduled payment. Examples of changes requiring notification include, but are not limited to, a reduction in the required ~~(~~cash~~)~~ reserve amount for the account, or a change in the property's tax assessment.

~~((7))~~ (5) Borrower requests for information.

~~(a)~~ You must make a reasonable attempt to comply with a borrower's request for information about the residential mortgage loan account, including a request for information about loss mitigation, and to respond to any dispute initiated by the borrower about the loan account. A reasonable attempt includes, but is not limited to:

~~((a))~~ (i) Maintaining written or electronic records of each written request for information ~~((regarding a dispute or error))~~ involving the borrower's account until the residential mortgage loan is paid in full, sold, or otherwise satisfied;

~~((b))~~ (ii) Providing a written statement to the borrower within fifteen business days of receipt of a written request from the borrower, or by following the response timelines for any loss mitigation program. The borrower's request must include the name and account number, if any, of the borrower, a statement that the account is or may be in error, and sufficient detail regarding the information sought by the borrower to permit the servicer to comply.

~~((8))~~ (b) You must provide at a minimum the following information to a borrower's request described in subsection ~~((7))~~ (5) of this section:

~~((a))~~ (i) Whether the account is current or, if the account is not current, an explanation of the default and the date the account went into default;

~~((b))~~ (ii) The current balance due on the residential mortgage loan, including the principal due, the amount of funds, if any, held in a suspense account, the amount of the escrow balance known to the servicer, if any, and whether there are any escrow deficiencies or shortages known to the servicer;

~~((c))~~ (iii) The identity, address, and other relevant information about the current holder, owner, or assignee of the residential mortgage loan; and

~~((d))~~ (iv) The telephone number and mailing address of ~~((a))~~ an individual servicer representative with the information and authority to answer questions and resolve disputes and to act as a single point of contact for the homeowner. This individual servicer representative must have the authority and ability to perform the following duties:

(A) Explain loss mitigation options and requirements;

(B) Track documents submitted by the homeowner and documents provided to the homeowner;

(C) Inform the homeowner of the status of their loss mitigation process;

(D) Ensure the homeowner is considered for all loss mitigation options; and

(E) Access individuals with the authority to delay or stop foreclosure proceedings.

You must comply with (b)(iv) of this subsection beginning on January 1, 2013.

~~((e))~~ (c) You may charge a fee for preparing and furnishing the statement described in this subsection not exceeding thirty dollars per statement.

~~((f))~~ (d) You must promptly correct any errors and refund any fees assessed to the borrower resulting from an error you made.

~~((g))~~ (e) If the content of your response meets the requirements under RESPA for a response to a qualified written request, you will be deemed in compliance with the content requirements of this subsection. You must still comply with (d) of this subsection.

~~((9))~~ (f) In addition to the statement described in ~~((sub-section (6)))~~ (a) of this ~~((section))~~ subsection, a borrower may request more detailed information from a servicer, and the servicer must provide the information within fifteen business days of receipt of a written request from the borrower. The request must include the name and account number, if any, of the borrower, a statement that the account is or may be in error, and provide sufficient detail to the servicer regarding information sought by the borrower. If requested by the borrower, this statement must also include:

~~((a))~~ (i) A copy of the original note, or if unavailable, an affidavit of lost note, with all endorsements; and

~~((b))~~ (ii) A statement that identifies and itemizes all fees and charges assessed under the loan servicing transaction and provides a full payment history identifying in a clear and conspicuous manner all of the debits, credits, application of and disbursement of all payments received from or for the benefit of the borrower, and other activity on the residential mortgage loan including escrow account activity and suspense account activity, if any.

~~((c))~~ (iii) The period of the account history shall cover at a minimum the two-year period prior to the date of the receipt of the request for information. If the servicer has not serviced the residential mortgage loan for the entire two-year time period, the servicer must provide the information going back to the date on which the servicer began servicing the home loan and identify the previous servicer, if known. If the servicer claims that any delinquent or outstanding sums are owed on the home loan prior to the two-year period or the period during which the servicer has serviced the residential mortgage loan, the servicer must provide an account history beginning with the month that the servicer claims any outstanding sums are owed on the residential mortgage loan up to the date of the request for the information.

~~((d))~~ (iv) If the borrower requests this statement, you must provide it free of charge; but the borrower is only entitled to one free statement annually. If the borrower requests more than one statement annually, you may charge thirty dollars for the second and subsequent statements.

~~((10))~~ If a borrower's property goes into foreclosure and the foreclosure sale occurs, you must notify the borrower within three business days of sale of the completion of the sale. You must mail the notification to the borrower's last known address provided to you. If the notification is returned to you because the address is deficient in some manner, you must post the notification of the foreclosure sale on the property itself within three days of the notification being returned to you.)

(6) Loss mitigation.

(a) You must comply with all timelines and requirements for the federal HAMP or GSE modification programs if applicable, including denials and dual tracking prohibitions.

If not using a HAMP or GSE loan modification program, you must:

(i) Develop an electronic system, or add to an existing system, the ability for borrowers to check the status of their loan modification, at no cost. The system must also allow communication from housing counselors. The system must be updated every ten business days. You have until April 1, 2013, to develop the system described in (a)(i) of this subsection. On and after April 1, 2013, you must be in compliance with (a)(i) of this subsection.

(ii) Review and make a determination on a borrower's completed loan modification application within thirty days of receipt.

(iii) Provide in the loan modification denial notice the reasons for denial and an opportunity for the homeowner to rebut the denial within thirty days. If the denial is due to the terms of an agreement between you and an investor, you must provide the name of the investor and a summary of the reason for the denial. If the denial is based on a net present value (NPV) model, you must provide the data inputs used to determine the NPV. Any loan modification denials must be reviewed internally by an independent evaluation process within thirty days of the denial determination or the mailing of the notice of denial to the borrower, whichever occurs earlier. See (b) of this subsection for additional requirements on borrower appeals.

(iv) Review and consider any complete loan modification application before referring a delinquent loan to foreclosure.

(v) Give a homeowner ten business days from your notice to them to correct any deficiencies in their loan modification application.

(vi) Stop the foreclosure from proceeding further if you receive a complete loan modification application. See (a)(viii) and (ix) of this subsection.

(vii) If the borrower accepts a loan modification verbally, in writing, or by making the first trial payment, you must suspend the foreclosure proceeding until such time as the borrower may fail to perform the terms of the loan modification.

(viii) Review and consider a complete loan modification application if received prior to thirty-seven days before a scheduled foreclosure sale. If you offer the borrower a loan modification, you must delay a pending foreclosure sale to provide the borrower with fourteen days in which to accept or deny the loan modification offer. If the borrower accepts a loan modification, you must suspend the foreclosure proceeding until such time as the borrower may fail to perform the terms of the loan modification.

(ix) Perform an expedited review of any complete loan modification application submitted between thirty-seven and fifteen days before the scheduled foreclosure sale. If you offer the borrower a loan modification, you must delay a pending foreclosure sale to provide the borrower with fourteen days in which to accept or deny the loan modification offer. If the borrower accepts a loan modification, you must suspend the foreclosure proceeding until such time as the borrower may fail to perform the terms of the loan modification.

(b) As to borrower appeals of loan modification denials you must:

(i) Give the borrower thirty days from your written notice of denial to request an appeal unless the denial is due to:

(A) An ineligible mortgage;

(B) An ineligible property;

(C) The borrower did not accept the offer; or

(D) The loan was previously modified.

(ii) Give the borrower the opportunity to obtain a full appraisal for purposes of contesting appraisal data used in a denial based on NPV.

(iii) Respond to the borrower's appeal within thirty days of receipt.

(iv) Provide the borrower with a description of any other loss mitigation option available if you uphold the denial.

(c) When a loan modification is granted, you must provide the borrower with a copy of the fully executed loan modification agreement within thirty days of receipt of the signed agreement from the borrower. A loan modification granted orally must be reduced to a written document with a summary of all of the terms and must be provided to the borrower within thirty days of approval of the loan modification.

(d) You must maintain adequate staffing levels and systems to comply with this section, including staffing and systems to track and maintain loan modification documents submitted by homeowners.

(e) You must make public all necessary information to inform homeowners about and allow homeowners to apply for your proprietary first and second lien modifications.

(f) You must make public all necessary information to inform homeowners about your short sale requirements.

(g) You must allow a homeowner to apply for and receive a short sale determination before the homeowner puts a house on the market.

(7) Foreclosure.

(a) Before you refer a loan to foreclosure, you must document in the loan file evidence to substantiate the borrower's default and your right to foreclose. The file must also contain loan ownership information.

(b) If a borrower's property goes into foreclosure and the foreclosure sale occurs, you must notify the borrower within three business days of sale of the completion of the sale. You must mail the notification to the borrower's last known address provided to you.

(8) Contracting with other parties. You must adopt written policies and procedures for the oversight of third-party providers including, but not limited to, foreclosure trustees, foreclosure firms, subservicers, agents, subsidiaries, and affiliates. You must maintain the policies and procedures as part of your books and records and must provide them to the department when directed to do so.

(9) See also WAC 208-620-551.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 208-620-395	Do I need to display my license in my place of business?
WAC 208-620-432	Will the filing of the fourth quarter call report satisfy the consolidated annual report (CAR) requirement of WAC 208-620-430?

**WSR 12-18-048****PERMANENT RULES****DEPARTMENT OF****FINANCIAL INSTITUTIONS**

(Division of Consumer Services)

[Filed August 29, 2012, 4:40 p.m., effective November 1, 2012]

Effective Date of Rule: November 1, 2012.

Purpose: The proposed rules implement chapter 17, Laws of 2012, and are amendments that generally add clarity and consistency to the rules.

The rules are being amended under the authority of OFM Guideline 3(f), October 12, 2011.

Citation of Existing Rules Affected by this Order: Amending WAC 208-660-006, 208-660-007, 208-660-155, 208-660-163, 208-660-175, 208-660-176, 208-660-180, 208-660-195, 208-660-250, 208-660-260, 208-660-270, 208-660-300, 208-660-350, 208-660-355, 208-660-360, 208-660-370, 208-660-400, 208-660-420, 208-660-430, 208-660-450, 208-660-500, 208-660-530 and 208-660-600; and new WAC 208-660-105.

Statutory Authority for Adoption: Chapter 43.320 RCW.

Other Authority: RCW 19.146.223.

Adopted under notice filed as WSR 12-13-074 on June 19, 2012.

Changes Other than Editing from Proposed to Adopted Version: WAC 208-660-006, amendment to the definition of "borrower" and "mortgage broker" for consistency with current process; and technical amendment to correct a citation, WAC 208-660-105, new language to proposed new section to reflect current process, WAC 208-660-155(1), technical amendment to existing language and new language to reflect current process, WAC 208-660-155(9), technical amendment for clarity; new language to reflect current process, WAC 208-660-155(14), new language to reflect current process with compliance with federal law, WAC 208-660-163(16), 208-660-195(10) and 208-660-350(18), sections amended to fix a leap year date problem with a February date requirement, WAC 208-660-195(7), 208-660-250(3), 208-660-260(2), 208-660-350 (17)(b)(ii), 208-660-355(3), 208-660-360(7), 208-660-370 (2), (3), (5), (8), 208-660-400 (2)(a), (b), (7), 208-660-500 (3)(g), language is amended to clarify current requirements, 208-660-400(3), this section adds lan-

guage to clarify current requirement, WAC 208-660-270(2) and 208-660-370(9), this section is amended to strike language referring to the decommissioned mortgage broker commission, WAC 208-660-270(7), this section is amended to strike language referring to obsolete requirements, WAC 208-660-350(10), 208-660-370 (6) and (12), sections amended to strike outdated language, WAC 208-660-430(1), this section is amended to clarify the licensee's duty when a lender provides disclosures, WAC 208-660-430(4), this section is amended for consistency with an applicable other state statute on the same topic, WAC 208-660-500 (3)(e)(iv), the language in this section is stricken from this location and moved to WAC 208-660-500(4), WAC 208-660-500 (3)(g), (h), (j), and (m), language stricken because it no longer applies to licensees, and WAC 208-660-500(4), this section is amended for consistency with federal law, language moved here from WAC 208-660-500 (3)(e)(iv), and a citation is corrected.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 20, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 18, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 12, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 23, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 29, 2012.

Deborah Bortner, Director  
Division of Consumer Services

AMENDATORY SECTION (Amending WSR 10-20-125, filed 10/5/10, effective 11/5/10)

**WAC 208-660-006 Definitions. What definitions are applicable to these rules?** Unless the context clearly requires otherwise, the definitions in this section apply throughout these rules.

"Act" means the Mortgage Broker Practices Act, chapter 19.146 RCW.

"Advertising material" means any form of sales or promotional materials used in connection with the mortgage broker business. Advertising material includes, but is not limited to, newspapers, magazines, leaflets, flyers, direct mail, indoor or outdoor signs or displays, point-of-sale literature or educational materials, other printed materials; radio, television, public address system, or other audio broadcasts; or internet pages.

"Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

"Annual loan origination volume" means the aggregate of the principal loan amounts brokered by the licensee.

"Application" means the submission of a borrower's financial information in anticipation of a credit decision relating to a residential mortgage loan, which includes the borrower's name, monthly income, Social Security number to obtain a credit report, the property address, an estimate of the value of the property, and the mortgage loan amount sought. An application may be in writing or electronically submitted, including a written record of an oral application. If the submission does not state or identify a specific property, the submission is an application for a prequalification and not an application for a residential mortgage loan under this part. The subsequent addition of an identified property to the submission converts the submission to an application for a residential mortgage loan.

"Appraisal" means the act or process of developing an opinion of value, the act pertaining to an appraisal-related function, or any verbal or written opinion of value offered by an appraiser. The opinion of value by the appraiser includes any communication that is offered as a single point, a value range, a possible value range, exclusion of a value, or a minimum value.

"Borrower" means any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information on obtaining or applying to obtain a residential mortgage loan, or residential mortgage loan modification, for himself, herself, or persons including himself or herself, regardless of whether the person actually obtains such a loan or loan modification.

"Branch office" means a fixed physical location such as an office, separate from the principal place of business of the licensee, where the licensee holds itself out as a mortgage broker.

"Branch office license" means a branch office license issued by the director allowing the licensee to conduct a mortgage broker business at the location indicated on the license.

"Business day" means Monday through Friday excluding federally recognized bank holidays.

"Certificate of passing an approved examination" means a certificate signed by the testing administrator verifying that the individual performed with a satisfactory score or higher.

"Certificate of satisfactory completion of an approved continuing education course" means a certificate signed by the course provider verifying that the individual has attended an approved continuing education course.

"Compensation or gain" means remuneration, benefits, or an increase in something having monetary value, including, but not limited to, moneys, things, discounts, salaries, commissions, fees, duplicate payments of a charge, stock, dividends, distributions of partnership profits, franchise royalties, credits representing moneys that may be paid at a future date, the opportunity to participate in a money-making program, retained or increased earnings, increased equity in a parent or subsidiary entity, special or unusual bank or financing terms, services of all types at special or free rates, sales or rentals at special prices or rates, lease or rental payments based in whole or in part on the amount of business referred, trips and payments of another person's expenses, or reduction in credit against an existing obligation. "Compensation or gain" is not evaluated solely on a loan by loan basis.

For example, a realtor advertising that buyers using their services will receive free loan origination assistance is doing so in the anticipation of "compensation or gain" through increased real estate business.

"Computer loan information systems" or "CLI system" means a real estate mortgage financing information system that facilitates the provision of information to consumers by a mortgage broker, loan originator, lender, real estate agent, or other person regarding interest rates and other loan terms available from different lenders.

For purposes of this definition, the CLI system includes computer hardware or software, an internet-based system, or any combination of these, which provides information to consumers about residential mortgage interest rates and other loan terms which are available from another person.

"Computer loan information system provider" or "CLI provider" is any person who provides a computer loan information service, either directly, or as an owner-operator of a CLI system, or both.

"Consumer Protection Act" means chapter 19.86 RCW.

"Control" including the terms "controls," "is controlled by," or "is under common control" means the power, directly or indirectly, to direct or cause the direction of the management or policies of a person, whether through ownership of the business, by contract, or otherwise. A person is presumed to control another person if such person is:

- A general partner, officer, director, or employer of another person;
- Directly or indirectly or acting in concert with others, or through one or more subsidiaries, owns, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interests of another person; or
- Has similar status or function in the business as a person in this definition.

"Convicted of a crime," irrespective of the pronouncement or suspension of sentence, means a person:

- Has been convicted of the crime in any jurisdiction;
- Has been convicted of a crime which, if committed within this state would constitute a crime under the laws of this state;
- Has plead guilty or no contest or nolo contendere or stipulated to facts that are sufficient to justify a finding of guilt to such a charge before a court or federal magistrate; or
- Has been found guilty of a crime by the decision or judgment of a state or federal judge or magistrate, or by the verdict of a jury.

"Department" means the department of financial institutions.

"Depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act on the effective date of this section, and includes credit unions.

"Designated broker" means a natural person designated as the person responsible for activities of the licensed mortgage broker in conducting the business of a mortgage broker under this chapter and who meets the experience and examination requirements set forth in RCW 19.146.210 (1)(e).

"Director" means the director of financial institutions.

"Discount points" or "points" mean a fee paid by a borrower to a lender to reduce the interest rate of a residential mortgage loan. Pursuant to Regulation X, discount points are

to be reflected on the good faith estimate and settlement statement as a dollar amount.

"Division of consumer services" means the division of consumer services within the department of financial institutions, or such other division within the department delegated by the director to oversee implementation of the act and these rules.

"Employee" means an individual who has an employment relationship with a mortgage broker, and the individual is treated as an employee by the mortgage broker for purposes of compliance with federal income tax laws.

"Examination" or "compliance examination" means the examination performed by the division of consumer services, or such other division within the department delegated by the director to oversee implementation of the act and these rules to determine whether the licensee is in compliance with applicable laws and regulations.

"Federal banking agencies" means the Board of Governors of the Federal Reserve System, Comptroller of the Currency, Director of the Office of Thrift Supervision, National Credit Union Administration, and Federal Deposit Insurance Corporation.

Federal statutes and regulations used in these rules are:

- "Alternative Mortgage Transaction Parity Act" means the Alternative Mortgage Transaction Parity Act (AMTPA), 12 U.S.C. Sec. 3801 et seq.

- "Equal Credit Opportunity Act" means the Equal Credit Opportunity Act (ECOA), 15 U.S.C. Sec. 1691 et seq., Regulation B, 12 C.F.R. Part 202.

- "Fair Credit Reporting Act" means the Fair Credit Reporting Act (FCRA), 15 U.S.C. Sec. 1681 et seq.

- "Federal Trade Commission Act" means the Federal Trade Commission Act, 15 U.S.C. Sec. 41-58.

- "Gramm-Leach-Bliley Act (GLBA)" means the Financial Modernization Act of 1999, 15 U.S.C. Sec. 6801-6809, and the GLBA-mandated Federal Trade Commission (FTC) privacy rules, at 16 C.F.R. Parts 313-314.

- "Home Equity Loan Consumer Protection Act" means the Home Equity Loan Consumer Protection Act, 15 U.S.C. Sec. 1637 and 1647.

- "Home Mortgage Disclosure Act" means the Home Mortgage Disclosure Act (HMDA), 12 U.S.C. Sec. 2801-2810, Regulation C, 12 C.F.R. Part 203.

- "Home Ownership and Equity Protection Act" means the Home Ownership and Equity Protection Act (HOEPA), 15 U.S.C. Sec. 1639.

- "Homeowners Protection Act" means the Homeowners Protection Act of 1998 (HPA), 12 U.S.C. Sec. 4901 et seq.

- "Real Estate Settlement Procedures Act" means the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. Sec. 2601 et seq., Regulation X, 24 C.F.R. Part 3500 et seq.

"S.A.F.E." means the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, Title V of the Housing and Economic Recovery Act of 2008 (HERA), P.L. 110-289, effective July 30, 2008.

- "Telemarketing and Consumer Fraud and Abuse Prevention Act" means the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. Sec. 6101-6108, Telephone Sales Rule, 16 C.F.R. Part 310.

- "Truth in Lending Act" means the Truth in Lending Act (TILA), 15 U.S.C. Sec. 1601 et seq., Regulation Z, 12 C.F.R. Part 226 et seq.

"Federally insured financial institution" means a savings bank, savings and loan association, or credit union, whether state or federally chartered, or a federally insured bank, authorized to conduct business in this state.

"Financial misconduct," for the purposes of the act, means a criminal conviction for any of the following:

- Any conduct prohibited by the act;

- Any conduct prohibited by statutes governing mortgage brokers in other states, or the United States, if such conduct would constitute a violation of the act;

- Any conduct prohibited by statutes governing other segments of the financial services industry, including but not limited to the Consumer Protection Act, statutes governing the conduct of securities broker dealers, financial advisers, escrow officers, title insurance companies, limited practice officers, trust companies, and other licensed or chartered financial service providers; or

- Any conduct commonly known as white collar crime, including, but not limited to, embezzlement, identity theft, mail or wire fraud, insider trading, money laundering, check fraud, or similar crimes.

"Independent contractor" means any person that expressly or impliedly contracts to perform mortgage brokering services for another and that with respect to its manner or means of performing the services is not subject to the other's right of control, and that is not treated as an employee by the other for purposes of compliance with federal income tax laws.

The following factors may be considered to determine if a person is an independent contractor:

Is the person instructed about when, where and how to work?

Is the person guaranteed a regular wage?

Is the person reimbursed for business expenses?

Does the person maintain a separate business?

Is the person exposed to potential profits and losses?

Is the person provided employee benefits such as insurance, a pension plan, or vacation or sick pay?

"License number" means the ((NMLSR)) NMLS unique identifier displayed as prescribed by the director.

"Licensee" means:

- A mortgage broker licensed by the director; or

- The principal(s) or designated broker of a mortgage broker; or

- A loan originator licensed by the director; or

- Any person subject to licensing under RCW 19.146.-200; or

- Any person acting as a mortgage broker or loan originator subject to any provisions of the act.

~~("Loan modification" means a change in one or more residential mortgage loan terms or conditions and includes forbearances, repayment plans, a change in interest rates, loan term (length), loan type (fixed or adjustable), the capitalization of arrearages, and principal reductions. "Loan modification" does not include services that result in refinancing a residential mortgage loan.)~~

"Loan originator or mortgage loan originator" means a natural person who for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain:

- Takes a residential mortgage loan application for a mortgage broker; or
- Offers or negotiates terms of a mortgage loan, including short sale transactions.

"Loan originator" also includes a person who holds themselves out to the public as able to perform any of the activities described in this definition. For purposes of this definition, a person "holds themselves out" by advertising or otherwise informing the public that the person engages in any of the activities of a mortgage broker or loan originator, including the use of business cards, stationery, brochures, rate lists, or other promotional items.

For purposes of further defining "loan originator," "taking a residential mortgage loan application" includes soliciting, accepting, or offering to accept an application for a residential mortgage loan or assisting a borrower or offering to assist a borrower in the preparation of a residential mortgage loan application.

"Loan originator" also includes a natural person who for direct or indirect compensation or gain or in the expectation of direct or indirect compensation or gain performs residential mortgage loan modification services.

"Loan originator" does not mean persons performing purely administrative or clerical tasks for a mortgage broker. For the purposes of this subsection, "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing of a loan in the mortgage industry and communication with a borrower to obtain information necessary for the processing of a loan. An individual who holds himself or herself out to the public as able to obtain a loan is not performing administrative or clerical tasks.

"Loan originator" does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such a lender, mortgage broker, or other mortgage loan originator. For purposes of this chapter, the term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

- (a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;
- (b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;
- (c) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to any such transaction;
- (d) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and
- (e) Offering to engage in any activity, or act in any capacity, described in (a) through (d) of this subsection.

"Loan originator" does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of Title 11, United States Code.

The definition of loan originator does not apply to employees of a housing counseling agency approved by the United States department of Housing and Urban Development unless the employees of a housing counseling agency are required under federal law to be licensed individually as loan originators.

"Loan originator licensee" means a natural person who is licensed as a loan originator or is subject to licensing under RCW 19.146.200 or who is acting as a loan originator subject to any provisions of the act.

"Loan processor" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under chapter 19.146 RCW. The job responsibilities may include the receipt, collection and distribution of information common for the processing of a loan. The loan processor may also communicate with a borrower to obtain the information necessary for the processing of a loan, provided that such communication does not include offering or negotiating loan rates or terms, or counseling borrowers about loan rates or terms.

"Material litigation" means any litigation that would be relevant to the director's ruling on an application for a license including, but not limited to, criminal or civil action involving dishonesty or financial misconduct.

"Mortgage broker" means any person who for compensation or gain, or in the expectation of compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to obtain a residential mortgage loan. A mortgage broker either prepares a residential mortgage loan for funding by another entity or table-funds the residential mortgage loan. See the definition of "table funding." (These are the two activities allowed under the MBPA.)

For purposes of this definition, a person "assists a person in obtaining or applying to obtain a residential mortgage loan" by, among other things, counseling on loan terms (rates, fees, other costs), preparing loan packages, or collecting enough information on behalf of the consumer to anticipate a credit decision under Regulation X, 24 C.F.R. Part 3500, Section 3500 (2)(b).

For purposes of this definition, a person "holds himself or herself out" by advertising or otherwise informing the public that they engage in any of the activities of a mortgage broker or loan originator, including the use of business cards, stationery, brochures, rate sheets, or other promotional items.

"Mortgage broker" also includes any person who for direct or indirect compensation or gain or in the expectation of direct or indirect compensation or gain performs residential mortgage loan modification services or holds himself or herself out as being able to perform residential mortgage loan modification services.

"Mortgage broker licensee" means a person that is licensed as a mortgage broker or is subject to licensing under

RCW 19.146.200 or is acting as a mortgage broker subject to any provisions of the act.

"Mortgage Broker Practices Act" means chapter 19.146 RCW.

"Mortgage loan originator" means the same as "loan originator."

~~("Nationwide Mortgage Licensing System and Registry (NMLSR)")~~ "NMLS" means a ~~((mortgage))~~ multistate licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage loan originators and other license types.

"Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage. This definition is limited to implementation of the S.A.F.E. Act.

"Out-of-state applicant or licensee" means a person subject to licensing that maintains an office outside of this state.

"Person" means a natural person, corporation, company, limited liability corporation, partnership, or association.

"Prepaid escrowed costs of ownership," as used in RCW 19.146.030(4), means any amounts prepaid by the borrower for the payment of taxes, property insurance, interim interest, and similar items in regard to the property used as security for the loan.

"Principal" means any person who controls, directly or indirectly through one or more intermediaries, or alone or in concert with others, a ten percent or greater interest in a partnership, company, association, or corporation, and the owner of a sole proprietorship.

"Rate lock agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker or loan originator agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms at which it will make a loan available to that borrower.

"Registered agent" means a person located in Washington appointed to accept service of process for a licensee.

"Registered mortgage loan originator" means any individual who meets the definition of mortgage loan originator and is an employee of:

(a) A depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or an institution regulated by the farm credit administration; and

(b) Is registered with, and maintains a unique identifier through, the ~~((nationwide mortgage licensing system and registry))~~ NMLS.

"Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

For purposes of this definition, a loan "primarily for personal, family, or household use" includes loan applications for a finance or refinance of a primary residence for any purpose, loan applications on second homes, and loan applications on nonowner occupied residential real estate provided the licensee has knowledge that proceeds of the loan are

intended to be used primarily for personal, family or household use.

"Residential mortgage loan modification" means a change in one or more of a residential mortgage loan's terms or conditions. Changes to a residential mortgage loan's terms or conditions include, but are not limited to, forbearances; repayment plans; changes in interest rates, loan terms (length), or loan types; capitalizations of arrearages; or principal reductions. ~~((Loan modification does not include services that result in refinancing a residential mortgage loan.))~~

~~"Residential mortgage loan modification services," ((includes negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform a residential mortgage loan modification. "Residential mortgage loan modification services" also includes the collection of data for submission to any entity performing mortgage loan modification services)) See WAC 208-660-105.~~

"Residential real estate" is real property upon which is constructed or intended to be constructed, a single family dwelling or multiple family dwelling of four or less units.

• Residential real estate includes, but is not limited to:

- A single family home;
- A duplex;
- A triplex;
- A fourplex;
- A single condominium in a condominium complex;
- A single unit within a cooperative;
- A manufactured home; or
- A fractile, fee simple interest in any of the above.

• Residential real estate does not include:

- An apartment building or dwelling of five or more units; or
- A single piece of real estate with five or more single family dwellings unless each dwelling is capable of being financed independently of the other dwellings.

"S.A.F.E. Act" means the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, or Title V of the Housing and Economic Recovery Act of 2008 (HERA), P.L. 110-289, effective July 30, 2008; and Regulation G, 12 C.F.R. Part 1007; and Regulation H, 12 C.F.R. Part 1008.

"Table-funding" means a settlement at which a mortgage loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds. The mortgage broker originates the loan and closes the loan in its own name with funds provided contemporaneously by a lender to whom the closed loan is assigned.

"Third-party provider" means any person other than a mortgage broker or lender who provides goods or services to the mortgage broker in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

A lender is considered a third party only when the lender provides lock-in arrangements to the mortgage broker in connection with the preparation of a borrower's loan.

"Third-party residential mortgage loan modification services" means residential mortgage loan modification services offered or performed by any person other than the owner or servicer of the loan.

"Underwriting" means a lender's detailed credit analysis preceding the offering or making of a loan. The analysis may be based on information furnished by the borrower (employment history, salary, financial statements), the borrower's credit history from a credit report, the lender's evaluation of the borrower's credit needs and ability to pay, and an assessment of the collateral for the loan. While mortgage brokers may have access to various automated underwriting systems to facilitate an evaluation of the borrower's qualifications, the mortgage broker who qualifies or approves a borrower in this manner is not the underwriter of the loan and cannot charge a fee for underwriting the loan. Third-party charges the mortgage broker incurs in using or accessing an automated system to qualify or approve a borrower may, like other third-party expenses, be passed on to the borrower.

"Unique identifier" means a number or other identifier assigned by protocols established by the ~~((nationwide mortgage licensing system and registry))~~ NMLS.

**AMENDATORY SECTION** (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-007 Good standing.** (1) **What does good standing mean?** For the purposes of the act and these rules, good standing means that the applicant, licensee, or other person subject to the act demonstrates financial responsibility, character, and general fitness sufficient to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of the act and these rules. In determining good standing the director will consider the following factors, and any other evidence relevant to good standing as defined in this rule:

(a) Whether the applicant or licensee has paid all fees due to the director or the ~~((NMLS))~~ NMLS.

(b) Whether the mortgage broker licensee has filed ~~((their mortgage broker))~~ quarterly or annual reports as prescribed by the director.

(c) Whether the mortgage broker licensee has filed and maintained the required surety bond or had its surety bond canceled or revoked for cause.

(d) Whether the mortgage broker licensee has maintained a designated broker in compliance with the act and these rules.

(e) Whether the applicant, licensee, or other person subject to the act has had any license, or any authorization or ability to do business under any similar statute of this or any other state, suspended, revoked, or restricted within the prior five years.

(f) Whether the applicant, licensee, or other person subject to the act has been convicted of, or pled guilty or nolo contendere to, in a domestic, foreign, or military court to:

(i) A gross misdemeanor involving dishonesty or financial misconduct within the prior seven years;

(ii) A felony within the prior seven years; or

(iii) A felony that involved an act of fraud, dishonesty, breach of trust, or money laundering at any time preceding the date of application.

(g) Whether the licensee or other person subject to the act, is, or has been subject to a cease and desist order or an

injunction issued pursuant to the act, or the Consumer Protection Act, or has been found through an administrative, civil, or criminal proceeding to have violated the provisions of the act or rules, or the Consumer Protection Act, chapter 19.86 RCW.

(h) Whether the director has filed a statement of charges, or there is an outstanding order by the director to cease and desist against the licensee or other person subject to the act.

(i) Whether there is documented evidence of serious or significant complaints filed against the licensee, or other person subject to the act, and the licensee or other person subject to the act has been notified of the complaints and been given the opportunity to respond.

(j) Whether the licensee has allowed the licensed mortgage broker business to deteriorate into a condition that would result in denial of a new application for a license.

(k) Whether the licensee, or other person subject to the act has failed to comply with an order, directive, subpoena, or requirement of the director or director's designee, or with an assurance of discontinuance entered into with the director or director's designee.

(l) Whether the licensee or other person subject to the act has interfered with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or director's designee, or by the use of threats or harassment against a client, witness, employee of the licensee, or representative of the director for the purpose of preventing them from discovering evidence for, or providing evidence in, any disciplinary proceeding or other legal action.

(2) **Under what circumstances may the department conduct a good standing review of an applicant, mortgage broker licensee, designated broker, or exempt mortgage broker?** The department may conduct a good standing review when:

(a) Processing an application for a new mortgage broker branch office license.

(b) Processing an application for appointment of a different designated broker (both the licensed mortgage broker, including those individuals to whom the license was granted, and the proposed designated broker must meet good standing).

(c) Processing a request for recognition as an exempt mortgage broker under RCW 19.146.020.

(3) **When will an applicant, licensee, or other person subject to the act receive notice from the department of their failure to meet a determination of good standing?** If the department conducts a good standing review, the department will notify the applicant, licensee, or other person subject to the act that they have failed to meet the department's good standing requirement within ten business days of the department's receipt of any application or request that requires a determination of good standing. See subsection (2) of this section. For purposes of the notice required by this section, a statement of charges filed and served on the licensee is sufficient notice of a lack of good standing.

(4) **What recourse does an applicant, licensee, or other person subject to the act have when the department has determined that they are not in good standing?** The applicant, licensee, or other person subject to the act may request a brief adjudicative proceeding under the Administra-



tive Procedure Act, chapter 34.05 RCW, to challenge the department's determination. See WAC 208-660-009.

#### NEW SECTION

**WAC 208-660-105 How does the department interpret the definition of residential mortgage loan modification services in RCW 19.146.010(21)?** Residential mortgage loan modification services means activities conducted by individuals or entities not engaged in servicing the borrower's existing residential mortgage loan. The activities may include negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform residential mortgage loan modification services. The activities may also include the collection of data for submission to another entity performing mortgage loan modification services or to a residential mortgage loan servicer.

Any person in violation of the act while providing residential mortgage loan modification services is subject to the department's investigation and enforcement authorities including being responsible for an investigation fee when the department investigates the books and records of any person subject to the act.

AMENDATORY SECTION (Amending WSR 10-20-125, filed 10/5/10, effective 11/5/10)

**WAC 208-660-155 Mortgage brokers—General. (1) May I originate residential mortgage loans in Washington without a license?** No. Mortgage brokers (~~and loan originators~~) must have a valid Washington license, or be exempt from licensing pursuant to RCW 19.146.020, and must maintain a sponsored loan originator who is approved by the director, in order to originate residential mortgage loans or conduct residential mortgage loan modification services. There is no "one-time, one loan" exception.

**(2) May I originate a Washington residential mortgage loan using the license of an already licensed or exempt Washington mortgage broker and then split the proceeds with that mortgage broker?** No. Mortgage broker licenses may only be used by the person named on the license. Mortgage broker licenses may not be transferred, sold, traded, assigned, loaned, shared, or given to any other person. Two individually licensed mortgage brokers may originate a loan. Each licensee is itemized in the disclosures and is paid their proportionate share of fees in relation to the work provided at the loan closing. Federal laws may prohibit this cobrokering.

**(3) Do I need a license to assist a borrower with a residential mortgage loan modification?** Yes. Persons providing loan modification services for compensation or gain must be licensed under this chapter, or under chapter 31.04 RCW. See also WAC 208-660-430(23), 208-660-500(4), 208-660-550 (3)(c) and (4).

**(4) As a licensed mortgage broker, am I responsible for the actions of my employees and independent contractors?** Yes. You are responsible for any conduct violating the act or these rules by any person you employ, or engage as an independent contractor, to work in the business covered by your license.

**(5) Who at the licensed mortgage broker company is responsible for the licensee's compliance with the act and these rules?** The designated broker, principals, and owners with supervisory authority are responsible for the licensee's compliance with the act and these rules.

**(6) What is the nature of my relationship with the borrower?** You have a fiduciary relationship with the borrower. See RCW 19.146.095.

**(7) May I charge upfront broker fees when assisting the borrower in applying for a loan?** No. You may only charge the borrower a fee, commission, or other compensation for the preparation, negotiation, and brokering of a residential mortgage loan when the loan is closed on the terms and conditions agreed upon by you and the borrower.

**(8) May I charge fees when the loan does not close, or does not close on the terms and conditions agreed upon by me and the borrower?** You may charge a fee, and may bring a suit for collection of the fee, not to exceed three hundred dollars, for services rendered, for the preparation of documents, or for the transfer of documents in the borrower's file which were prepared for, or paid for by, the borrower if:

(a) You have obtained a written commitment from a lender on the same terms and conditions agreed upon by you and the borrower; and

(b) The borrower fails to close on a loan through no fault of yours; and

(c) The fee is not otherwise prohibited by the Truth in Lending Act.

**(9) As a mortgage broker, may I solicit or accept fees from a borrower in advance to pay third-party providers?** Yes. However, prior to accepting the funds, you must provide the borrower in writing a (~~notice~~) good faith estimate identifying the specific third-party provider goods and services the funds are to be used for and the cost of the goods and services. Additionally, you must not charge the borrower more for the third-party provider goods and services than the actual costs of the goods and services charged by the provider. Once you have the funds you must then:

(a) Deposit the funds in a trust account pursuant to the act and these rules (see WAC 208-660-410 on Trust accounting);

(b) Refund any fees collected for goods or services not provided.

**(10) What is a "written commitment from a lender on the same terms and conditions agreed upon by the borrower and mortgage broker"?** The written commitment is a written agreement or contract between the mortgage broker and lender containing mutually acceptable loan provisions and terms. The lender must be one with whom the mortgage broker maintains a written correspondent or loan brokerage agreement as required by RCW 19.146.040(3). The mutually acceptable loan provisions and terms must be the same terms and conditions set forth in the most recent good faith estimate signed by both the borrower and the mortgage broker.

**(11) How do I sponsor a loan originator?** You must file a sponsorship request through the (~~NMLSR~~) NMLS.

**(12) What action must a mortgage broker take to terminate a working relationship with a loan originator?** The licensed mortgage broker must process the termination through the (~~NMLSR~~) NMLS.

(13) **When must I update my record in the ((NMLS SR)) NMLS after I terminate employment with a loan originator?** You must process the termination through the ((NMLS SR)) NMLS within five business days of the termination.

(14) **Are there any loan originator compensation models I am prohibited from using?** Yes. You are prohibited from using a compensation model for loan originators based on a loan's interest rate or other terms. You are not prohibited from basing compensation on the principal balance of a loan. Additionally, your loan originator compensation models must comply with federal law, including Regulation Z, 12 C.F.R. Part 1026 (formerly 12 C.F.R. Part 226).

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-163 Mortgage brokers—Licensing.**

(1) **How do I apply for a mortgage broker license?** Your application consists of an on-line filing through the ((NMLS SR)) NMLS and Washington specific requirements provided directly to DFI. You must pay an application fee through the ((NMLS SR)) NMLS.

(a) **Appoint a designated broker.** You must appoint a designated broker who meets the requirements of WAC 208-660-250.

(b) **Submit an application.** You must complete an on-line application through the ((NMLS SR)) NMLS.

(c) **Pay the application and license fees.** You will have to pay application fees to cover the costs of processing the application. You must also pay a separate annual license fee. See WAC 208-660-550, Department fees and costs.

(d) **Prove your identity.** You must provide information about the identity of owners, principals, officers, and the designated broker, including fingerprints.

(e) **Provide a surety bond.** Mortgage brokers must have a surety bond based upon the annual loan origination volume of the mortgage broker. See WAC 208-660-175 (1)(e).

(2) **What information will the department consider when deciding whether to approve a mortgage broker license application?** The department considers the financial responsibility, character, and general fitness of the applicant, principals, and the designated broker.

(3) **Why does the department consider financial responsibility, character, and general fitness before issuing a mortgage broker license?** One of the purposes of the act is to ensure that mortgage brokers and loan originators deal honestly and fairly with the public. Applicants, principals, and designated brokers who have demonstrated their financial responsibility, character, and general fitness to operate their businesses honestly, fairly, and efficiently are more likely to deal honestly and fairly with the public.

(4) **What specific information will the department consider to determine if the mortgage broker business will be operated honestly, fairly, and in compliance with applicable law?**

(a) Whether the applicant, licensee, or other person subject to the act has had any license, or any authorization to do business under any similar statute of this or any other state, suspended, or restricted within the prior five years.

(b) Whether the applicant has ever had a license revoked under this chapter or any similar state statute, including a license for insurance, securities, consumer lending, or escrow.

(c) Whether the applicant, licensee, or other person subject to the act has been convicted of, or pled guilty or nolo contendere to, in a domestic, foreign, or military court to:

(i) A gross misdemeanor involving dishonesty or financial misconduct within the prior seven years;

(ii) A felony within the prior seven years; or

(iii) A felony that involved an act of fraud, dishonesty, breach of trust, or money laundering at any time preceding the date of application.

(d) Whether the licensee or other person subject to the act is, or has been, subject to a cease and desist order or an injunction issued pursuant to the act, or the Consumer Protection Act, or has been found through an administrative, civil, or criminal proceeding to have violated the provisions of the act or rules, or the Consumer Protection Act, chapter 19.86 RCW.

(e) Whether the director has filed a statement of charges, or there is an outstanding order by the director to cease and desist against the licensee or other person subject to the act.

(f) Whether there is documented evidence of serious or significant complaints filed against the licensee, or other person subject to the act, and the licensee or other person subject to the act has been notified of the complaints and been given the opportunity to respond.

(g) Whether the licensee has allowed the licensed mortgage broker business to deteriorate into a condition that would result in denial of a new application for a license.

(h) Whether the licensee or other person subject to the act has failed to comply with an order, directive, subpoena, or requirement of the director or director's designee, or with an assurance of discontinuance entered into with the director or director's designee.

(i) Whether the licensee or other person subject to the act has interfered with an investigation, or disciplinary proceeding by willful misrepresentation of facts before the director or director's designee, or by the use of threats or harassment against a client, witness, employee of the licensee, or representative of the director for the purpose of preventing them from discovering evidence for, or providing evidence in, any disciplinary proceeding or other legal action.

(5) **What will happen if my mortgage broker license application is incomplete?** If your application is incomplete your file will be marked "pending-deficient" in the ((NMLS SR)) NMLS. The department will either identify each deficiency or respond that there are multiple deficiencies and ask you to contact the department. You are responsible for reviewing your record and responding to each issue.

(6) **How do I withdraw my application for a mortgage broker license?** You may request to withdraw the application through the ((NMLS SR)) NMLS.

(7) **When will the department consider my mortgage broker license application abandoned?** If you do not respond as directed by the department's request for information and within fifteen business days, your license application is considered abandoned and you forfeit all fees paid. Failure to provide the requested information will not affect new

applications filed after the abandonment. You may reapply by submitting a new application package and new application fee.

(8) **What are my rights if the director denies my application for a mortgage broker license?** You have the right to request an administrative hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW. To request a hearing, you must notify the department within twenty days from the date of the director's notice to you that your license application has been denied, that you wish to have a hearing. See also WAC 208-660-009.

Upon denial of your mortgage broker license application, and provided the department finds no unlicensed activity, the department will return your surety bond, and refund any remaining portion of the license fee that exceeds the department's actual cost to investigate the license.

(9) **What Washington law protects my rights when my application for a mortgage broker license is denied, or my mortgage broker license is suspended or revoked?** The Administrative Procedure Act, chapter 34.05 RCW, governs the proceedings for license application denials, cease and desist orders, license suspension or revocation, the imposition of civil penalties or other remedies ordered by the department, and any appeals or reviews of those actions. See also WAC 208-660-009.

(10) **May I advertise my business while I am waiting for my mortgage broker license application to be processed?** No. It is a violation of the act for nonlicensed, non-exempt mortgage brokers or loan originators to hold themselves out as mortgage brokers or loan originators in Washington.

(11) **May I originate Washington residential mortgage loans while waiting for my mortgage broker license application to be processed?** No. You may not originate loans prior to receiving your mortgage broker license.

(12) **How do I change information on my mortgage broker license?** You must file a license amendment application through the ((NMLSR)) NMLS. See also WAC 208-660-400.

(13) **When does a mortgage broker license expire?** The mortgage broker license expires annually. The expiration date is shown on the license. If the license is an interim license, it may expire in less than one year.

(14) **When may the department issue interim mortgage broker licenses?** To prevent an undue delay, the director may issue interim mortgage broker licenses, including branch office licenses, with a fixed expiration date. The license applicant must have substantially met the initial licensing requirements, as determined by the director, to receive an interim license.

One example of having substantially met the initial licensing requirements is: Submitting a complete application, paying all application fees, and the department having received and reviewed the result of the applicant's background check.

(15) **How do I renew my mortgage broker license?**

(a) Before the license expiration date you must:

(i) ~~((File the mortgage broker annual report and any other required notices, with the director. See WAC 208-660-400.~~

~~((ii))~~ Complete a renewal request through the ~~((NMLSR))~~ NMLS.

~~((iii))~~ ~~((ii))~~ Show evidence that your designated broker completed the required annual continuing education.

~~((iv))~~ ~~((iii))~~ Pay the annual license assessment fee.

(b) The renewed license is valid for the term listed on the license or until surrendered, suspended, or revoked.

(16) **If I let my mortgage broker license expire must I apply to get a new license?** If you complete all the requirements for renewal on or before the last day of February ~~((28th))~~ each year, you may renew an expired license. However, if you renew your license after the expiration, in addition to paying the annual assessment on your license, you must pay an additional fifty percent of your annual assessment. See subsection (15) of this section for the license renewal requirements.

During this two-month period, your license is expired and you must not conduct any business under the act that requires a license until your license has been renewed.

If you fail to comply with the renewal request requirements by March 1st of each year, you must apply for a new license.

(17) **May I still conduct my mortgage broker business if my mortgage broker license has expired?** No. If your mortgage broker license expires, you must not conduct any business under the act that requires a license until you renew your license.

(18) **What should I do if I wish to close my mortgage broker business?** You may surrender the mortgage broker license by submitting a surrender request through the ~~((NMLSR))~~ NMLS and submitting a completed departmental closure form. Surrendering your license does not change your civil or criminal liability, or your liability for any administrative actions arising from any acts or omissions occurring before you surrender your license. Contact the Washington department of revenue to find out how to handle any unclaimed funds in your trust account.

(19) **May I transfer, sell, trade, assign, loan, share, or give my mortgage broker license to another person or company?** No. A mortgage broker license authorizes only the person named on the license to conduct the business at the location listed on the license. See also WAC 208-660-155(2).

~~((20) **Must I display my mortgage broker license?** Yes. Your mortgage broker license must be prominently displayed at the licensed location.))~~

AMENDATORY SECTION (Amending WSR 10-20-125, filed 10/5/10, effective 11/5/10)

**WAC 208-660-175 Mortgage brokers—Surety bond.**

(1) **What are the surety bond requirements for licensed mortgage brokers?**

(a) Mortgage brokers must at all times have a valid surety bond on file with the director. The surety bond must be provided on a form prescribed by the department.

(b) The surety bond amount must be based upon the annual loan origination volume of the licensee in the state of Washington.

(c) When the mortgage broker initially applies for a license, the dollar amount of the surety bond must be a mini-

imum of twenty thousand dollars. Thereafter, by March 31st of each year, you must determine your required bond amount based on loan origination volume and provide DFI with proof of having an adequate bond.

(d) The surety bond must list the mortgage broker's full name, unified business identifier (UBI), and ~~((NMLSR))~~ NMLS unique identifier.

(e) The surety bond must be signed by a principal of the mortgage broker as well as an authorized representative of the insurance company listed as surety. The power-of-attorney must identify the signing representative as authorized by the insurance company. The insurance company must include their surety bond number and seal on the surety bond form.

The following chart shows the surety bond amount required for the annual loan origination volume of the licensee in the state of Washington:

Loan Volume in Millions	Bond Amount
\$40+	\$60,000
\$20 to \$40	\$40,000
\$0 to \$20	\$20,000

(f) If you only offer residential mortgage loan modification services, your bond amount is twenty thousand dollars, initially and thereafter.

**(2) Who provides mortgage broker surety bonds?** To purchase a surety bond, contact your insurance broker. A list of insurance companies that underwrite Washington surety bonds in Washington is available from the Washington state office of the insurance commissioner's web site.

**(3) What do I do with the surety bond once I receive it from my insurance company?** You must sign the original surety bond and include the surety bond and the attached power-of-attorney with your license application package.

**(4) What happens to my mortgage broker license if my surety bond is canceled?** Failure to maintain a surety bond is a violation of the act and may result in an enforcement action against you.

**(5) May I change surety bond companies?** Yes. You may change your insurance provider at any time. Your current insurance company will issue a cancellation notice for your existing surety bond. The cancellation notice may be effective no less than thirty days following the director's receipt of the cancellation notice.

Prior to the cancellation date of the existing surety bond, you must have on file with the department a replacement surety bond. The replacement surety bond must be in effect on or before the cancellation date of the prior surety bond.

**(6) Why must I carry a surety bond to have a mortgage broker license?** The surety bond protects the state and any persons who suffer loss by reason of violations of any provision of the act or these rules by you or your employees or independent contractors.

**(7) Who may make a claim against a licensed mortgage broker's surety bond?** The director, or any person, including a third-party provider, who has been injured by a violation of the act, may make a claim against a bond.

**(8) How may I make a claim against a licensed mortgage broker's surety bond?** The department can provide you with the name of a licensed mortgage broker's surety

bond provider. Contact the surety bond company and follow its required procedures to make your claim.

**(9) How long does the bond claim procedure take?** The time to complete a bond claim may vary among bonding companies. If the claimant is not a borrower, final judgment will not be entered prior to one hundred eighty days after the claim is filed.

~~((10) When must I file a bond claim? A bond claim must be filed within one year of the date of the act that causes the claim.))~~

**AMENDATORY SECTION** (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-176 Mortgage brokers—Recovery fund in lieu of surety bond.** (1) **What if the surety bond required in WAC 208-660-175 is not reasonably available in the insurance market?** If the director determines that the bond required is not reasonably available due to the insurance market or other product availability issue, the director must waive the requirements for the bond.

**(2) If a recovery fund is created, how will it be funded?** All licensees will pay a fee at application and renewal, in addition to all license application fees, through the ~~((NMLSR))~~ NMLS, to fund the recovery fund.

**(3) How much will the recovery fund fees be?**

(a) Two hundred fifty dollars for the main office location;

(b) One hundred fifty dollars for each branch office; and

(c) One hundred dollars for each mortgage loan originator.

**(4) Will the fund have a cap or maximum?** After the fund has been in existence for three years, and periodically thereafter, the director may determine the maximum fund amount needed based upon claims made.

**(5) What happens to any interest that accrues on the mortgage recovery fund balance?** All interest that accrues in the fund will be added to the balance of the fund.

**(6) Can the department use any of the recovery fund money?** Yes. On an annual basis the department may apply up to fifty thousand dollars to fund the department's expenses in administering the mortgage recovery fund.

**(7) What is the procedure for recovery from the fund?**

(a) A claimant must obtain a money judgment from a superior court that includes findings of violations of this act against a mortgage broker or mortgage loan originator.

(b) The final money judgment must be obtained after January 1, 2010, after execution has been returned unsatisfied and the judgment has been recorded.

(c) The person in (a) of this subsection must file a verified claim with the court in which the judgment was entered, and on twenty days' written notice to the director and to the judgment debtor, may apply to the court for an order directing payment from the mortgage recovery fund of any unpaid amount on such judgment.

(d) After giving notice and the opportunity for a hearing to the person seeking recovery, to the judgment debtor and to the department, the court may enter an order requiring the director to pay from the mortgage recovery fund the amount

the court finds payable on the claim, pursuant to and in accordance with the limitations contained in this section, if the court is satisfied as to the proof of all matters required to be shown under subsection (a) of this section, and that the person seeking recovery from the mortgage recovery fund has satisfied all requirements of this section.

(e) If the court finds that the aggregate amount of claims against a mortgage broker or mortgage loan originator exceeds the limits set forth in WAC 208-660-175, the court must reduce proportionately the amount the court finds payable on the claim.

(f) When the director receives notice that a hearing is scheduled under this section, the director may enter an appearance, file a response, appear at the hearing or take any other appropriate action as he or she deems necessary to protect the mortgage recovery fund from spurious or unjust claims and to ensure compliance with the requirements for recovery under this section.

(g) The department must provide the court with information concerning the mortgage recovery fund necessary to enable the court to carry out its duties under this section.

**(8) What must a person show at the hearing on the recovery fund claim?** The person seeking recovery from the mortgage recovery fund must show:

(a) That the judgment has not been discharged in bankruptcy and is based on facts allowing recovery under the act;

(b) That the person is not a spouse of the judgment debtor, or the personal representative of the spouse;

(c) That the person is not a mortgage broker or mortgage loan originator as defined by this chapter who is seeking to recover any compensation regarding the mortgage loan transaction which is the subject of the money judgment upon which a claim against the mortgage recovery fund is based; and

(d) That, based on the best available information, the judgment debtor lacks sufficient nonexempt assets in this or any state to satisfy the judgment.

**(9) What may recovery funds obtained be used for?**

(a) Any recovery on the money judgment received by the judgment creditor before payment from the mortgage recovery fund must be applied by the judgment creditor to reduce the judgment creditor's actual damages which were awarded in the judgment.

(b) A recovery from the fund will not include punitive damages awarded by a court.

**(10) What is the statute of limitations for a claim from the recovery fund?** A verified claim against the recovery fund must be filed within one year of the date of termination of all court proceedings concerning the judgment, including appeals.

**(11) What types of claims will the fund award money on?**

(a) The fund will be used to reimburse persons awarded actual damages resulting from acts constituting violations of the act by a mortgage broker or mortgage loan originator who was licensed, or required to be licensed, under this chapter at the time that the act was committed.

(b) Payments from the mortgage recovery fund may not be made to:

(i) Any licensee whose acts were found by a court to be violations of this chapter and a basis of the court's award of a money judgment to a person injured by such violations;

(ii) Any person who acquires a mortgage loan where acts associated with the origination of such loan are found by a court to be violations of this chapter and a basis for a judgment obtained by a person injured by such violations; or

(iii) The spouse, the personal representative of the spouse of the judgment debtor or the personal representative of the judgment debtor.

**(12) Will the department revoke my license if a claim is made against the recovery fund based on my actions?**

(a) The director may revoke a license issued under this chapter if the director is required by court order under this section to make a payment from the mortgage recovery fund based on a money judgment that includes findings of violations of this chapter by such licensee.

(b) A person whose license has been revoked under this subsection is not eligible to be considered for the issuance of a new license under this chapter until the person has repaid in full, plus interest at the current legal rate, the amount paid from the mortgage recovery fund resulting from that person's violation of this chapter.

(c) This section does not limit the authority of the director to take disciplinary action against a licensee under this chapter for a violation of this chapter or of rules promulgated or orders issued pursuant to this chapter. The repayment in full to the mortgage recovery fund of all obligations of a licensee under this chapter does not nullify or modify the effect of any other disciplinary proceeding brought under this chapter.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-180 Mortgage brokers—Main office.**

**(1) Must a licensed mortgage broker have a designated broker?** Yes. Licensed mortgage broker companies must have an approved designated broker at all times.

**(2) How many designated brokers may a mortgage broker have?** The mortgage broker may appoint only one individual to be the designated broker at any given time. The designated broker need not be a principal of the licensee.

It is a prudent business practice to have more than one qualified individual working for the licensee who could be appointed as the designated broker.

**(3) If my designated broker leaves, may I continue to operate my mortgage broker business?** Yes. You may continue to operate your mortgage broker business. However, you must notify the department within five business days of the loss of or change of your designated broker. You must then replace the designated broker within thirty days of the loss or change of the designated broker. If you need more than thirty days to replace the designated broker, you must seek approval from the department. Failure to replace your designated broker, or receive approval from the director for an extension, may result in an enforcement action against you.

**(4) What must I do to replace my designated broker?** You must apply through the ((NMLSR)) NMLS for approval

of the new designated broker. The new designated broker must meet the requirements of WAC 208-660-250(1). You and the new designated broker must meet the good standing requirements of WAC 208-660-007.

(5) **What must I do if I sell all or part of my mortgage broker company?** See WAC 208-660-400(13).

(6) **After my mortgage broker license is approved, may I change my business structure?** Yes. See WAC 208-660-400 (7)(a)(iv).

(7) **May a licensed mortgage broker share an office with a licensed real estate broker?** Yes. A licensed mortgage broker may share an office with a licensed real estate broker. The mortgage broker location must be licensed as a main or branch mortgage broker office.

(8) **If a licensed mortgage broker shares an office with a licensed real estate broker, what must the mortgage broker do to notify the public that the office is shared?** The licensed mortgage broker must clearly identify the mortgage broker business as separate from the real estate business to the public on any signage, advertising, or other material identifying the businesses.

(9) **May I add a trade name (or "DBA") to my mortgage broker license?** Yes. You may add a trade or "DBA" name to the mortgage broker license if you first apply to the department, in a form prescribed by the department, and receive department approval. When the department has approved the trade name, you must conduct business under that trade name in at least one of the two following ways:

(a) Use your license name together with the trade name; or

(b) Use your mortgage broker license number together with the trade name.

(10) **May the department deny an application for a proposed DBA name because it is similar to an existing licensee name?** Yes. The director may deny an application for a proposed DBA name if the proposed DBA name is similar to a currently existing licensee name.

(11) **May I conduct my mortgage broker business from more than one location?** Yes. You may establish one or more branch offices under your license. See WAC 208-660-195 for information on licensing branch offices.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-195 Mortgage brokers—Branch offices.** (1) **May I open branch offices under my mortgage broker license?** Yes. A licensed mortgage broker may submit license application(s) to the department through the ((NMLSR)) NMLS to establish branch office(s) under the existing mortgage broker license. Each branch office must be licensed and must pay an annual license fee. See WAC 208-660-550, Department fees and costs.

(2) **If my branch offices are under separate ownership, does that limit my liability for their activities?** No. Licensed mortgage brokers are responsible for the activity and violations at their branch offices regardless of the structure or label given the branch offices. Licensure of a branch office creates a direct line of responsibility from the main office to the branch.

(3) **If my branch offices are under separate ownership, what level of supervision must I maintain?** Because branch offices, regardless of their business structure, are not independent from your license and surety bond, you are responsible for the conduct of anyone conducting business under your license. You must have a written supervisory plan. The details of the plan, and how you implement the plan for your branch offices, must take into account the number of branch offices, their location, and the number of individuals working at the branch offices. You must maintain your written supervisory plan as part of your business books and records.

(4) **How do I apply for a mortgage broker branch office license?** As the licensed mortgage broker, you must apply for a branch office license through the ((NMLSR)) NMLS and receive approval from the department before operating from any location other than your licensed location. You must be in good standing. You will have to pay application and annual assessment fees for the branch office(s). See WAC 208-660-550, Department fees and costs.

(5) **What does the department consider when reviewing an application for a branch office license?** The department considers:

(a) Whether the mortgage broker is in good standing. See WAC 208-660-007.

(b) Whether the physical address listed in the application can be verified as a branch office location.

(6) ~~((Must I display my branch office license? Yes. Your mortgage broker branch office license must be prominently displayed in the branch office.~~

(7)) **If I am an internet company, how do I display my license?** You must display your license information, as it appears on your license, including any or all business names, and the license number, on your web site. The information must also include a list of the states in which you are licensed.

~~((8))~~ (7) **How do I change information on my mortgage broker branch office license?** You must file a license amendment through the ((NMLSR at least ten days prior to the change occurring)) NMLS.

~~((9))~~ (8) **Does my branch office license expire?** The license expires annually. The expiration date is shown on the license. If the license is an interim license, it may expire in less than one year.

~~((10))~~ (9) **How do I renew my mortgage broker branch office license?**

(a) Before the expiration date, the licensed mortgage broker must submit an on-line renewal and pay the branch office annual assessment fee through the ((NMLSR)) NMLS.

(b) The renewed mortgage broker branch office license is valid for the term listed on the license or until surrendered, suspended, or revoked.

~~((11))~~ (10) **If my mortgage broker branch office license expires, must I apply for a new license?** If you complete all the requirements for renewal by the last day of February ~~((28th))~~ each year, you may renew an existing license. However, if you renew your license during this two-month period, in addition to paying the annual assessment on your branch office license, you must pay an additional fifty percent of your annual assessment for that branch. See sub-

section ~~((10))~~ (9) of this section for the license renewal requirements.

During this two-month period, your license is expired and you must not conduct any business under the act that requires a license until your license has been renewed.

If you fail to comply with the renewal request requirements by February 28th, each year, you must apply for a new license.

~~((12))~~ (11) **If my mortgage broker branch office license has expired, may I still conduct my mortgage broker business from that location?** No. Once the mortgage broker branch office license has expired, you must not conduct any business under the act that requires a license until you renew your license.

~~((13))~~ (12) **If my mortgage broker main office license expires, may I still conduct my mortgage broker business from a branch office?** No. Once the mortgage broker main office license expires, you must not conduct any business under the act that requires a license from any location until you renew the main office license.

~~((14))~~ (13) **May I add a trade name (or "DBA") to my mortgage broker branch office license?** Yes. You may add a trade name, or "DBA" name, to the mortgage broker branch office license if you first apply to the department, in a form prescribed by the director, and receive department approval. The branch office trade name must at all times be identified as connected with the mortgage broker's license name as it appears on the mortgage broker license. When the department has approved the trade name, you must conduct business under that trade name in at least one of the two following ways:

(a) Use your license name together with the branch office trade name; or

(b) Use the branch office trade name and mortgage broker branch office license number together.

(c) See WAC 208-660-180(10).

~~((15))~~ (14) **How must I identify my mortgage broker branch office(s)?** The branch office must be prominently identified as a branch or division of the licensed mortgage broker so as not to appear to be an independent enterprise.

~~((16))~~ (15) **Does my branch office have to be a physical location?** Yes. The physical location may be at a commercial or residential address but does not have to be in Washington. See WAC 208-660-420, Out-of-state mortgage brokers and loan originators.

~~((17))~~ (16) **Must I have a branch manager?** No. Although you may appoint one, the act does not require a branch manager. You and the designated broker are responsible for the business conducted at all locations.

~~((18))~~ (17) **If I appoint a branch manager, must he or she be licensed?** If the branch manager performs any of the functions of a mortgage broker or loan originator, he or she must be licensed. If they do not perform those functions, they must not be paid a commission or salary based upon the number of transactions closed.

~~((19))~~ (18) **Must I have a designated broker at each branch?** No. You may have only one designated broker who is responsible for the mortgage broker business at all locations.

~~((20))~~ (19) **If I want to move my licensed company under the sponsorship of another mortgage broker, what must be completed before the licensed loan originators can start transacting business under the sponsorship of the other mortgage broker?** The loan originators may begin doing business when the other mortgage broker has filed for approval of a new branch office with the ~~((NMLSR))~~ NMLS, has sponsored each of the licensed loan originators through the ~~((NMLSR))~~ NMLS and you have filed the trust account paperwork with the department, you may transact business under the new mortgage broker for up to thirty days without a new license.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-250 Designated brokers—General. (1) How do I become a designated broker?**

(a) Be eighteen years or older.

(b) Have a high school diploma, an equivalent to a high school diploma, or two years experience in the industry in addition to the experience required in (e) of this subsection. The experience must meet the criteria in (e) of this subsection.

(c) You must pass the Washington designated broker test. See WAC 208-660-260, Designated brokers—Testing. If you will originate loans, you must also take and pass the loan originator national and Washington specific tests and apply for and receive a loan originator license.

(d) You must be appointed to the designated broker position by the licensed mortgage broker through an application and approval process with the department and the ~~((NMLSR))~~ NMLS.

(e) You must have a minimum of two years experience lending or originating residential mortgage loans.

(i) The work experience must be in one or more of the following, within the last five years:

(A) As a mortgage broker or designated broker of a mortgage broker for a minimum of two years; or

(B) As a mortgage banker, responsible individual, or manager of a mortgage banking business; or

(C) As a loan originator with responsibility primarily for originating loans secured by a lien on residential real estate; or

(D) As a branch manager of a lender with responsibility primarily for loans secured by a lien on residential real estate; or

(E) As a manager or supervisor of mortgage loan originators; or

(F) As a mortgage processor, underwriter, or quality control professional; or

(G) As a regulator, examiner, investigator, compliance expert, or auditor, whose primary function is the review of mortgage companies and their compliance processes, and the department determines your background is sufficient.

(ii) The work experience must be evidenced by a detailed work history and:

(A) W-2 Federal Income Tax Reporting Forms in the designated broker appointee's name; or

(B) 1099 Federal Income Tax Reporting Forms in the designated broker appointee's name; or

(C) Corporate tax returns signed by the designated broker appointee or corporate officer for a licensed or exempt residential mortgage company; or

(f) In addition to supplying the application information, both you and the licensed mortgage broker must be in good standing with the department; or

(g) Demonstrate financial responsibility, character and general fitness.

**(2) How do I demonstrate financial responsibility?**

The department will review your credit history to determine if you have outstanding judgments (except judgments involving medical expenses); current outstanding tax liens or other government liens and filings; foreclosures within the last three years; or a pattern of seriously delinquent accounts within the past three years.

Specifically, you are not eligible to become a designated broker if you have one hundred thousand dollars or more of tax liens against you at the time of appointment by a licensed mortgage broker.

**(3) May I work as the designated broker for more than one company?** Yes. You may be the designated broker for more than one licensee after receiving approval from the director.

**(4) As the designated broker, must I hold a loan originator's license?** Yes. If you perform any of the functions of a loan originator, you must apply for and receive a loan originator license.

**(5) May I work as the designated broker for one licensee and a licensed loan originator for another licensee?** Yes. If you want to originate loans for a mortgage broker different from the mortgage broker for whom you are the designated broker, you must amend your license information through the ((NMLSR)) NMLS to reflect the new relationship and the second company must sponsor you. Federal law may prohibit a mortgagee from hiring employees who work for more than one mortgage broker or who have multiple employers.

**(6) May a designated broker hire employees or independent contractors apart from the employees or independent contractors working for the mortgage broker licensee?** No. Only the mortgage broker licensee can have employees or independent contractors. This prohibition against a designated broker having employees or independent contractors includes clerical or administrative personnel whose work is related to the mortgage broker licensee's activities, and loan processors.

**(7) As a designated broker, what reporting requirements must I comply with?** See WAC 208-660-400, Reporting requirements.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-260 Designated brokers—Testing. (1) Must I pass a test prior to becoming a designated broker?** Yes. You must take and pass the Washington designated broker test. See subsection (3) of this section if you are going to

originate loans. See WAC 208-660-250(1) if you have never been a designated broker.

**(2) If I am currently a designated broker, will I have to take the test again?** You will only have to retake the test(s) if you stop working ~~((in the industry))~~ as a designated broker for five years or longer.

**(3) If I am currently a designated broker that originates loans, will I have to take the loan originator test and obtain a loan originator license?** Yes. You must take and pass the national and state ((NMLSR)) NMLS tests and obtain the necessary prelicensing education prior to acting as a loan originator.

**(4) Where can I get information about the designated broker test?** Go to the department's web site for information about the designated broker test: [http://www.dfi.wa.gov/cs/mb\\_testing.htm](http://www.dfi.wa.gov/cs/mb_testing.htm).

**(5) What topics may be covered in the designated broker test?** See WAC 208-660-600(3).

**(6) How soon after failing the designated broker test may I take it again?** After failing the test three consecutive times you must wait at least fourteen days before taking the test again.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-270 Designated brokers—Continuing education. (1) Where can I get information about continuing education?** The ((NMLSR)) NMLS will publish a list of approved courses and providers. The providers will have detailed information about the continuing education courses they offer. The department will accept the continuing education courses approved by the ((NMLSR)) NMLS for designated broker continuing education.

**(2) As a designated broker, how many hours of continuing education must I have?**

~~((a))~~ The continuing education requirement for designated brokers is nine hours.

~~((b) You will receive one credit hour by attending one or more mortgage broker commission meeting(s).))~~

**(3) As a designated broker, may I take the same approved course multiple times to meet my annual continuing education requirement?** No. You may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

**(4) If I teach a continuing education course approved by the ((NMLSR)) NMLS, may I use my course as credit toward my annual continuing education requirement?** Yes. As an instructor of a ((NMLSR)) NMLS approved continuing education course, you may receive credit for your annually required designated broker continuing education courses from the course(s) you teach. You will receive credit at the rate of one course taught equaling two continuing education course credits.

**(5) Is ethics a required continuing education topic for designated brokers?** Yes. You must take two hours of ethics each year you act as a designated broker. The ethics course must include the topics of fraud, consumer protection, and fair lending. You must not take the same course in the same or successive years.



(6) **If I accumulate more than the required designated broker continuing education course credits during a year, may I carry-over the excess credit to the next year?** No. Continuing education credits only apply to the year in which they are taken.

(7) **How do I provide the department with proof of the continuing education courses I have completed?**

~~((a) For S.A.F.E. required courses;))~~ The course provider will report your continuing education to the ~~((NMLS SR))~~ NMLS and DFI will have access to that information.

~~((b) For Washington specific courses, you must provide the department with proof of your satisfactory completion of the course, in a form prescribed by the department.))~~

(8) **If I fail to complete the required continuing education, what happens to my license?** When your license expires, the department will not renew it and you cannot continue conducting any business under the act. See WAC 208-660-350(20) to renew your license within two months after expiration.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-300 Loan originators—General. (1) May I work as a loan originator for more than one mortgage broker?** Yes.

(2) **How do I obtain approval to work for more than one mortgage broker?** Using the ~~((NMLS SR))~~ NMLS, the company will submit a sponsorship request. The department will notify you and others associated with your license upon approval of your request. The ~~((NMLS SR))~~ NMLS will charge a fee for the additional relationship. See also WAC 208-660-550.

(3) **If I work as a loan originator for more than one mortgage broker, may I take an application from a borrower without identifying one specific mortgage broker?** No. You may take an application for only one mortgage broker at a time in any one transaction. Prior to presenting yourself to a specific borrower as licensed to originate mortgage loans, you must state who you represent. You must clearly identify the mortgage broker by name and address on the application, on all disclosures, authorization forms, and other material provided to the borrower. There must be no confusion by the borrower as to which mortgage broker you are representing at any given time.

(4) **May I work from any location when I am a licensed loan originator?** No. You can only work from a licensed location. The licensed location can be the main company office, or any licensed branch.

(5) **May a loan originator transfer loan files to a mortgage broker other than the mortgage broker the loan originator is associated with?** No. Only the borrower may submit a written request to the licensed mortgage broker to transmit the borrower's selected information to another mortgage broker or lender. The licensed mortgage broker must transmit the information within five business days after receiving the borrower's written request.

(6) **Who owns loan files?** Loan files are the property of the mortgage broker named on the loan application and the mortgage broker must keep the original files and documents.

(7) **May I act as a loan originator and a real estate agent in the same transaction or for the same borrower in different transactions?** Yes, you may be both the loan originator and real estate broker or salesperson in the same transaction, or for the same borrower in different transactions. When either of these occur, you must provide to the borrower the following written disclosure:

"THIS IS TO GIVE YOU NOTICE THAT I OR ONE OF MY ASSOCIATES HAVE/HAS ACTED AS A REAL ESTATE BROKER OR SALESPERSON REPRESENTING THE BUYER/SELLER IN THE SALE OF THIS PROPERTY TO YOU. I AM ALSO A LOAN ORIGINATOR AND WOULD LIKE TO PROVIDE MORTGAGE SERVICES TO YOU IN CONNECTION WITH YOUR LOAN TO PURCHASE THE PROPERTY.

YOU ARE NOT REQUIRED TO USE ME AS A LOAN ORIGINATOR IN CONNECTION WITH THIS TRANSACTION. YOU ARE FREE TO COMPARISON SHOP WITH OTHER MORTGAGE BROKERS, AND LENDERS, AND TO SELECT ANY MORTGAGE BROKER, OR LENDER OF YOUR CHOOSING."

(8) **As a loan originator, may I be paid directly by the borrower for my services?** No. As a loan originator, you may not be paid any compensation or fees directly by the borrower.

(9) **May a loan originator charge the borrower a fee, commission, or other compensation for preparing, negotiating, or brokering a loan for the borrower?** No. A loan originator may not charge the borrower a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering of a residential mortgage loan.

(10) ~~((As a loan originator, may I be paid my portion of the mortgage broker fee directly from the loan closing?))~~

~~(a) Yes. If authorized in the mortgage broker's demand, the settlement service provider may pay your portion of the mortgage broker fee directly to you; provided however, that the HUD-1 or equivalent settlement statement has the following information:~~

~~(i) Your name as it appears on your loan originator license;~~

~~(ii) Your loan originator license unique identifier; and~~

~~(iii) The amount to be paid to you by the settlement service provider.~~

~~(b) You must provide a copy of the HUD-1 or equivalent settlement statement to the licensed mortgage broker within twenty-four hours of your receipt of funds from closing.~~

~~(11))~~ **May a loan originator bring a lawsuit against a borrower for the collection of compensation?** No. Only licensed mortgage brokers, or exempt mortgage brokers, may bring collection actions against borrowers to collect compensation.

~~((12))~~ **(11) May I work as a licensed loan originator for a mortgage broker located out of the state?** Yes. You may originate loans for any mortgage broker who sponsors you and who is licensed under Washington law.

~~((13))~~ **(12) May a licensed loan originator hire employees or independent contractors to assist in the mortgage broker licensee's activities?** No. Only the mortgage broker licensee can have employees or independent

contractors. This prohibition against loan originators hiring employees or independent contractors includes clerical or administrative personnel whose work is related to the mortgage broker licensee's activities, and loan processors.

~~((14))~~ **(13) Do loan processors have to be licensed as loan originators?** W-2 employee loan processors are not required to have a loan originator license provided they work under the supervision and instruction of a licensed or exempt mortgage broker and do not hold themselves out as able to conduct the activities of a mortgage broker or loan originator. Independent contractor loan processors must be licensed as a mortgage broker, mortgage broker branch office, or loan originator.

~~((15))~~ **(14) May loan processors work on files from an unlicensed location?** A loan processor may work on loan files from an unlicensed location under the following circumstances:

(a) The loan files are in electronic format and the loan processor accesses the files directly from the licensed mortgage broker's main computer system. The loan processor may not maintain any electronic files on any computer system other than the system belonging to the licensed mortgage broker.

(b) The loan processor does not conduct any of the activities of a licensed loan originator.

(c) The licensed mortgage broker must have safeguards in place for the computer system that safeguards borrower information.

AMENDATORY SECTION (Amending WSR 11-22-022, filed 10/25/11, effective 11/25/11)

**WAC 208-660-350 Loan originators—Licensing.** (1) **How do I apply for a loan originator license? Your application consists of an on-line filing through the ~~((NMLSR))~~ NMLS and Washington specific requirements provided directly to DFI. You must pay an application fee through the ~~((NMLSR))~~ NMLS system. You also must:**

(a) **Be eighteen years or older.**

(b) **Have a high school diploma, an equivalent to a high school diploma, or three years experience in the industry. The experience must meet the criteria in WAC 208-660-250 (1)(e)(i) and (ii).**

(c) **Pass a licensing test.** You must take and pass the national and state components of the ~~((NMLSR))~~ NMLS tests. See WAC 208-660-360, Loan originators—Testing.

(d) **Submit an application.** You must submit an on-line application through the ~~((NMLSR))~~ NMLS.

(e) **Prove your identity.** You must provide information to prove your identity.

(f) **Pay the application fee.** You must pay an application fee for your application, as well as an administrative fee to the ~~((NMLSR))~~ NMLS. See WAC 208-660-550, Department fees and costs.

(g) **Complete prelicensing education.** You must complete prelicensing education. See WAC 208-660-355.

(2) **In addition to reviewing my application, what else will the department consider to determine if I qualify for a loan originator license?**

(a) **General fitness and prior compliance actions.** The department will investigate your background to see that you demonstrate the experience, character, and general fitness that commands the confidence of the community and creates a belief that you will conduct business honestly and fairly within the purposes of the act. This investigation may include a review of the number and severity of complaints filed against you, or any person you were responsible for, and a review of any investigation or enforcement activity taken against you, or any person you were responsible for, in this state, or any jurisdiction. This investigation may also include a review of whether you have had a license issued under the act or any similar state statute suspended.

(b) **License suspensions or revocations.**

(i) You are not eligible for a loan originator license if you have been found to be in violation of the act or the rules.

(ii) You are not eligible for a loan originator license if you have ever had a license issued under the Mortgage Broker Practices Act or the Consumer Loan Act or any similar state statute revoked.

(iii) For purposes of (b) and (c) of this subsection, a "similar statute" may include statutes involving other financial services, such as insurance, securities, escrow or banking.

(c) **Criminal history.**

(i) You are not eligible for a loan originator license if you have ever been convicted of a felony involving an act of fraud, dishonesty, breach of trust, or money laundering.

(ii) You are not eligible for a loan originator license if you have been convicted of a gross misdemeanor involving dishonesty or financial misconduct, or a felony not involving fraud, dishonesty, breach of trust, or money laundering, within seven years of the filing of the present application.

(d) **Financial background.**

(i) The department will investigate your financial background including a review of your credit report to determine if you have demonstrated financial responsibility including, but not limited to, an assessment of your current outstanding judgments (except judgments solely as a result of medical expenses); current outstanding tax liens or judgments or other government liens or filings; foreclosure within the last three years; or a pattern of seriously delinquent accounts within the past three years.

(ii) Specifically, you are not eligible to receive a loan originator license if you have one hundred thousand dollars or more of tax liens against you at the time of appointment by a licensed mortgage broker.

(3) **What will happen if my loan originator license application is incomplete?** After submitting your on-line application through the ~~((NMLSR))~~ NMLS, the department will notify you of any application deficiencies.

(4) **How do I withdraw my application for a loan originator license?** Once you have submitted the on-line application through ~~((NMLSR))~~ NMLS you may withdraw the application through ~~((NMLSR))~~ NMLS. You will not receive a refund of the ~~((NMLSR))~~ NMLS application fee but you may receive a partial refund of your licensing fee if the fee exceeds the department's actual cost to investigate the license application.

(5) **When will the department consider my loan originator license application to be abandoned?** If you do not respond as directed by the department's request for information and within fifteen business days, your loan originator license application is considered abandoned and you forfeit all fees paid. Failure to provide the requested information will not affect new applications filed after the abandonment. You may reapply by submitting a new application package and new application fee.

(6) **What happens if the department denies my application for a loan originator license, and what are my rights if the license is denied?** Under the Administrative Procedure Act, chapter 34.05 RCW, you have the right to request a hearing. To request a hearing, notify the department, in writing, within twenty days from the date of the director's notice to you notifying you your license application has been denied. **See also WAC 208-660-009.**

(7) **How will the department provide me with my loan originator license?** The department may use any of the following methods to provide you with your loan originator license:

(a) A license sent to you electronically that you may print.

(b) A license verification available on the department's web site and accessible for viewing by the public.

(8) **May I transfer, sell, trade, assign, loan, share, or give my loan originator license to someone else?** No. A loan originator license authorizes only the individual named on the license to conduct the business at the location listed on the license.

(9) **How do I change information on my loan originator license?** You must submit an amendment to your license through the ((NMLSR)) NMLS. You may be charged a fee.

(10) **What is an inactive loan originator license?** When a licensed loan originator is not sponsored by a licensed or exempt company, the license is inactive. ~~((If a licensed loan originator works for a consumer loan company (chapter 31.04 RCW) as a W-2 employee, they may continue to do business under their inactive license until June 30, 2010, or until the company goes onto the NMLSR and sponsors their license.))~~ When an individual holds an inactive license, they may not conduct any of the activities of a loan originator, or hold themselves out as a licensed loan originator.

(11) **When my loan originator license is inactive, am I subject to the director's enforcement authority?** Yes. Your license is granted under specific authority of the director and under certain situations you may be subject to the director's authority even if you are not doing any activity covered by the act.

(12) **May I originate loans from a web site when my license is inactive?** No. You may not originate loans, or engage in any activity that requires a license under the act, while your license is inactive.

(13) **When my loan originator license is inactive, must I continue to pay annual fees, and complete continuing education for that year?** Yes. You must comply with all the annual licensing requirements or you will be unable to renew your inactive loan originator license.

~~((12))~~ (14) **How do I activate my loan originator license?** The sponsoring company must submit a sponsorship request for your license through the ((NMLSR)) NMLS. The department will notify you and all the companies you are working with of the new working relationship if approved.

~~((13))~~ (15) **When may the department issue interim loan originator licenses?** To prevent an undue delay, the director may issue interim loan originator licenses with a fixed expiration date. The license applicant must have substantially met the initial licensing requirements, as determined by the director, to receive an interim license. In no case shall these requirements be less than the minimum requirements to obtain a license under the S.A.F.E. Act.

~~((14))~~ (16) **When does my loan originator license expire?** The loan originator license expires annually on December 31st. If the license is an interim license, it may expire in less than one year.

~~((15))~~ (17) **How do I renew my loan originator license?**

(a) You must continue to meet the minimum standards for license issuance. See RCW 19.146.310.

(b) Before the license expiration date you must renew your license through the ((NMLSR)) NMLS. Renewal consists of:

(i) Pay the annual assessment fee; and

(ii) Meet the continuing education requirement. You will not have a continuing education requirement in the year in which you complete the core twenty hours of prelicensing education. See WAC 208-660-370.

(c) The renewed license is valid until it expires, or is surrendered, suspended or revoked.

~~((16))~~ (18) **If I let my loan originator license expire, must I apply to get a new license?** If you complete all the requirements for renewal on or before the last day of February ~~((28th))~~ each year, you may renew an existing license. However, if you renew your license during this two-month period, in addition to paying the annual assessment on your license, you must pay an additional fifty percent of your annual assessment. See subsection ~~((15))~~ (17) of this section for the license renewal requirements.

During this two-month period, your license is expired and you must not conduct any business under the act that requires a license.

Any renewal requirements received by the department must be evidenced by either a United States Postal Service postmark or department "date received" stamp prior to March 1st each year. If you fail to comply with the renewal request requirements prior to March 1st, you must apply for a new license.

~~((17))~~ (19) **If I let my loan originator license expire and then apply for a new loan originator license within one year of the expiration, must I comply with the continuing education requirements from the prior license period?** Yes. Before the department will consider your new loan originator application complete, you must provide proof of satisfying the continuing education requirements from the prior license period.

~~((18))~~ (20) **May I still originate loans if my loan originator license has expired?** No. Once your license has expired you may no longer conduct the business of a loan

originator, or hold yourself out as a licensed loan originator, as defined in the act and these rules.

~~((19))~~ **(21) What happens to the loan applications I originated before my loan originator license expired?** Existing loan applications must be processed by the licensed mortgage broker or another licensed loan originator working for the mortgage broker.

~~((20))~~ **(22) May I surrender my loan originator's license?** Yes. Only you may surrender your license before the license expires through the ~~((NMLSR))~~ NMLS.

Surrendering your loan originator license does not change your civil or criminal liability, or your liability for any administrative actions arising from acts or omission occurring before the license surrender.

~~((21))~~ **(23) Must I display my loan originator license where I work as a loan originator?** No. Neither you nor the mortgage broker company is required to display your loan originator license. However, evidence that you are licensed as a loan originator must be made available to anyone who requests it.

~~((22))~~ **(24) If I operate as a loan originator on the internet, must I display my license number on my web site?** Yes. You must display your license number, and the license number and name as it appears on the license of the licensed mortgage broker you represent, on the web site.

~~((23))~~ **(25) Must I include my license number on any documents?** You must include your license number immediately following your name on solicitations, including business cards, advertisements, and residential mortgage loan applications.

~~((24))~~ **(26) When must I disclose my loan originator license number?** In the following situations you must disclose your loan originator license number and the name and license number of the mortgage broker you are associated with:

- (a) When asked by any party to a loan transaction, including third party providers;
- (b) When asked by any person you have solicited for business, even if the solicitation is not directly related to a mortgage transaction;
- (c) When asked by any person who contacts you about a residential mortgage loan;
- (d) When taking a residential mortgage loan application.

~~((25))~~ **(27) May I conduct business under a name other than the name on my loan originator license?** No. You must only use the name on your license when conducting business. If you use a nickname for your first name, you must use your name like this: "FirstName "Nickname" LastName."

~~((26))~~ **(28) Will I have to obtain an individual bond if the company I work for is exempt from licensing?** Reserved.

~~((27))~~ **(29) Will I have to file quarterly call reports if I have an individual bond?** Reserved.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-355 Loan originators—Prelicensing education. (1) Must I obtain prelicensing education**

**before I will be given a license?** Yes. You must take 20 hours of prelicensing education from an ~~((NMLSR))~~ NMLS approved provider. The prelicensing education must include at least three hours of federal law and regulations; three hours of ethics, which must include instruction on fraud, consumer protection, and fair lending issues; two hours related to lending standards for the nontraditional mortgage product marketplace; and at least two hours of training specifically related to Washington law.

**(2) Who provides prelicensing education?** The ~~((NMLSR))~~ NMLS approves course providers and courses for prelicensing education. See the ~~((NMLSR))~~ NMLS Resource Center for a list of approved providers and courses.

**(3) Must I take continuing education in the year I complete the prelicensing education?** No. You will not have a continuing education requirement in the year in which you complete the core twenty hours of prelicensing education.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-360 Loan originators—Testing. (1) Must I pass a test prior to becoming a loan originator?** Yes. You must take and pass the ~~((NMLSR))~~ NMLS national and state tests prior to becoming a loan originator. You must receive a score of seventy-five percent or higher to pass the test.

**(2) Where may I find information about the loan originator test?** The ~~((NMLSR))~~ NMLS contracts for its test provider. You will find information on the test provider on the ~~((NMLSR))~~ NMLS web site at [www.stateregulatoryregistry.org](http://www.stateregulatoryregistry.org).

**(3) How much does the loan originator test cost?** Testing costs are set by contract between the test provider and the ~~((NMLSR))~~ NMLS and may be modified from time to time. The department will publish the current testing fee on its web site or you may find it on the ~~((NMLSR))~~ NMLS web site at [www.stateregulatoryregistry.org](http://www.stateregulatoryregistry.org).

**(4) How do I register to take the loan originator test?** The department will provide a link to the ~~((NMLSR))~~ NMLS test provider on its web site.

**(5) What topics may be covered in the loan originator test?** At a minimum, the test topics will include ethics, federal and state law and regulation pertaining to mortgage origination, federal and state law and regulation on fraud, consumer protection, nontraditional mortgage products, and fair lending.

**(6) After passing the loan originator test, will I have to take it again?** You must retake the loan originator test if you have not been a loan originator within the past five years.

~~((7))~~ **(7) ~~(If I have taken and passed the state loan originator test, must I take the NMLSR state test?)~~** If you are licensed on or before July 30, 2009, and you took your loan originator test after May 2007, you will not be required to take the ~~NMLSR~~ state test if you remain licensed.

~~((8))~~ **(8) How soon after failing the loan originator test may I take it again?** You may retake a test three consecutive times with each consecutive taking occurring at least thirty days after the preceding test. After failing three consecutive

tests, you must wait at least six months before taking the test again.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-370 Loan originators—Continuing education. (1) How many hours of continuing education must I have each year to renew my license?**

(a) You must have at least eight hours to satisfy the federal requirement. The eight hours of education must include three hours of federal law and regulations; two hours of ethics on fraud, consumer protection, and fair lending issues; and two hours on lending standards for the nontraditional mortgage product marketplace.

(b) You must have at least one additional hour of continuing education to satisfy the Washington requirement.

**(2) Who approves the continuing education for loan originators?**

~~((a))~~ The ~~((NMLS))~~ NMLS approves all education that meets the federal requirement.

~~((b))~~ Washington has approved providers and courses that can provide education to meet the Washington requirement until the end of 2010.)

**(3) Where may I get information about continuing education for loan originators?**

~~((a))~~ The ~~((NMLS))~~ NMLS web site will have information about the approved ~~((NMLS))~~ NMLS courses.

~~((b))~~ Washington will have information about the Washington approved courses and providers meeting the Washington requirement on its web site through 2010.)

**(4) As a loan originator, may I take the same approved course multiple times to meet my annual continuing education requirement?** No. You may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

**(5) If I teach an approved continuing education course may I use my course as credit toward my annual loan originator continuing education requirement?** Yes. ~~((Up until December 31, 2009, as an instructor of an approved continuing education course, you may receive two continuing education credits for each course hour you teach. If approved as an NMLS course provider you may receive two credit hours for each one hour taught.))~~ As an instructor of an approved continuing education course, you may receive credit for your annually required loan originator continuing education courses from the course(s) you teach. You will receive credit at the rate of one course taught equaling two continuing education course credits.

~~(6) ((How do I receive credit toward my continuing education requirement when I teach an approved continuing education course? When you renew your license at the end of 2009 and seek to get credit for continuing education, submit to the department documentation evidencing approval of the continuing course you taught. The department will credit you with completing two continuing education courses for each one approved course you teach.~~

~~(7))~~ **Is ethics a required continuing education course for loan originators?** Yes. You must take at least two ethics

hours annually. The annual ethics credits must include the topics of fraud, consumer protection, and fair lending.

~~((8) If I take a loan originator continuing education course approved by the NMLS will the department accept it as part of my continuing education requirement? Yes. The NMLS approved continuing education courses will satisfy the federal requirement. Individual states will have individual state specific requirements.~~

~~(9) Can I receive credit for continuing education by attending the Mortgage Broker Practices Act Commission meetings? Yes. You will receive one credit hour by attending one or more mortgage broker commission meeting(s).~~

~~(10))~~ **(7) If I accumulate more than the required loan originator continuing education course credits during a year, may I carry-over the excess credit to the next year?** No. Continuing education credits only apply to the year in which they are taken.

~~((11))~~ **(8) If I fail to complete the required continuing education, what happens to my loan originator license?** When your license expires, the department will not renew it, and you cannot continue conducting any business under the act. See WAC 208-660-350(16) to renew your license within two months of it expiring. See also, WAC 208-660-350(15).

~~((12))~~ **(9) How do I provide the department with proof of the continuing education courses I have completed?** ~~((For the federal continuing education, the NMLS will provide the process for receiving and calculating your continuing education. For Washington specific continuing education, you must provide the department with proof of your satisfactory completion of the course, in a form prescribed by the department.))~~ The course provider will report your continuing education to the NMLS and DFI will have access to that information.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-400 Reporting requirements and notices to the department. (1) ((As a licensed mortgage broker, what annual report must I provide to the department?** You must file a mortgage broker annual report, in a form prescribed by the director. The report must include:

(a) The total number of residential mortgage loans secured by Washington real estate that you originated and closed in the prior calendar year; and

(b) The total dollar volume (principal loan amounts) of the residential mortgage loans secured by Washington real estate that you originated and closed in the prior calendar year. In the case of an open or closed end home equity line of credit, the amount to be reported is the loan or line of credit limit.

~~(2) When must I provide the mortgage broker annual report to the department?~~ You must provide the completed report to the department by March 31st of each year.

~~(3) What period of time must the mortgage broker annual report cover?~~ The mortgage broker annual report must cover the prior calendar year from January 1st to December 31st.

~~(4) What action will the department take if I fail to file my mortgage broker annual report?~~~~(a) The department may begin an enforcement action against you if you fail to file the report on time.~~~~(b) When your license is due for renewal, the department will not renew it if you have not filed your annual report.~~~~(5)) What are my quarterly filing requirements?~~ Reserved.~~((6) Will the filing of the fourth quarter call report satisfy the annual report requirement?~~ Reserved.~~(7)) (2) As a licensed mortgage broker what are my reporting responsibilities when something of significance happens to my business?~~~~(a) **Notification required.** You must notify the director through amendment to the NMLS to a change of:~~~~(i) Principal place of business or any branch offices;~~~~(ii) Sponsorship status of a mortgage loan originator;~~~~(iii) Answers to the NMLS generated disclosure questions.~~~~(b) **Prior notification required.** You must notify the director ((through amendment to the NMLSR)) in writing twenty days prior to a change of:~~~~(i) ((Principal place of business or any of its branch offices;~~~~(ii)) Name or legal status (e.g., from sole proprietor to corporation, etc.);~~~~((iii)) (ii) Legal or trade name; or~~~~((iv)) (iii) A change of ownership control of ((ten)) twenty percent or more. The department will consider the qualifications of the new people and notify you whether or not the proposed change is acceptable. You may have to submit fingerprint cards for new controlling people directly to DFI.~~~~((b)) (c) **Post notification within ten business days.** You must notify the director through the ((NMLSR)) NMLS or in writing to the director within ten days after an occurrence of any of the following:~~~~(i) Change in mailing address, telephone number, fax number, or e-mail address;~~~~(ii) Cancellation or expiration of its Washington state ((master)) business license;~~~~(iii) Change in standing with the Washington secretary of state((;~~~~(iv) Change in its standing with the state of Washington secretary of state)), including the resignation or change of the registered agent;~~~~((v)) (iv) Failure to maintain the appropriate unimpaired capital under WAC 208-620-340;~~~~((vi)) (v) Receipt of notification of cancellation of your surety bond;~~~~((vii)) (vi) Receipt of notification of license revocation proceedings against you in any state;~~~~((viii)) (vii) If you, or any officer, director, or principal is convicted of a felony, or a gross misdemeanor involving lending, brokering or financial misconduct; or~~~~((ix)) (viii) Name and mailing address of your registered agent if you are out-of-state.~~~~((e)) (d) **Post notification within twenty days.** You must notify the director in writing within twenty days after the occurrence of any of the following developments:~~~~(i) The filing of a felony indictment or information related to lending or brokering activities against you, or any officer, board director, or principal, or an indictment or information involving dishonesty against you, or any officer, board director, or principal;~~~~(ii) The receipt of service of notice of the filing of any material litigation against you; or~~~~(iii) The change in your residential address or telephone number.~~~~((8)) (3) **As a licensed mortgage loan originator, what are my reporting responsibilities?** You must notify the director through amendment to the NMLS within ten business days to a change of:~~~~(i) Answers to the NMLS generated disclosure questions;~~~~(ii) Sponsorship status with a licensed mortgage broker;~~~~(iii) Residence address; or~~~~(iv) Any change in the information supplied to the director in your original application.~~~~(4) **Must I notify the department of the physical address of my mortgage broker books and records?** Yes. You must provide the physical address of your mortgage broker books and records in your initial license application through ((NMLSR)) NMLS. If the location of your books and records changes, you must provide the department, through the ((NMLSR)) NMLS, with the new physical address within five business days of the change.~~~~((9)) (5) **Must I notify the department if my designated broker leaves, or is no longer my designated broker?** Yes. You must notify the department, through ((NMLSR)) NMLS, within five business days of the loss of or change of status of your designated broker. See WAC 208-660-180(3).~~~~((10)) (6) **If I am a registered agent under the act, must I notify the department if I resign?** Yes. You must provide the department with your statement of resignation letter at least thirty-one days prior to the intended effective date. You must also provide a copy of the resignation letter to the licensed mortgage broker. The department will terminate your appointment thirty-one days after receiving your resignation letter.~~~~((11)) (7) **What are my responsibilities when I sell my business?**~~~~(a) At least thirty days prior to the effective date of sale, you must notify the department of the pending sale by completing the following: Notify the department in writing and provide requested information. At the effective date of sale, update and file all required information through the ((NMLSR)) NMLS for your main and any branch offices, including updating information about the location of your books and records.~~~~(b) You must give written notice to borrowers whose applications or loans are in process, advising them of the change in ownership.~~~~(c) You must give written notice to third party providers that have or will provide services on loans in process, and all third-party providers you owe money to, bringing accounts payable current.~~~~(d) You must reconcile the trust account and return any funds to the borrowers or others to whom they belong, or~~

transfer funds into a new trust account at the borrower's direction. If excess funds still remain and are unclaimed, follow the procedures provided by the department of revenue's unclaimed property division.

~~((12))~~ **(8) Must I notify the department if I cease doing business in this state?** Yes. You must notify the department within twenty days after you cease doing business in the state by updating your MUI record through the ~~((NMLS, and filing your Mortgage Broker annual report directly with DFI))~~ NMLS.

~~((13))~~ **(9) Must I notify the department of changes to my trust account?** Yes. You must notify the department within five business days of any change in the status, location, account number, or other particulars of your trust account, made by you or the federally insured financial institution where the trust account is maintained. A change in your trust account includes the addition of a trust account.

~~((14))~~ **(10) What must I do if my licensed mortgage broker company files for bankruptcy?**

(a) Notify the director within ten business days after filing the bankruptcy.

(b) Respond to the department's request for information about the bankruptcy.

~~((15))~~ **(11) If I am a designated broker and file for personal bankruptcy, what are my reporting responsibilities?** A designated broker must notify the department in writing within ten business days of filing for bankruptcy protection.

~~((16))~~ **(12) If I am a designated broker and file for personal bankruptcy, what action may the department take?** The director may require the licensed mortgage broker to replace you with another designated broker.

~~((17))~~ **(13) If I am a loan originator and file for personal bankruptcy, what are my reporting responsibilities?** A licensed loan originator must notify the director in writing within ten business days of filing for bankruptcy protection.

~~((18))~~ **(14) If I am a loan originator and file for personal bankruptcy, what action may the department take?** Depending on the circumstances, the director may revoke or condition your license.

~~((19))~~ **(15) When may I apply for a license after surrendering one due to my personal bankruptcy filing?** If you surrendered your license, you may apply for a license at any time. However, the department may deny your license application for three years after the bankruptcy has been discharged provided that no new bankruptcies have occurred or are in progress.

~~((20))~~ **(16) Who in the mortgage broker company must notify the department if they are charged with or convicted of a crime?** Licensees, whether on active or inactive license status, must notify the department in writing within ten business days of being:

(a) Charged by indictment or information with any felony, or a gross misdemeanor involving dishonesty or financial misconduct in any jurisdiction.

(b) Convicted of any felony, or any gross misdemeanor involving dishonesty or financial misconduct in any jurisdiction.

(c) Convicted of any felony involving fraud, dishonesty, breach of trust, or money laundering in any jurisdiction.

(d) Convicted outside of Washington for any crime that if charged in Washington would constitute a felony, or gross misdemeanor for dishonesty or financial misconduct.

~~((21))~~ **(17) Who in the mortgage broker company must notify the department if they are the subject of an administrative enforcement action?** Licensees, whether holding active or inactive licenses, must notify the department in writing within ten business days of the occurrence if:

(a) Charged with any violations by an administrative authority in any jurisdiction; or

(b) The subject of any administrative action, including a license revocation action, in any jurisdiction.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-420 Out-of-state mortgage brokers and loan originators.** **(1) May I be a licensed mortgage broker in Washington without a physical office in Washington?** Yes. You are not required by the act to have a physical location in Washington.

**(2) May I be a licensed mortgage broker in Washington and have branch offices both in Washington and outside of Washington?** Yes. However, each of your branch offices that offer Washington residential mortgage loans must hold a Washington license, even if the location is outside Washington.

**(3) May my mortgage broker business be conducted entirely on the internet?** Yes. But you must have a license for all locations including those that offer loans by mail or internet.

**(4) May I work as a loan originator in Washington if I do not have a physical location in Washington?** Yes. You may originate Washington loans from any location licensed under the act, inside or outside of Washington.

**(5) May I work as a licensed loan originator for a licensed mortgage broker that is out of the state?** Yes, as long as the location from which you work is licensed under the act.

**(6) If my mortgage broker business is not located in Washington, where must I keep my records?** If your business is located outside of Washington, you may either maintain the books and records at a location in Washington, or pay the department's travel expenses to the out-of-state location to examine the books and records. Travel expenses may include, but are not limited to, transportation, meals, and lodging.

**(7) What additional requirements must I comply with if my business does not have a physical location in Washington?** You must continuously maintain a registered agent in Washington and provide the department, through the ~~((NMLS))~~ NMLS, with the registered agent's name, physical and mailing address, and written consent to be the registered agent.

**(8) How do I change the information about my registered agent?** You must update the information in the ~~((NMLS))~~ NMLS within ten business days from the change.

**(9) If I am a registered agent under the act, what must I do to resign as registered agent?**

(a) Provide the department with a statement of resignation at least thirty-one days prior to the intended effective date of your resignation.

(b) Provide a copy of the statement of resignation to the licensed mortgage broker.

(c) The department will terminate your appointment on the thirty-first day after the date on which the statement of resignation was delivered.

**AMENDATORY SECTION** (Amending WSR 10-20-125, filed 10/5/10, effective 11/5/10)

**WAC 208-660-430 Disclosure requirements. (1) What disclosures must I make to borrowers and when?**

(a) Within three business days of receiving a borrower's loan application, or receiving money from a borrower for third-party provider services, you, as a mortgage broker or loan originator on behalf of a mortgage broker, must make all disclosures required by RCW 19.146.030 (1), (2), (3), and 19.144.020. The one page disclosure summary required by RCW 19.144.020 must be dated when provided to the borrower. The disclosures must be in a form acceptable to the director.

(b) If a lender is providing disclosures to the borrower, you must maintain copies of those disclosures; failure to do so would result in a violation.

(2) **What is the disclosure required under RCW 19.146.030(1)?** A full written disclosure containing an itemization and explanation of all fees and costs that the borrower is required to pay in connection with obtaining a residential mortgage loan, and specifying the fee or fees which inure to the benefit of the mortgage broker. A good faith estimate of a fee or cost must be provided if the exact amount of the fee or cost is not determinable. This subsection does not require disclosure of the distribution or breakdown of loan fees, discount, or points between the mortgage broker and any lender or investor.

The specific content of the disclosure required under RCW 19.146.030(1) is identified in RCW 19.146.030(2).

(3) **What is the disclosure required under RCW 19.146.030(2)?** Mortgage brokers must disclose the following content:

(a) The annual percentage rate, finance charge, amount financed, total amount of all payments, number of payments, amount of each payment, amount of points or prepaid interest and the conditions and terms under which any loan terms may change between the time of disclosure and closing of the loan; and if a variable rate, the circumstances under which the rate may increase, any limitation on the increase, the effect of an increase, and an example of the payment terms resulting from an increase.

Disclosure in compliance with the requirements of the Truth-in-Lending Act and Regulation Z, as now or hereafter amended, is considered compliance with the disclosure content requirements of this subsection; however, RCW 19.146.030(1) governs the delivery requirement of these disclosures;

(b) The itemized costs of any credit report, appraisal, title report, title insurance policy, mortgage insurance,

escrow fee, property tax, insurance, structural or pest inspection, and any other third-party provider's costs associated with the residential mortgage loan. Disclosure through good faith estimates of settlement services and special information booklets in compliance with the requirements of RESPA and Regulation X, as now or hereafter amended, is considered compliance with the disclosure content requirements of this subsection; however, RCW 19.146.030(1) governs the delivery requirement of these disclosures;

~~(c) If ((applicable)) the rate is locked, the cost, terms, duration, and conditions of ((a lock-in)) the rate lock agreement ((and whether a lock-in agreement has been entered)), whether and under what conditions any lock-in fees are refundable to the borrower, and whether the lock-in agreement is guaranteed by the mortgage broker or lender((; and if a lock-in agreement has not been entered, disclosure in a form acceptable to the director that the disclosed interest rate and terms are subject to change)) (see subsection (7) of this section);~~

(d) A statement that if the borrower is unable to obtain a loan for any reason, the mortgage broker must, within five days of a written request by the borrower, give copies of any appraisal, title report, or credit report paid for by the borrower, to the borrower, and transmit the appraisal, title report, or credit report to any other mortgage broker or lender to whom the borrower directs the documents to be sent(;

~~(e) Whether and under what conditions any lock-in fees are refundable to the borrower); and~~

~~((f)) (e) A statement providing that moneys paid by the borrower to the mortgage broker for third-party provider services are held in a trust account and any moneys remaining after payment to third-party providers will be refunded.~~

**(4) What is the disclosure required under RCW 19.144.020? ((See WAC 208-600-200.))**

(a) You must provide the borrower with a clear, brief, one page summary to help borrowers understand their loan terms. The disclosure summary must be provided on one page separate from any other documents and must use clear, simple, plain language terms that are reasonably understandable to the average person.

(b) Disclosure in compliance with the Real Estate Settlement Procedures Act, 12 U.S.C. Sec. 2601, and Regulation X, 12 C.F.R. 1024.7 (formerly 24 C.F.R. Sec. 3500.7) is considered compliance with this disclosure requirement.

**(5) How do I disclose the yield spread premium (YSP) from the lender?**

(a) You must disclose the YSP as a dollar amount credited to the borrower on the GFE.

(b) You must direct the settlement service provider to disclose the YSP on line 802 on the HUD-1 or equivalent settlement statement. The YSP must be expressed as a dollar amount.

(c) Failure to properly disclose the yield spread premium (YSP) is a violation of RCW 19.146.0201 (6) and (11), and RESPA.

**(6) Are there additional disclosure requirements related to interest rate locks?** Yes. Pursuant to RCW 19.146.030(3), if subsequent to the written disclosure being provided under this section, a mortgage broker or loan originator enters into a rate lock agreement with a borrower or



represents to the borrower that the borrower has entered into a rate lock agreement, then within three business days the mortgage broker or loan originator must deliver or send by first-class mail to the borrower (~~(a written confirmation of the terms of)~~ the rate lock agreement ~~(, which must include a copy of the disclosure made under)~~ described in subsection (3)(c) of this section.

(7) **What must I disclose to the borrower if they do not choose to enter into a rate lock agreement?** If a rate lock agreement has not been entered into, you must disclose to the borrower that the disclosed interest rate and terms are subject to change. Compliance with the good faith estimate required by RESPA is deemed compliance with this subsection.

(8) **Will a rate lock agreement always guarantee the interest rate and terms?** No. A rate lock agreement may or may not be guaranteed by the mortgage broker or lender. The rate lock agreement must clearly state whether the rate lock agreement is guaranteed by the mortgage broker or lender.

(9) **How do I disclose the payment of a rate lock fee?** You must disclose payment of a rate lock fee as a cost in Block 2 of the GFE. On the HUD-1, the cost of the rate lock must be recorded on Line 802 and the credit must be recorded in section 204-209 with "P.O.C. (borrower)" recorded to the left of the borrower column.

(10) **Are there any model forms that suffice for the disclosure content under RCW 19.146.030(2)?** Yes. The following model forms are acceptable forms of disclosure:

(a) For RCW 19.146.030 (2)(a), mortgage brokers are encouraged to use the federal truth-in-lending disclosure form for mortgage loan transactions provided under the Truth-in-Lending Act and Regulation Z, as now or hereafter amended. However, the federal truth-in-lending disclosure only suffices for the content of disclosures under RCW 19.146.030 (2)(a). The delivery of disclosures is governed by RCW 19.146.030(1).

(b) For RCW 19.146.030 (2)(b), mortgage brokers are encouraged to use the federal good faith estimate disclosure form provided under the Real Estate Settlement Procedures Act and Regulation X, as now or hereafter amended. However, the federal good faith estimate disclosure only suffices for the content of disclosures under RCW 19.146.030 (2)(b). The delivery of disclosures is governed by RCW 19.146.030 (1).

(c) For RCW 19.146.030 (2)(c), (d), (e), (f) and (3), the department encourages mortgage brokers to use the department published model disclosure forms that can be found on the department's web site.

(11) **May my mortgage broker fees increase following the disclosures required under RCW 19.146.030(1)?** Pursuant to RCW 19.146.030(4), a mortgage broker must not charge any fee that inures to the benefit of the mortgage broker if it exceeds the fee disclosed on the initial written good faith estimate disclosure required in RCW 19.146.030 (1) and (2)(b), unless:

(a) The need to charge the fee was not reasonably foreseeable at the time the written disclosure was provided; and

(b) The mortgage broker has provided to the borrower, no less than three business days prior to the signing of the loan closing documents, a clear written explanation of the fee

and the reason for charging a fee exceeding that which was previously disclosed.

(12) **Are there any situations in which fees that benefit the mortgage broker can increase without additional disclosure?** Yes, there are two possible situations where an increase in the fees benefiting the mortgage broker may increase without the requirement to provide additional disclosures. These situations are:

(a) The additional disclosure is not required if the borrower's closing costs, excluding prepaid escrowed costs of ownership, on the final settlement statement do not exceed the total closing costs, excluding prepaid escrowed costs of ownership, in the most recent good faith estimate provided to the borrower. For purposes of this section "prepaid escrowed costs of ownership" mean any amounts prepaid by the borrower for the payment of taxes, property insurance, interim interest, and similar items in regard to the property used as security for the loan; or

(b) The fee or set of fees that benefit the mortgage broker are disclosed as a percentage of the loan amount and the increase in fees results from an increase in the loan amount, provided that:

(i) The increase in loan amount is requested by the borrower; and

(ii) The fee or set of fees that are calculated as a percentage of the loan amount have been disclosed on the initial written disclosure as both a percentage of the loan amount and as a dollar amount based upon the assumed loan amount used in the initial written disclosure; and

(iii) The total aggregate increase in the fee or set of fees that benefit the mortgage broker as a result of the increase in loan amount is less than seven hundred fifty dollars.

This section does not apply to the disclosure required in RCW 19.144.020.

(13) **What action may the department take if I improperly disclose my mortgage broker fees on the good faith estimate and HUD-1/1A statement?** If you fail to disclose your mortgage broker fees as required, the department may request, direct, or order you to refund those fees to the borrower if the result of that disclosure resulted in confusion or deception to the borrower.

(14) **May the department take action against a mortgage broker when mortgage broker fees are disclosed incorrectly on the HUD-1/1A and the incorrect disclosure was made by an independent escrow agent, title company, or lender?** If the mortgage broker can show the department that they disclosed their fees correctly on the good faith estimate, and have instructed the independent escrow agent, title company, or lender to disclose the fees correctly on the HUD-1/1A, and the independent escrow agent, title company, or lender has not followed the instructions, the department may not take action against the mortgage broker.

(15) **What action may the department take if I fail to provide additional disclosures as required under RCW 19.146.030(4)?** Generally, the department may request, direct, or order you to refund fees.

(16) **How will the department determine whether to request, direct or order me to refund fees to the borrowers?** Generally, the department will make its determination by answering the following questions:

(a) Has an initial good faith estimate disclosure of costs been provided to the borrower in accordance with RCW 19.146.030 (1) and (2)(b)?

(b) Were any subsequent good faith estimate disclosures of costs provided to the borrower no less than three business days prior to the signing of the loan closing documents? Additionally, was the subsequent disclosure accompanied by a clear written explanation of the change?

(c) How were the costs disclosed in each good faith estimate (e.g., dollar amount, percentage, or both)?

(d) Did the total costs, excluding prepaid escrowed costs of ownership, on the final settlement statement exceed the total closing costs, excluding prepaid escrowed costs of ownership, in the most recent good faith estimate provided to the borrower no less than three business days prior to the signing of the loan closing documents?

(e) If the costs at closing did exceed the most recent disclosure of costs was the need to charge the fee reasonably foreseeable at the time the written disclosure was provided?

(f) If the costs at closing did exceed the most recent disclosure of costs did the mortgage broker provide a clear written explanation of the fee and the reason for charging a fee exceeding that which was previously disclosed, no less than three business days prior to the signing of the loan closing documents?

**(17) If I failed to provide the initial good faith estimate or TILA disclosure under RCW 19.146.030 (1) and (2)(a) and (b) what action may the department take?** If you have not provided the initial good faith estimate or TILA disclosure as required, including both delivery and content requirements, the department may request, direct or order you to refund to the borrower fees that inured to your benefit.

**(18) If I received trust funds from a borrower, but failed to provide the disclosures as required in RCW 19.146.030 (1) and (2), what action may the department take?** If you did not provide the disclosures as required, including both delivery and content requirements, the department may request, direct, or order you to refund to the borrower any trust funds they have paid regardless of whether you have already expended those trust funds on third-party providers.

**(19) Under what circumstances must I redisclose the initial disclosures required under the act?** Generally, any loan terms or conditions that change must be redisclosed to the borrower no less than three business days prior to the signing of the loan closing documents. Some examples are:

(a) Adjustable rate loan terms, including index, margin, and any changes to the fixed period.

(b) The initial fixed period.

(c) Any balloon payment requirements.

(d) Interest only options and any changes to the options.

(e) Lien position of the loan.

(f) Terms and the number of months or years for amortization purposes.

(g) Prepayment penalty terms and conditions.

(h) Any other term or condition that may be specific to a certain loan product.

**(20) If a loan application is canceled or denied within three days of application must I provide the disclosures required under RCW 19.146.030?** If you have not used any

borrower trust funds and those funds have been returned to the borrower in conformance with these rules, the disclosures pursuant to RCW 19.146.030 are not required.

**(21) Is a mortgage broker that table funds a loan exempt from disclosures?** No. A mortgage broker must provide all disclosures required by the act, and disclose all fees as required by Regulation X, regardless of the funding mechanism used in the transaction.

**(22) What must I provide to the borrower if I am unable to complete a loan for them and they have paid for services from third-party providers?** If you are unable to complete a loan for the borrower for any reason, and if the borrower has paid you for third-party provider services, and the borrower makes a written request to you, you must provide the borrower with copies of the product from any third-party provider, including, but not limited to, an appraisal, title report, or credit report. You must provide the copies within five business days of the borrower's request.

The borrower may also request that you provide the originals of the documents to another mortgage broker or lender of the borrower's choice. By furnishing the originals to another mortgage broker or lender, you are conveying the right to use the documents to the other broker or lender. You must, upon request by the other broker or lender, provide written evidence of the conveyance. You must provide the originals to the mortgage broker or lender within five business days of the borrower's request.

**(23) Must I provide a written fee agreement when I provide residential mortgage loan modification services?** Yes. You must provide a written fee agreement as prescribed by the director when providing residential mortgage modification services. You must provide a copy of the signed fee agreement to the consumer and you must keep a copy as part of your books and records.

**AMENDATORY SECTION** (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-450 Recordkeeping requirements. (1) What business books and records must I keep to comply with the act?** The following books and records for your business must be available to the department.

(a) **Mortgage transaction documents.**

(i) All forms of loan applications, written or electronic (the Fannie Mae 1003 is an example);

(ii) The initial rate sheet or other supporting rate information;

(iii) The last rate sheet, or other supporting rate information, if there was a change in rates, terms, or conditions prior to settlement;

(iv) All written disclosures required by the act and federal laws and regulations. Some examples of federal law disclosures are: The good faith estimate, truth in lending disclosures, Equal Credit Opportunity Act disclosures, affiliated business arrangement disclosures, and RESPA servicing disclosure statement;

(v) Documents and records of compensation paid to employees and independent contractors;

(vi) An accounting of all funds received in connection with loans, including a trust account statement with supporting data;

(vii) Rate lock agreements and the supporting rate sheets or other rate supporting document;

(viii) Settlement statements (the final HUD-1 or HUD-1A);

(ix) Broker loan document requests (may also be known as loan document request or demand statements) that include any prepayment penalties, terms, fees, rates, yield spread premium, loan type and terms;

(x) Records of any fees refunded to applicants for loans that did not close;

(xi) All file correspondence and logs; and

(xii) All mortgage broker contracts with lenders and all other correspondence with the lenders.

(b) **Advertisements.** All advertisements placed by or at the request of the mortgage broker that mention rates or fees, and the corresponding rate sheets for the advertised rates. The copies must include newspaper and print advertising, scripts of radio and television advertising, telemarketing scripts, all direct mail advertising, and any advertising distributed directly by delivery, facsimile, or computer network. The record of each advertisement must include the date or dates of publication, the name of the publisher if advertised by newsprint, radio, television or telephone information line, or in the case of a flyer, the dates, methods and areas of distribution.

(c) **Trust accounting records.** See WAC 208-660-410, Trust accounting.

(d) **Other.** All other books, accounts, records, papers, documents, files, and other information relating to the mortgage broker operation. Examples include, but are not limited to, personnel files, company policy and procedure documents, training materials, records evidencing compliance with applicable federal laws and regulations, and complaint correspondence and supporting documents. See also the department's *Mortgage Broker Examination Manual*, available on the department web site.

(2) **What books and records must I keep for my trust account?** See WAC 208-660-410, Trust accounting.

(3) **How long must I keep my books and records to comply with the act?**

(a) You must keep the books, accounts, records, papers, documents, files, and other information relating to the mortgage broker operation for a minimum of twenty-five months.

(b) You must keep the mortgage transaction documents described in subsection (1)(a) of this section for a minimum of three years. It may be a prudent business practice to keep your books and records longer. For example, if a consumer's loan becomes an adjustable rate mortgage, the consumer may become unhappy that the terms of their mortgage have changed and file a complaint against you. The department must begin an investigation into the complaint. If you do not have the records to show proof of proper disclosures and all other compliance with state and federal laws, the department may rely solely on the consumer's records as evidence in the case.

(4) **Where must I keep my business records?**

(a) You must keep all books and records in a location that is on file with and readily available to the department during normal business hours. In the event of a department examination, the location must have the work space and resources that are conducive to business operations. A readily available location may include places of business, personal residences, computers, safes, or vaults. See WAC 208-660-400(8) for the reporting requirements if the address changes.

(b) If your usual business location is outside of Washington, you may either maintain the books and records at a readily available location in Washington, or pay the department's expenses to travel to the location to examine the books and records stored out-of-state. Travel costs may include, but are not limited to, transportation costs, meals, and lodging.

(5) **May I keep my books and records electronically?** Yes. You may keep the required records described in subsection (1) of this section by electronic display equipment if you can meet all of the following requirements:

(a) The equipment must be made available to the department for the purposes of an examination or investigation;

(b) The records must be stored exclusively in a nonrewritable and nonerasable format;

(c) The hardware or software needed to display the records must be maintained during the required retention period under subsection (3) of this section.

If the department requests the books and records in hard copy, you must provide it in that form and within the time frame requested or directed by the department.

(6) **Abandoned records.** If you do not maintain your records as required, you are responsible for the costs of collection, storage, conversion to electronic format, and proper destruction of the records.

AMENDATORY SECTION (Amending WSR 10-20-125, filed 10/5/10, effective 11/5/10)

**WAC 208-660-500 Prohibited practices. (1) What may I request of an appraiser?** You may request an area or market survey. While there are no strict definitions of these terms, generally they refer to general information regarding a region, area, or plat. The information usually includes the high, low and average sales price, numbers of properties available for sale or that have been sold within a set period, marketing times, days on market, absorption rate or the mixture of different property types in the specified area, among other possible components. An area survey does not contain sufficient information or is not so defining as to allow an appraiser or reader to determine the value of a specified property or property type.

(2) **How may I discuss property values with an appraiser, prior to the appraisal, without the discussion constituting improperly influencing the appraiser?** You may inform the appraiser of your opinion of value, the borrower's opinion of value, or the list or sales price of the property. You are prohibited from telling the appraiser the value you need or that is required for your loan to be successful.

(3) **What business practices are prohibited?** The following business practices are prohibited:

(a) Directly or indirectly employing any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person.

(b) Engaging in any unfair or deceptive practice toward any person.

(c) Obtaining property by fraud or misrepresentation.

(d) Soliciting or entering into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower.

(e) Charging discount points on a loan which does not result in a reduction of the interest rate. Some examples of discount point misrepresentations are:

(i) A mortgage broker or lender charging discount points on the good faith estimate or settlement statement payable to the mortgage broker or any party that is not the actual lender on the resident mortgage loan.

(ii) Charging loan fees or mortgage broker fees that are represented to the borrower as discount points when such fees do not actually reduce the rate on the loan, or reflecting loan origination fees or mortgage broker fees as discount points.

(iii) Charging discount points that are not mathematically determinable as the same direct reduction of the rate available to any two borrowers with the same program and underwriting characteristics on the same date of disclosure.

~~((iv) Charging total fees in excess of usual and customary charges, or total fees that are not reasonable in light of the service provided when providing residential mortgage loan modification services.))~~

(f) Failing to clearly and conspicuously disclose whether a payment advertised or offered for a residential mortgage loan includes amounts for taxes, insurance, or other products sold to the borrower. This prohibition includes the practice of misrepresenting, either orally, in writing, or in any advertising materials, a loan payment that includes only principal and interest as a loan payment that includes principal, interest, tax, and insurance.

~~(g) ((Failing to provide the exact pay off amount of a loan you own or service as of a certain date five or fewer business days after being requested in writing to do so by a borrower of record or their authorized representative.~~

~~(h) Failing to record a borrower's payment, on a loan you own or service, as received on the day it is delivered to any of the licensee's locations during its regular working hours.~~

~~(i)) Making or funding a loan by any means other than table funding.~~

(h) Negligently making any false statement or willfully making any omission of material fact in connection with any application or any information filed by a licensee in connection with any application, examination or investigation conducted by the department.

~~((j) Purchasing insurance on an asset secured by a loan without first attempting to contact the borrower by mailing one or more notices to the last known address of the borrower in order to verify that the asset is not otherwise insured.~~

~~(k)) (i) Willfully filing a lien on property without a legal basis to do so.~~

~~((H)) (j) Coercing, intimidating, or threatening borrowers in any way with the intent of forcing them to complete a loan transaction.~~

~~((m) Failing to reconvey title to collateral, if any, within thirty days when the loan is paid in full unless conditions exist that make compliance unreasonable.~~

~~(n)) (k) Failing to make disclosures to loan applicants and noninstitutional investors as required by RCW 19.146-030 and any other applicable state or federal law.~~

~~((o)) (l) Making, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan. An example is advertising a discounted rate without clearly and conspicuously disclosing in the advertisement the cost of the discount to the borrower and that the rate is discounted.~~

~~((p)) (m) Engage in bait and switch advertising.~~

Bait and switch means a deceptive practice of soliciting or promising a loan at favorable terms, but later "switching" or providing a loan at less favorable terms. While bait and switch will be determined by the facts of a case, the following examples, alone or in combination, may exhibit a bait and switch practice:

(i) A deceptive change of loan program from fixed to variable rate.

(ii) A deceptive increase in interest rate.

(iii) The misrepresentation of discount points. This may include discount points that have a different rate buydown effect than promised, or origination fees that a borrower has been led to believe are discount points affecting the rate.

(iv) A deceptive increase in fees or other costs.

(v) A deceptive disclosure of monthly payment amount. This practice may involve soliciting a loan with payments that do not include monthly amounts for taxes and insurance or other reserved items, while leading the borrower to believe that such amounts are included.

(vi) Additional undisclosed terms such as prepayment penalties or balloon payments, or deceiving borrowers about the effect of disclosed terms.

(vii) Additional layers of financing not previously disclosed that serve to increase the overall cost to the borrower. This practice may involve the surprise combination of first and second mortgages to achieve the originally promised loan amount.

(viii) Leading borrowers to believe that subsequent events will be possible or practical when in fact it is known that the events will not be possible or practical.

(ix) Advertising or offering rates, programs, or terms that are not actually available at the time. See WAC 208-660-440(5).

~~((q)) (n) Engage in unfair or deceptive advertising practices. Unfair advertising may include advertising that offends public policy, or causes substantial injury to consumers or to competition in the marketplace.~~

~~((r)) (o) Negligently making any false statement or knowingly and willfully make any omission of material fact in connection with any reports filed by a mortgage broker or in connection with any investigation conducted by the department.~~

~~((s))~~ (p) Making any payment, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property.

~~((t))~~ (q) Advertising a rate of interest without clearly and conspicuously disclosing the annual percentage rate implied by the rate of interest.

~~((u))~~ (r) Failing to comply with the federal statutes and regulations in RCW 19.146.0201(11).

~~((v))~~ (s) Failing to pay third-party providers within the applicable timelines.

~~((w))~~ (t) Collecting or charging, or attempting to collect or charge, or use or propose any agreement purporting to collect or charge any fees prohibited by the act.

~~((x))~~ (u) Acting as a loan originator and real estate broker or salesperson, or acting as a loan originator in a manner that violates RCW 19.146.0201(14).

~~((y))~~ (v) Failing to comply with any provision of RCW 19.146.030 through 19.146.080 or any rule adopted under those sections.

~~((z))~~ (w) Intentionally delay closing of a residential mortgage loan for the sole purpose of increasing interest, costs, fees, or charges payable by the borrower.

~~((aa))~~ (x) Steering a borrower to less favorable terms in order to increase the compensation paid to the company or mortgage loan originator.

~~((bb))~~ (y) Receiving compensation or any thing of value from any party for assisting in real estate "flopping." Flopping occurs during some short sales where the value of the property is misrepresented to the lender who then authorizes the sale of the property for less than market value. The property is then resold at market value or near market value for a profit. The failure to disclose the true value of the property to the lender constitutes fraud and is a violation of this chapter.

~~((cc))~~ (z) Abandoning records. If you do not maintain your records as required, you are responsible for the costs of collection, storage, conversion to electronic format, or proper destruction of the records.

**(4) What additional practices are prohibited when providing residential mortgage loan modification services?** You are prohibited from:

(a) Collecting an advance fee ~~((of more than seven hundred fifty dollars;~~

~~(b) Collecting an advance fee without a written fee agreement (see also WAC 208-660-XXX));~~

(b) Charging total fees in excess of usual and customary charges, or total fees that are not reasonable in light of the service provided when providing residential mortgage loan modification services;

(c) Failing to provide a written fee agreement as prescribed by the director when providing residential mortgage modification services. See also WAC 208-660-430(23);

(d) As a condition to providing loan modification services requiring or encouraging a borrower to:

(i) Sign a waiver of his or her legal defenses, counterclaims, and other legal rights against the servicer for future acts;

(ii) Sign a waiver of his or her right to contest a future foreclosure;

(ii) Waive his or her right to receive notice before the owner or servicer of the loan initiates foreclosure proceedings;

(iv) Agree to pay charges not enumerated in any agreement between the borrower and the lender, servicer, or owner of the loan;

(v) Cease communication with the lender, investor, or loan servicer or stop or delay making regularly scheduled payments on an existing mortgage unless a mortgage loan modification is completely negotiated and executed with the lender or investor and the modification agreement itself provides for a cessation or delay in making regularly scheduled payments; or

~~((d))~~ (e) Entering into any contract or agreement to purchase a borrower's property;

~~((e))~~ (f) Failing in a timely manner to:

(i) Communicate with or on behalf of the borrower;

(ii) Act on any reasonable request from or take any reasonable action on behalf of a borrower;

~~((f))~~ (g) Engaging in false or misleading advertising. In addition to WAC 208-620-630, examples of false or misleading advertising include:

(i) Advertising which includes a "guarantee" unless there is a bona fide guarantee which will benefit a borrower;

(ii) Advertising which makes it appear that a licensee has a special relationship with lenders when no such relationship exists;

~~((g))~~ (h) Leading a borrower to believe that the borrower's credit record will not be negatively affected by a mortgage loan modification when the licensee has reason to believe that the borrower's credit record may be negatively affected by the mortgage loan modification.

**(5) What federal guidance has the director adopted for use by the department in determining if a violation under subsection (3)(b) of this section has occurred?** The director has adopted the following documents:

(a) The Conference of State Bank Supervisors and American Association of Residential Mortgage Regulators "Guidance on Nontraditional Mortgage Product Risks" (released November 14, 2006); and

(b) The Conference of State Bank Supervisors, American Association of Residential Mortgage Regulators, and National Association of Consumer Credit Administrators "Statement on Subprime Mortgage Lending," effective July 10, 2007 (published in the Federal Register at Vol. 72, No. 131).

**(6) What must I do to comply with the federal guidelines on nontraditional mortgage loan product risks and statement on subprime lending?** You must adopt written policies and procedures implementing the federal guidelines that are applicable to your mortgage broker business. The policies and procedures must be maintained as a part of your books and records and must be made available to the department upon request.

**(7) When I develop policies and procedures to implement the federal guidelines, what topics must be included?** The policies and procedures must include, at a minimum, the following:

**(a) Consumer protection.**

**Communication with borrowers.** Providers must focus on information important to consumer decision making; highlight key information so that it will be noticed; employ a user-friendly and readily navigable format for presenting the information; and use plain language, with concrete and realistic examples. Comparative tables and information describing key features of available loan products, including reduced documentation programs, also may be useful for consumers. Promotional materials and other product descriptions must provide information about the costs, terms, features, and risks of nontraditional mortgages that can assist consumers in their product selection decisions. Specifically:

- Borrowers must be advised of potential increases in payment obligations. The information should describe when structural payment changes will occur and what the new payment would be or how it was calculated. For example, loan products with low initial payments based on a fixed introductory rate that expires after a short time and then adjusts to a variable index rate plus a margin must be adequately described to the borrower. Because initial and subsequent monthly payments are based on these low introductory rates, a wide initial spread means that borrowers are more likely to experience negative amortization, severe payment shock, and an earlier than scheduled recasting of monthly payments.

- Borrowers must be advised as to the maximum amount their monthly payment may be if the interest rate increases to its maximum rate under the terms of the loan.

- Borrowers must be advised as to the maximum interest rate that can occur under the terms of the loan.

- Borrowers must be alerted to the fact that the loan has a prepayment penalty and the amount of the penalty.

- Borrowers must be made aware of any pricing premium based on reduced documentation.

**(b) Control standards.** ((+)) Actual practices must be consistent with the written policies and procedures. Employees must be trained in the policies and procedures and performance monitored for compliance. Incentive programs should not produce high concentrations of nontraditional products. Performance measures and reporting systems should be designed to provide early warning of increased risk.

~~((ii) Reporting to DFI. In a separate written document, as prescribed by the director and submitted with the mortgage broker annual report, every licensee must submit information regarding the offering of nontraditional mortgage loan products.))~~

**(8) May I charge a loan origination fee or discount points when I originate but do not make a loan?** No. You may not charge a loan origination fee or discount points as described in Regulation X, Part 3500, Appendix A.

**(9) What mortgage broker fees may I charge?** You may charge a mortgage broker fee that was agreed upon between you and the borrower as stated on a good faith estimate disclosure form or similar document provided that such fee is disclosed in compliance with the act and these rules.

**(10) How do I disclose my mortgage broker fees on the good faith estimate and settlement statement?** You must disclose or direct the disclosure of your fees on the good faith estimate and HUD-1/1A Settlement Statement or similar document.

**(11) May I charge the borrower a fee that exceeds the fee I initially disclosed to the borrower?** Pursuant to RCW 19.146.030(4), you may not charge any fee that benefits you if it exceeds the fee you initially disclosed unless:

(a) The need to charge the fee was not reasonably foreseeable at the time the initial disclosure was provided; and

(b) You have provided to the borrower, no less than three business days prior to the signing of the loan closing documents, a clear written explanation of the fee and the reason for charging a fee exceeding that which was previously disclosed. See WAC 208-660-430 for specific details, disclosures, and exceptions implementing RCW 19.146.030(4).

AMENDATORY SECTION (Amending WSR 08-05-126, filed 2/20/08, effective 3/22/08)

**WAC 208-660-530 Director and department powers—Enforcement authority.** (1) **What is a directive?** A directive is a formal request for information from the director. A directive may request the recipient to appear in person to testify or present specific documents or items. A directive may be entitled "directive" or "subpoena."

(2) **What is an administrative enforcement action?** An administrative enforcement action is a formal action, generally initiated by a statement of charges filed by the department against persons who allegedly violated the act. Enforcement actions seek various sanctions, including, but not limited to, license revocation or suspension, business practice prohibition, or fines; and may include ordering restitution for borrowers, recovery of the department's investigation costs, or all of the above.

(3) **What other types of enforcement action may the department pursue against me or my license?** The department may pursue criminal or civil referrals to the attorney general, prosecuting attorneys, or federal authorities, and may initiate civil actions in superior court.

(4) **What does it mean to be found in violation of the act and rules?** For the purposes of evaluating the licensing qualifications of an applicant, any of its principals, or the designated broker, "found in violation of the act and rules" means at least one of the following orders has been issued:

(a) A superior court order stating the applicant, any of its principals, or the designated broker violated any of the provisions of the act or rules; or

(b) A final administrative order after the completion of an administrative hearing and the filing of an initial decision of an administrative law judge stating the applicant, any of its principals, or the designated broker violated any of the provisions of the act or rules; or

(c) An administrative order stating the applicant, any of its principals, or the designated broker violated any of the provisions of the act or rules.

The order containing the finding described above must not have been entered within five years of the filing of the present application. However, if the violation resulted in a conviction of a gross misdemeanor involving dishonesty or financial misconduct, or a felony, the finding must not have been entered within seven years of the filing of the present application.

**(5) May the department sanction me for committing violations in another jurisdiction?** The department may seek sanctions against you for committing a violation in another jurisdiction if the violation could be a basis for the department to seek sanctions under the act or rules. Possible sanctions include those found in RCW 19.146.220.

**(6) May I be subject to a daily fine for violating the act?** Yes. Each licensed mortgage broker and each of its principals, officers, designated brokers, loan originators, employees, independent contractors, and agents must comply with the applicable provisions of the act. Each violation of any applicable provision of the act, or of any order, directive, or requirement of the director may, at the discretion of the director, subject the violator to a fine of up to one hundred dollars for each ~~(offense)~~ violation. Each day's continuance of the violation is a separate and distinct offense. In addition, the director may exercise discretion and by order assess other penalties for a violation of the act.

**(7) Under what circumstances will the department hold a designated broker, principal, or owner who has supervisory authority responsible for the actions of others that violate the act?** A designated broker, principal, or owner with supervisory authority is responsible for any conduct violating the act by a licensee, employee, or independent contractor if they:

(a) Directed or instructed the conduct that was in violation of the act, or had knowledge of the specific conduct, and approved or allowed the conduct; or

(b) Knew, or by the exercise of reasonable care and inquiry should have known, of the conduct in time to prevent it, or minimize the consequences, and did not.

**(8) When conduct violating the act has occurred, what may the department consider when assessing the responsibility of the designated broker, principal, and owner with supervisory authority?** The department may consider the following in an effort to determine who is responsible when a violation of the act has occurred. The following list is not limiting or exhaustive of the factors the department may consider:

(a) The adequacy of any background and experience investigation conducted prior to hiring or contracting with any person;

(b) The adoption of policies and procedures for:

(i) Supervision and training;

(ii) Regularly reviewing work performed;

(iii) Training in the requirements of the act and rules;

(iv) Monitoring continuing education requirements and compliance under the act;

(v) Acting on reports of alleged misconduct;

(c) Adopting a system of review for implementation and compliance with the policies and procedures;

(d) Providing copies of the act and rules; and

(e) The frequency and completeness of review conducted on work performed by any person subject to the act.

The items listed in (a) through (e) of this subsection must be in writing, or compliance with them must be documented in writing, and all documents must be retained as part of the mortgage broker business records. See WAC 208-660-450.

**(9) Do I have the right to have an attorney represent me at an adjudicative hearing and in any superior court**

**proceeding?** Yes. You may have an attorney represent you at your own expense, or you may represent yourself.

**(10) Are there any criminal penalties related to violations of the act?** Yes. Violations of RCW 19.146.050 are class C felonies with a maximum penalty of five years in prison or a fine of ten thousand dollars, or both. Violations of RCW 19.146.235(9) are class B felonies with a maximum penalty of ten years in prison or a fine of twenty thousand dollars, or both. All other violations of the act are misdemeanors with a maximum penalty of ninety days in jail or a fine of not more than one thousand dollars, or both.

**(11) Under the act, is it a crime for any person subject to examination or investigation to knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information?** Yes. Knowingly withholding, abstracting, removing, mutilating, destroying, or secreting books, records, computer records, or other information is a class B felony punishable under RCW 9A.20.021 (1)(b).

**(12) Is a mortgage broker responsible for the payment of third-party providers even if the borrower has agreed to pay the fee?** Yes. If a mortgage broker or loan originator orders the third-party provider service, then the mortgage broker is responsible for paying for the service. However, the mortgage broker or loan originator is not responsible for paying the fee if the third-party provider agrees in writing to accept the fee from the borrower.

**(13) When must third-party providers be paid?** Third-party providers must be paid no later than thirty days after the related loan closing documents are filed, or within ninety days of the service, whichever is sooner, unless:

(a) The third-party provider agrees in writing to a different payment arrangement; or

(b) The third-party provider has been notified in writing that a bona fide dispute exists regarding the performance or quality of the third-party provider service.

**(14) What is a "bona fide" dispute between a mortgage broker and third-party provider?** A dispute related to the performance or quality of the third-party provider service that has been reported in writing to the third-party provider. The report must specify the disputed areas of performance or quality.

**(15) When must a dispute regarding the performance or quality of a third-party provider be reported?** The report of a dispute regarding the performance or quality of the third-party provider service must be made in writing and provided to the third-party provider before the payment for the services becomes due; that is, no later than thirty days after the related loan closing documents are filed, or within ninety days of the service, whichever is sooner.

**(16) What is a temporary cease and desist order issued by the department?** A temporary cease and desist order is an administrative enforcement action by the director, or designee, ordering a mortgage broker or loan originator to stop conducting business, or to stop doing some specific act.

**(17) When does the department use temporary cease and desist orders?** A temporary cease and desist order may be used when the department determines that a mortgage broker or loan originator is violating the act in a manner that is likely to cause substantial injury to the public.

**(18) What happens to my mortgage broker or loan originator license if the department of social and health services (DSHS) certifies me as out of compliance with a support order under RCW 74.20A.320?**

(a) The director will immediately suspend your license without the opportunity for a hearing if the department receives notice from DSHS that you are out of compliance with their support order regulations.

(b) The director will send you a document entitled "Notice of Suspension for Noncompliance with Child Support Order." Your license is suspended from the date of the notice. The suspension of your license remains in effect until the director is notified by DSHS of your compliance with their order. You must not perform any services under the act that require licensing while your license is suspended.

**(19) If the director suspends my license after notice from DSHS that I am not in compliance with a support order, may my license be reinstated?**

(a) The director will reinstate your license when the department has received written notice from DSHS of your compliance, and verified that you meet all licensing requirements under the act.

(b) The department will send you a notice entitled "Notice of Cancellation of Suspension for Noncompliance with Child Support Order." Your license is reinstated from the date of the notice.

**(20) Who may I contact if I have questions about how DSHS determines I am out of compliance with a support order?** Contact DSHS if you have questions about a DSHS certification of your noncompliance with a support order. Reference their case number when you contact them.

AMENDATORY SECTION (Amending WSR 09-24-091, filed 12/1/09, effective 1/1/10)

**WAC 208-660-600 Administration and facilitation of prelicensing and continuing education. (1) Who may offer prelicensing and continuing education courses to principals, designated mortgage brokers, and loan originators?** Prelicensing and continuing education is offered by course providers and courses approved through ((NMLSR)) NMLS.

**(2) On what topics of education will I be tested?**

(a) **Prelicensing education.** The topics of education will be federal law and regulations, ethics (fraud, consumer protection, fair lending) and lending standards for the nontraditional mortgage marketplace.

(b) **Continuing education.** The topics of education will be the same as for prelicensing education, plus Washington specific topics.

**(3) What specific topics should I study in preparation for any of the required tests?**

**(a) General.**

**(i) Ethics in the mortgage industry.**

The responsibilities and liabilities of the profession including instruction on fraud, consumer protection, and fair lending issues.

**(ii) Lending standards for nontraditional mortgage products.**

**(iii) Arithmetical computations common to mortgage lending including without limitation, the computation of**

annual percentage rate, finance charge, amount financed, payment and amortization.

**(b) Compliance and internal audit standards.**

Proper use and application of the department's published standards and guidelines for examinations.

Internal audit and compliance practices, standards, methods and procedures.

Developing policies and procedures for regulatory compliance.

Responding to regulatory inquiries, directives, subpoenas and enforcement orders.

Training and supervision of mortgage professionals.

Establishing, managing, reconciling and reviewing a trust account (trust account compliance under the act and these rules).

**(c) Washington law and associated regulations.**

The Mortgage Broker Practices Act.

The Consumer Protection Act.

The Escrow Agent Registration Act.

The Usury Act.

Unfair practices with respect to real estate transactions (RCW 49.60.222).

Mortgage, deed of trust, and real estate contract statutes set forth in Title 61 RCW.

Real estate and appraisal law, including without limitation, the provisions of chapters 18.85 and 18.140 RCW.

Washington principal and agent law.

Any subsequent act or regulation applying to mortgage brokers.

**(d) Federal law and associated regulations.**

The Real Estate Settlement Procedures Act.

Truth in Lending Act.

Equal Credit Opportunity Act.

Fair Credit Reporting Act.

Fair Housing Act.

Home Mortgage Disclosure Act.

Community Reinvestment Act.

Gramm-Leach-Bliley Act.

Home Ownership Protection Act.

Bank Secrecy Act.

Appraisal regulations.

Underwriting.

The S.A.F.E. Act (Title V of the Housing and Economic Reform Act of 2008 ("HERA")) Public Law No. 110-289.

Any subsequent act or regulation applying to mortgage brokers.

**(e) Mortgage services and products.**

Conventional.

Reverse mortgages.

FHA mortgages.

VA mortgages.

Nonprime mortgages.



**WSR 12-18-049**  
**PERMANENT RULES**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2012-15—Filed August 30, 2012,  
8:33 a.m., effective September 30, 2012]

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

Purpose: These new rules will allow carriers who offer consumer price index (CPI) based inflation protection for long-term care partnership policies to offset any negative growth in CPI in a given year against positive growth in CPI in any subsequent year, so long as benefits are never decreased below zero for any given year.

Citation of Existing Rules Affected by this Order: Amending WAC 284-83-410.

Statutory Authority for Adoption: RCW 48.02.060 and 48.85.030.

Adopted under notice filed as WSR 12-15-083 on July 18, 2012.

A final cost-benefit analysis is available 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.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

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

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

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

Date Adopted: August 30, 2012.

Mike Kreidler  
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2011-08, filed 10/31/11, effective 12/1/11)

**WAC 284-83-410 Minimum standards for long-term care partnership policies.** Every long-term care partnership policy must meet the standards for long-term care policies or contracts in chapters 48.83 and 48.85 RCW and this chapter, unless specifically provided otherwise.

(1) As used in WAC 284-83-400 through 284-83-420, "qualified long-term care partnership policy" or "partnership policy" means a long-term care policy that meets all of the following additional requirements:

(a) The policy was issued on or after January 1, 2012, or exchanged as provided in WAC 284-83-415 on or after January 1, 2012, and covers an insured who was a resident of this state or of another state that has entered into a reciprocal

agreement with this state when coverage first became effective under the policy.

(b) The policy is a tax qualified long-term care insurance policy as defined in Section 7702B(b) of the Internal Revenue Code of 1986 (26 U.S.C. 7702B(b)).

(c) The policy provides at least the following levels of inflation protection:

(i) If the policy is sold to an individual who has not attained age sixty-one as of the date of purchase, the policy must provide automatic annual compounded inflation increases at a rate not less than three percent or automatic annual compounded inflation increases at a rate based on changes in the consumer price index (~~(, not to be less than zero percent)~~).

(ii) If the policy is sold to an individual who has attained age sixty-one but has not attained age seventy-six as of the date of purchase, the policy must provide automatic simple inflation increases at a rate not less than three percent or automatic inflation increases at a rate based on changes in the consumer price index (~~(, not to be less than zero percent)~~).

(iii) If the policy is sold to an individual who has attained age seventy-six as of the date of purchase, the policy may, but is not required to, provide automatic inflation increases at a rate based on changes in the consumer price index (~~(, not to be less than zero percent)~~).

(iv) If the change in the consumer price index is a negative number for the time period in question, the carrier may not apply the change in the index to reduce the benefit payable under the partnership policy. However, the carrier may offset this negative number against the next annual increase in the consumer price index to reduce the automatic inflation increase which would otherwise occur during that year. If the negative consumer price index exceeds the next annual increase in the consumer price index, it may be offset against multiple annual increases, the net effect of which may never be less than zero.

(v) For purposes of this section, "consumer price index" means the consumer price index for all urban consumers, U.S. city average, all items, as determined by the Bureau of Labor Statistics of the United States Department of Labor.

(2) Issuers must file a long-term care insurance policy for approval for use as a partnership policy. The long-term care Partnership Policy Certification Form must be completed and accompany the request for approval. The form is available on the commissioner's web site: [www.insurance.wa.gov](http://www.insurance.wa.gov).

(3) Issuers requesting to make use of a previously approved policy form as a qualified state long-term care partnership policy must:

(a) Submit to the commissioner a Partnership Policy Certification Form signed by an officer of the company; and

(b) File for approval an amendatory rider or endorsement indicating the policy is partnership qualified.

(4) An issuer or its agent, soliciting or offering to sell a policy that is intended to qualify as a partnership policy, must provide to each prospective applicant a Partnership Program Notice found on the commissioner's web site: [www.insurance.wa.gov](http://www.insurance.wa.gov), outlining the requirements and benefits of a partnership policy. The Partnership Program Notice must be provided with the required outline of coverage.

(5) A partnership policy issued for delivery in Washington must be accompanied by a Partnership Status Disclosure Notice found on the commissioner's web site: [www.insurance.wa.gov](http://www.insurance.wa.gov), explaining the benefits associated with a partnership policy and indicating that at the time issued, the policy is a qualified Washington state long-term care insurance partnership policy. The Partnership Disclosure Notice must also include a statement indicating that by purchasing this partnership policy, the insured does not automatically qualify for medicaid.

## WSR 12-18-062

### PERMANENT RULES

### HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed August 31, 2012, 9:33 a.m., effective October 1, 2012]

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

Purpose: At the direction of the state legislature, the health care authority (HCA) is implementing a drug formulary in accordance with the provisions of Section 1927 of the Social Security Act. As part of the implementation, the agency is establishing a process through which medicaid prescribers may request authorization for their patient to receive a nonformulary medication. The proposed rules also include housekeeping changes (e.g., replacing "DSHS" and "the department" with "HCA" and "the agency").

Citation of Existing Rules Affected by this Order: Amending WAC 182-501-0070, 182-501-0160, 182-502-0160, 182-530-1050, 182-530-2100, and 182-531-0100.

Statutory Authority for Adoption: RCW 41.05.021.

Other Authority: Section 1927 of the Social Security Act.

Adopted under notice filed as WSR 12-13-075 on June 19, 2012.

Changes Other than Editing from Proposed to Adopted Version: **WAC 182-530-2200 How the medicaid agency develops and maintains the formulary.**

(5) At the DUR board's discretion, a drug removed from the formulary for a specified indication or subpopulation will remain covered for clients already stable on the medication at the time the drug is removed from the formulary.

~~(7)~~ (8) The agency covers nonformulary drugs for specific clients for the treatment of a specific disease or condition according to the nonformulary justification process defined in WAC 182-530-2300(4).

~~(8)~~ (9) If a dispensing pharmacist makes a professional judgment that the client's need for a nonformulary drug is an emergency, the pharmacist may dispense a nonformulary drug without approval through the nonformulary justification (NFJ) process defined in WAC 182-530-2300(4). The agency will reimburse for the dispensed medication if justification for the emergency is provided to the agency within seventy-two hours of the date of dispense, excluding weekends and Washington state holidays.

### WAC 182-530-2300 The medicaid agency's nonformulary justification process.

(2) The agency ~~may~~ approves, on a case-by-case basis, an NFJ when the agency determines the drug is medically necessary as defined in WAC 182-500-0070. ~~The agency assesses medical necessity for an NFJ based on the~~ The process the agency uses to assess whether a nonformulary drug is medically necessary is based on evaluation of submitted client-specific information and documentation establishing:

(a) ~~Evidence showing the~~ The client's clinical condition is different from the majority of individuals with the same or similar diagnosis whose treatment needs are met within the scope of covered services;

(b) ~~Evidence that medical~~ Medical treatment, items of service, and all formulary drugs covered under the client's medical assistance program and which, under accepted standards of medical practice, are indicated as appropriate for the treatment of the illness or condition, have been found to be:

(i) Medically ineffective in the treatment of the client's condition after an adequate trial at the maximum dose approved by the FDA; or

(ii) Medically inappropriate for that specific client.

(c) ~~Evidence that the~~ The requested nonformulary drug can be reasonably expected to successfully treat or improve the client's function and the condition the nonformulary drug is prescribed to treat when other treatments, items of service, and all formulary outpatient drugs covered under the client's medical assistance program have proven to be medically ineffective or inappropriate for the client.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 6, Repealed 0.

Date Adopted: August 31, 2012.

Kevin M. Sullivan  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-501-0070 Healthcare coverage—Noncovered services.** (1) The ~~((department))~~ medicaid agency or its designee does not pay for any healthcare service not listed or referred to as a covered healthcare service under the medical programs described in WAC ~~((388-501-0060))~~ 182-501-0060, regardless of medical necessity. For the purposes of this section, healthcare services includes treatment, equipment, related supplies, and drugs. Circumstances in which

clients are responsible for payment of healthcare services are described in WAC ~~((388-502-0160))~~ 182-502-0160.

(2) This section does not apply to healthcare services provided as a result of the early and periodic screening, diagnosis, and treatment (EPSDT) program as described in chapter ~~((388-534))~~ 182-534 WAC.

(3) The department does not pay for any ancillary healthcare service(s) provided in association with a noncovered healthcare service.

(4) The following list of noncovered healthcare services is not intended to be exhaustive. Noncovered healthcare services include, but are not limited to:

(a) Any healthcare service specifically excluded by federal or state law;

(b) Acupuncture, Christian Science practice, faith healing, herbal therapy, homeopathy, massage, massage therapy, naturopathy, and sanipractice;

(c) Chiropractic care for adults;

(d) Cosmetic, reconstructive, or plastic surgery, and any related healthcare services, not specifically allowed under WAC ~~((388-531-0100))~~ 182-531-0100(4).

(e) Discography;

(f) Ear or other body piercing;

(g) Face lifts or other facial cosmetic enhancements;

(h) Fertility, infertility or sexual dysfunction testing, and related care, drugs, and/or treatment including but not limited to:

(i) Artificial insemination;

(ii) Donor ovum, sperm, or surrogate womb;

(iii) In vitro fertilization;

(iv) Penile implants;

(v) Reversal of sterilization; and

(vi) Sex therapy.

(i) Gender reassignment surgery and any surgery related to trans-sexualism, gender identity disorders, and body dysmorphism, and related healthcare services or procedures, including construction of internal or external genitalia, breast augmentation, or mammoplasty;

(j) Hair transplants, epilation (hair removal), and electrolysis;

(k) Marital counseling;

(l) Motion analysis, athletic training evaluation, work hardening condition, high altitude simulation test, and health and behavior assessment;

(m) Nonmedical equipment;

(n) Penile implants;

(o) Prosthetic testicles;

(p) Psychiatric sleep therapy;

(q) Subcutaneous injection filling;

(r) Tattoo removal;

(s) Transport of Involuntary Treatment Act (ITA) clients to or from out-of-state treatment facilities, including those in bordering cities;

(t) Upright magnetic resonance imaging (MRI); and

(u) Vehicle purchase - New or used vehicle.

(5) For a specific list of noncovered healthcare services in the following service categories, refer to the WAC citation:

(a) Ambulance transportation and nonemergent transportation as described in chapter ~~((388-546))~~ 182-546 WAC;

(b) Dental services for clients twenty years of age and younger as described in chapter ~~((388-535))~~ 182-535 WAC;

(c) ~~((Dental services for clients twenty-one years of age and older as described in chapter 388-535 WAC;~~

~~((d)))~~ Durable medical equipment as described in chapter ~~((388-543))~~ 182-543 WAC;

~~((e)))~~ (d) Hearing care services as described in chapter ~~((388-547))~~ 182-547 WAC;

~~((f)))~~ (e) Home health services as described in WAC ~~((388-551-2130))~~ 182-551-2130;

~~((g)))~~ (f) Hospital services as described in WAC ~~((388-550-1600))~~ 182-550-1600;

~~((h-Physician-related))~~ (g) Healthcare professional services as described in WAC ~~((388-531-0150))~~ 182-531-0150;

~~((i)))~~ (h) Prescription drugs as described in chapter ~~((388-530))~~ 182-530 WAC; ~~((and~~

~~((j)))~~ (i) Vision care services as described in chapter ~~((388-544))~~ 182-544 WAC; ~~and~~

(j) Vision care exams as described in WAC 182-531-1000.

(6) A client has a right to request an administrative hearing, if one is available under state and federal law. When the ~~((department))~~ agency or its designee denies all or part of a request for a noncovered healthcare service(s), the ~~((department))~~ agency or its designee sends the client and the provider written notice, within ten business days of the date the decision is made, that includes:

(a) A statement of the action the ~~((department))~~ agency or its designee intends to take;

(b) Reference to the specific WAC provision upon which the denial is based;

(c) Sufficient detail to enable the recipient to:

(i) Learn why the ~~((department's))~~ agency's or its designee's action was taken; and

(ii) Prepare a response to the ~~((department's))~~ agency's or its designee's decision to classify the requested healthcare service as noncovered.

(d) The specific factual basis for the intended action; and

(e) The following information:

(i) Administrative hearing rights;

(ii) Instructions on how to request the hearing;

(iii) ~~((Acknowledgement))~~ Acknowledgment that a client may be represented at the hearing by legal counsel or other representative;

(iv) Instructions on how to request an exception to rule (ETR) or nonformulary justification (NFJ);

(v) Information regarding ~~((department covered))~~ agency-covered healthcare services, if any, as an alternative to the requested noncovered healthcare service; and

(vi) Upon the client's request, the name and address of the nearest legal services office.

(7) A client can request an exception to rule (ETR) as described in WAC ~~((388-501-0160))~~ 182-501-0160.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-501-0160 Exception to rule—Request for a noncovered healthcare service.** A client and/or the client's provider may request the ~~((department))~~ medicaid agency or

its designee to pay for a noncovered healthcare service. This is called an exception to rule (ETR). ETR does not apply to nonformulary drugs (see WAC 182-530-2300).

(1) The ~~((department))~~ agency or its designee cannot approve an exception to rule if the requested service is excluded under state statute.

(2) The item or service(s) for which an exception is requested must be of a type and nature which falls within accepted standards and precepts of good medical practice;

(3) All exception requests must represent cost-effective utilization of medical assistance program funds as determined by the ~~((department))~~ agency or its designee;

(4) A request for an exception to rule must be submitted to the ~~((department))~~ agency or its designee in writing within ninety days of the date of the written notification denying authorization for the noncovered service. For the ~~((department))~~ agency or its designee to consider the exception to rule request:

(a) The client and/or the client's healthcare provider must submit sufficient client-specific information and documentation to ~~((health and recovery services administration's))~~ the agency's medical director or designee which demonstrate the client's clinical condition is so different from the majority that there is no equally effective, less costly covered service or equipment that meets the client's need(s).

(b) The client's healthcare professional must certify that medical treatment or items of service which are covered under the client's medical assistance program and which, under accepted standards of medical practice, are indicated as appropriate for the treatment of the illness or condition, have been found to be:

(i) Medically ineffective in the treatment of the client's condition; or

(ii) Inappropriate for that specific client.

(5) Within fifteen business days of receiving the request, the ~~((department))~~ agency or its designee sends written notification to the provider and the client:

(a) Approving the exception to rule request;

(b) Denying the exception to rule request; or

(c) Requesting additional information.

(i) The additional information must be received by the ~~((department))~~ agency or its designee within thirty days of the date the information was requested.

(ii) The ~~((department))~~ agency or its designee approves or denies the exception to rule request within five business days of receiving the additional information.

(iii) If the requested information is insufficient or not provided within thirty days, the ~~((department))~~ agency or its designee denies the exception to rule request.

(6) The ~~((HRSA))~~ agency's medical director or designee evaluates and considers requests on a case-by-case basis. The ~~((HRSA))~~ agency's medical director has final authority or approve or deny a request for exception to rule.

(7) Clients do not have a right to a fair hearing on exception to rule decisions.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-502-0160 Billing a client.** (1) The purpose of this section is to specify the limited circumstances in which:

(a) Fee-for-service or managed care clients can choose to self-pay for medical assistance services; and

(b) Providers (as defined in WAC ~~((388-500-0005))~~ 182-500-0085) have the authority to bill fee-for-service or managed care clients for medical assistance services furnished to those clients.

(2) The provider is responsible for:

(a) Verifying whether the client is eligible to receive medical assistance services on the date the services are provided;

(b) Verifying whether the client is enrolled with a ~~((department-contracted))~~ medicaid agency-contracted managed care organization (MCO);

(c) Knowing the limitations of the services within the scope of the eligible client's medical program (see WAC ~~((388-501-0050 (4)(a) and 388-501-0065))~~ 182-501-0050 (4)(a) and 182-501-0065);

(d) Informing the client of those limitations;

(e) Exhausting all applicable ~~((department))~~ medicaid agency or ~~((department-contracted))~~ agency-contracted MCO processes necessary to obtain authorization for requested service(s);

(f) Ensuring that translation or interpretation is provided to clients with limited English proficiency (LEP) who agree to be billed for services in accordance with this section; and

(g) Retaining all documentation which demonstrates compliance with this section.

(3) Unless otherwise specified in this section, providers must accept as payment in full the amount paid by the ~~((department))~~ agency or ~~((department-contracted))~~ agency-contracted MCO for medical assistance services furnished to clients. See 42 C.F.R. § 447.15.

(4) A provider must not bill a client, or anyone on the client's behalf, for any services until the provider has completed all requirements of this section, including the conditions of payment described in ~~((department's))~~ the agency's rules, the ~~((department's))~~ agency's fee-for-service billing instructions, and the requirements for billing the ~~((department-contracted))~~ agency-contracted MCO in which the client is enrolled, and until the provider has then fully informed the client of his or her covered options. A provider must not bill a client for:

(a) Any services for which the provider failed to satisfy the conditions of payment described in ~~((department's))~~ the agency's rules, the ~~((department's))~~ agency's fee-for-service billing instructions, and the requirements for billing the ~~((department-contracted))~~ agency-contracted MCO in which the client is enrolled.

(b) A covered service even if the provider has not received payment from the ~~((department))~~ agency or the client's MCO.

(c) A covered service when the ~~((department))~~ agency or its designee denies an authorization request for the service because the required information was not received from the provider or the prescriber under WAC ~~((388-501-0165))~~ 182-501-0165 (7)(c)(i).

(5) If the requirements of this section are satisfied, then a provider may bill a fee-for-service or a managed care client for a covered service, defined in WAC ~~((388-501-0050(9)))~~ 182-501-0050(9), or a noncovered service, defined in WAC ~~((388-501-0050(10) and 388-501-0070))~~ 182-501-0050(10) and 182-501-0070. The client and provider must sign and date the ~~((DSHS))~~ HCA form 13-879, Agreement to Pay for Healthcare Services, before the service is furnished. ~~((DSHS))~~ Form 13-879, including translated versions, is available to download at ~~((http://www1.dshs.wa.gov/msa/forms/eforms.html))~~ http://hrsa.dshs.wa.gov/mpforms.shtml. The requirements for this subsection are as follows:

(a) The agreement must:

(i) Indicate the anticipated date the service will be provided, which must be no later than ninety calendar days from the date of the signed agreement;

(ii) List each of the services that will be furnished;

(iii) List treatment alternatives that may have been covered by the ~~((department))~~ agency or ~~((department-contracted))~~ agency-contracted MCO;

(iv) Specify the total amount the client must pay for the service;

(v) Specify what items or services are included in this amount (such as pre-operative care and postoperative care). See WAC ~~((388-501-0070(3)))~~ 182-501-0070(3) for payment of ancillary services for a noncovered service;

(vi) Indicate that the client has been fully informed of all available medically appropriate treatment, including services that may be paid for by the ~~((department))~~ agency or ~~((department-contracted))~~ agency-contracted MCO, and that he or she chooses to get the specified service(s);

(vii) Specify that the client may request an exception to rule (ETR) in accordance with WAC ~~((388-501-0160))~~ 182-501-0160 when the ~~((department))~~ agency or its designee denies a request for a noncovered service other than a nonformulary drug and that the client may choose not to do so;

(viii) Specify that the client and their prescriber may request a nonformulary justification (NFJ) in accordance with WAC 182-530-2300 for a nonformulary drug and that the client may choose not to do so;

(ix) Specify that the client may request an administrative hearing in accordance with chapter 182-526 WAC ~~((388-526-2610))~~ to appeal the ~~((department's))~~ agency's or its designee denial of a request for prior authorization of a covered service and that the client may choose not to do so;

~~((ix))~~ (x) Be completed only after the provider and the client have exhausted all applicable ~~((department))~~ agency or ~~((department-contracted))~~ agency-contracted MCO processes necessary to obtain authorization of the requested service, except that the client may choose not to request an ETR or an administrative hearing regarding ~~((department))~~ agency or agency designee denials of authorization for requested service(s); and

~~((x))~~ (xi) Specify which reason in subsection (b) below applies.

(b) The provider must select on the agreement form one of the following reasons (as applicable) why the client is agreeing to be billed for the service(s). The service(s) is:

(i) Not covered by the ~~((department))~~ agency or the client's ~~((department-contracted))~~ agency-contracted MCO and

the ETR process as described in WAC ~~((388-501-0160))~~ 182-501-0160 or the NFJ process as described in WAC 182-530-2300 has been exhausted and the service(s) is denied;

(ii) Not covered by the ~~((department))~~ agency or the client's ~~((department-contracted))~~ agency-contracted MCO and the client has been informed of his or her right to an ETR or NFJ and has chosen not to pursue an ETR as described in WAC ~~((388-501-0160))~~ 182-501-0160 or the NFJ process as described in WAC 182-530-2300;

(iii) Covered by the ~~((department))~~ agency or the client's ~~((department-contracted))~~ agency-contracted MCO, requires authorization, and the provider completes all the necessary requirements; however the ~~((department))~~ agency or its designee denied the service as not medically necessary (this includes services denied as a limitation extension under WAC ~~((388-501-0169))~~ 182-501-0169); or

(iv) Covered by the ~~((department))~~ agency or the client's ~~((department-contracted))~~ agency-contracted MCO and does not require authorization, but the client has requested a specific type of treatment, supply, or equipment based on personal preference which the ~~((department))~~ agency or MCO does not pay for and the specific type is not medically necessary for the client.

(c) For clients with limited English proficiency, the agreement must be the version translated in the client's primary language and interpreted if necessary. If the agreement is translated, the interpreter must also sign it;

(d) The provider must give the client a copy of the agreement and maintain the original and all documentation which supports compliance with this section in the client's file for six years from the date of service. The agreement must be made available to the ~~((department))~~ agency or its designee for review upon request; and

(e) If the service is not provided within ninety calendar days of the signed agreement, a new agreement must be completed by the provider and signed by both the provider and the client.

(6) There are limited circumstances in which a provider may bill a client without executing ~~((DSHS))~~ form 13-879, Agreement to Pay for Healthcare Services, as specified in subsection (5) of this section. The following are those circumstances:

(a) The client, the client's legal guardian, or the client's legal representative:

(i) Was reimbursed for the service directly by a third party (see WAC ~~((388-501-0200))~~ 182-501-0200); or

(ii) Refused to complete and sign insurance forms, billing documents, or other forms necessary for the provider to bill the third party insurance carrier for the service.

(b) The client represented himself/herself as a private pay client and not receiving medical assistance when the client was already eligible for and receiving benefits under a medical assistance program. In this circumstance, the provider must:

(i) Keep documentation of the client's declaration of medical coverage. The client's declaration must be signed and dated by the client, the client's legal guardian, or the client's legal representative; and

(ii) Give a copy of the document to the client and maintain the original for six years from the date of service, for

((department)) agency or the agency's designee review upon request.

(c) The bill counts toward the financial obligation of the client or applicant (such as spenddown liability, client participation as described in WAC 388-513-1380, emergency medical expense requirement, deductible, or copayment required by the ((department)) agency or its designee). See subsection (7) of this section for billing a medically needy client for spenddown liability;

(d) The client is under the ((department's)) agency's or ((a department contracted)) an agency-contracted MCO's patient review and coordination (PRC) program (WAC ((388-501-0135)) 182-501-0135) and receives nonemergency services from providers or healthcare facilities other than those to whom the client is assigned or referred under the PRC program;

(e) The client is a dual-eligible client with medicare Part D coverage or similar creditable prescription drug coverage and the conditions of WAC ((388-530-7700)) 182-530-7700 (2)(a)(iii) are met;

(f) The services provided to a TAKE CHARGE or family planning only client are not within the scope of the client's benefit package;

(g) The services were noncovered ambulance services (see WAC ((388-546-0250(2))) 182-546-0250(2));

(h) A fee-for-service client chooses to receive nonemergency services from a provider who is not contracted with the ((department)) agency or its designee after being informed by the provider that he or she is not contracted with the ((department)) agency or its designee and that the services offered will not be paid by the client's healthcare program; and

(i) ((A department contracted)) An agency-contracted MCO enrollee chooses to receive nonemergency services from providers outside of the MCO's network without authorization from the MCO, i.e., a nonparticipating provider.

(7) Under chapter ((388-519)) 182-519 WAC, an individual who has applied for medical assistance is required to spend down excess income on healthcare expenses to become eligible for coverage under the medically needy program. An individual must incur healthcare expenses greater than or equal to the amount that he or she must spend down. The provider is prohibited from billing the individual for any amount in excess of the spenddown liability assigned to the bill.

(8) There are situations in which a provider must refund the full amount of a payment previously received from or on behalf of an individual and then bill the ((department)) agency for the covered service that had been furnished. In these situations, the individual becomes eligible for a covered service that had already been furnished. Providers must then accept as payment in full the amount paid by the ((department)) agency or its designee or managed care organization for medical assistance services furnished to clients. These situations are as follows:

(a) The individual was not receiving medical assistance on the day the service was furnished. The individual applies for medical assistance later in the same month in which the service was provided and the ((department)) agency or its designee makes the individual eligible for medical assistance from the first day of that month;

(b) The client receives a delayed certification for medical assistance as defined in WAC ((388-500-0005)) 182-500-0025; or

(c) The client receives a certification for medical assistance for a retroactive period according to 42 C.F.R. § 435.914(a) and defined in WAC ((388-500-0005)) 182-500-0095.

(9) Regardless of any written, signed agreement to pay, a provider may not bill, demand, collect, or accept payment or a deposit from a client, anyone on the client's behalf, or the ((department)) agency or its designee for:

(a) Copying, printing, or otherwise transferring healthcare information, as the term healthcare information is defined in chapter 70.02 RCW, to another healthcare provider. This includes, but is not limited to:

(i) Medical/dental charts;

(ii) Radiological or imaging films; and

(iii) Laboratory or other diagnostic test results.

(b) Missed, ((cancelled)) cancelled, or late appointments;

(c) Shipping and/or postage charges;

(d) "Boutique," "concierge," or enhanced service packages (e.g., newsletters, 24/7 access to provider, health seminars) as a condition for access to care; or

(e) The price differential between an authorized service or item and an "upgraded" service or item (e.g., a wheelchair with more features; brand name versus generic drugs).

**AMENDATORY SECTION** (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-1050 Definitions.** In addition to the definitions and abbreviations found in chapter 182-500 WAC ((388-500-0005)), Medical definitions, the following definitions apply to this chapter.

**"Active ingredient"** - The chemical component of a drug responsible for a drug's prescribed/intended therapeutic effect. The ((department)) medicaid agency or its designee limits coverage of active ingredients to those with an eleven-digit national drug code (NDC) and those specifically authorized by the ((department)) agency or its designee.

**"Actual acquisition cost (AAC)"** - The net cost a provider paid for a drug, device, or drug-related supply marketed in the package size purchased. The AAC includes discounts, rebates, charge backs and other adjustments to the price of the drug, device or drug-related supply, but excludes dispensing fees.

**"Administer"** - Includes the direct application of a prescription drug or device by injection, insertion, inhalation, ingestion, or any other means, to the body of a patient by a practitioner, or at the direction of the practitioner.

**"Appointing authority"** - For the evidence-based prescription drug program of the participating agencies in the state-operated health care programs, the following persons acting jointly: The ((administrator)) director of the health care authority (HCA), the secretary of the department of social and health services (DSHS), and the director of the department of labor and industries (L&I).

**"Automated authorization"** - Adjudication of claims using submitted NCPDP data elements or claims history to verify that the ((department's)) medicaid agency's or its des-

ignee's authorization requirements have been satisfied without the need for the ((department)) medicaid agency or its designee to request additional clinical information.

**"Automated maximum allowable cost (AMAC)"** - The rate established by the ((department)) medicaid agency or its designee for a multiple-source drug that is not on the maximum allowable cost (MAC) list and that is designated by two or more products at least one of which must be under a federal drug rebate contract.

**"Average manufacturer price (AMP)"** - The average price paid to a manufacturer by wholesalers for drugs distributed to retail pharmacies.

**"Average sales price (ASP)"** - The weighted average of all nonfederal sales to wholesalers net of charge backs, discounts, rebates, and other benefits tied to the purchase of the drug product, whether it is paid to the wholesaler or the retailer.

**"Average wholesale price (AWP)"** - The average price of a drug product that is calculated from wholesale list prices nationwide at a point in time and reported to the ((department)) medicaid agency or its designee by the ((department's)) agency's drug file contractor.

**"Combination drug"** - A commercially available drug including two or more active ingredients.

**"Compendia of drug information"** includes the following:

- (1) The American Hospital Formulary Service Drug Information;
- (2) The United States Pharmacopeia Drug Information; and
- (3) DRUGDEX Information System.

**"Compounding"** - The act of combining two or more active ingredients or adjusting therapeutic strengths in the preparation of a prescription.

**"Deliver or delivery"** - The transfer of a drug or device from one person to another.

**"Dispense as written (DAW)"** - An instruction to the pharmacist forbidding substitution of a generic drug or a therapeutically equivalent product for the specific drug product prescribed.

**"Dispensing fee"** - The fee the ((department)) medicaid agency or its designee sets to pay pharmacy providers for dispensing ((department-covered)) agency-covered prescriptions. The fee is the ((department's)) agency's maximum reimbursement for expenses involved in the practice of pharmacy and is in addition to the ((department's)) agency's reimbursement for the costs of covered ingredients.

**"Drug evaluation matrix"** - The criteria-based scoring sheet used to objectively and consistently evaluate the food and drug administration (FDA) approved drugs to determine drug coverage status.

**"Drug file"** - A list of drug products, pricing and other information provided to the ((department)) medicaid agency or its designee and maintained by a drug file contractor.

**"Drug file contractor"** - An entity which has been contracted to provide regularly updated information on drugs, devices, and drug-related supplies at specified intervals, for the purpose of pharmaceutical claim adjudication. Information is provided specific to individual national drug codes, including product pricing.

**"Drug rebates"** - Reimbursements provided by pharmaceutical manufacturers to state medicaid programs under the terms of the manufacturers' agreements with the Department of Health and Human Services (DHHS).

**"Drug-related supplies"** - Nondrug items necessary for the administration, delivery, or monitoring of a drug or drug regimen.

**"Drug use review (DUR)"** - A review of covered outpatient drug use that assures prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes.

**"Effectiveness"** - The extent to which a given intervention is likely to produce beneficial results for which it is intended in ordinary circumstances.

**"Efficacy"** - The extent to which a given intervention is likely to produce beneficial effects in the context of the research study.

**"Emergency kit"** - A set of limited pharmaceuticals furnished to a nursing facility by the pharmacy that provides prescription dispensing services to that facility. Each kit is specifically set up to meet the emergency needs of each nursing facility's client population and is for use during those hours when pharmacy services are unavailable.

**"Endorsing practitioner"** - A practitioner who has reviewed the Washington preferred drug list (PDL) and has enrolled with the health care authority (HCA), agreeing to allow therapeutic interchange (substitution) of a preferred drug for any nonpreferred drug in a given therapeutic class on the Washington PDL.

**"Estimated acquisition cost (EAC)"** - The ((department's)) medicaid agency's estimate of the price providers generally and currently pay for a drug marketed or sold by a particular manufacturer or labeler.

**"Evidence-based"** and **"evidenced-based medicine (EBM)"** - The application of a set of principles and a method for the review of well-designed studies and objective clinical data to determine the level of evidence that proves to the greatest extent possible, that a healthcare service is safe, effective and beneficial when making population-based coverage policies or individual medical necessity decisions.

**"Evidence-based practice center"** - A research organization that has been designated by the Agency for Healthcare Research and Quality (AHRQ) of the U.S. government to conduct systematic reviews of all the evidence to produce evidence tables and technology assessments to guide health care decisions.

**"Federal upper limit (FUL)"** - The maximum allowable reimbursement set by the Centers for Medicare and Medicaid Services (CMS) for a multiple-source drug.

**"Formulary"** - All drugs covered under WAC 182-530-2000 and not removed from the formulary by the DUR board (see WAC 182-530-2200).

**"Formulary drug"** - A drug covered under WAC 182-530-2000 and not removed from the formulary by the DUR board with respect to the treatment of a specific disease or condition for an identified population (see WAC 182-530-2200).

**"Four brand name prescriptions per calendar month limit"** - The maximum number of paid prescription claims for brand name drugs that the ((department)) medicaid

agency or its designee allows for each client in a calendar month without a complete review of the client's drug profile.

**"Generic drug"** - A nonproprietary drug that is required to meet the same bioequivalency tests as the original brand name drug.

**"Inactive ingredient"** - A drug component that remains chemically unchanged during compounding but serves as the:

(1) Necessary vehicle for the delivery of the therapeutic effect; or

(2) Agent for the intended method or rate of absorption for the drug's active therapeutic agent.

**"Ingredient cost"** - The portion of a prescription's cost attributable to the covered drug ingredients or chemical components.

**"Innovator multiple source drug"** - As set forth in Section 1927 (k)(7)(A)(ii) of the Social Security Act, includes all covered outpatient drugs approved under a new drug application (NDA), product license approval (PLA), establishment license approval (ELA), or antibiotic drug approval (ADA). A covered outpatient drug marketed by a cross-licensed producer or distributor under the approved new drug application will be included as an innovator multiple source drug when the drug product meets this definition.

**"Less than effective drug"** or **"DESI"** - A drug for which:

(1) Effective approval of the drug application has been withdrawn by the Food and Drug Administration (FDA) for safety or efficacy reasons as a result of the drug efficacy study implementation (DESI) review; or

(2) The secretary of the Department of Health and Human Services (DHHS) has issued a notice of an opportunity for a hearing under section 505(e) of the federal Food, Drug, and Cosmetic Act on a proposed order of the secretary to withdraw approval of an application for such drug under such section because the secretary has determined the drug is less than effective for some or all conditions of use prescribed, recommended, or suggested in its labeling.

**"Long-term therapy"** - A drug regimen a client receives or will receive continuously through and beyond ninety days.

**"Maximum allowable cost (MAC)"** - The maximum amount that the ~~((department))~~ medicaid agency or its designee reimburses for a drug, device, or drug-related supply.

**"Medically accepted indication"** - Any use for a covered outpatient drug:

(1) Which is approved under the federal Food, Drug, and Cosmetic Act; or

(2) The use of which is supported by one or more citations included or approved for inclusion in any of the compendia of drug information, as defined in this chapter.

**"Modified unit dose delivery system"** (also known as blister packs or "bingo/punch cards") - A method in which each patient's medication is delivered to a nursing facility:

(1) In individually sealed, single dose packages or "blisters"; and

(2) In quantities for one month's supply, unless the prescriber specifies a shorter period of therapy.

**"Multiple-source drug"** - A drug marketed or sold by:

(1) Two or more manufacturers or labelers; or

(2) The same manufacturer or labeler:

(a) Under two or more different proprietary names; or

(b) Under a proprietary name and a generic name.

**"National drug code (NDC)"** - The eleven-digit number the FDA and manufacturer or labeler assigns to a pharmaceutical product and attaches to the product container at the time of packaging. The NDC is composed of digits in 5-4-2 groupings. The first five digits comprise the labeler code assigned to the manufacturer by the Food and Drug Administration (FDA). The second grouping of four digits is assigned by the manufacturer to describe the ingredients, dose form, and strength. The last grouping of two digits describes the package size.

**"Noncontract drugs"** - Are drugs manufactured or distributed by manufacturers/labelers who have not signed a drug rebate agreement with the federal Department of Health and Human Services.

**"Nonformulary drug"** - A drug:

(a) Removed from the formulary by the DUR board with respect to treatment of a specific disease or condition for an identified population (see WAC 182-530-2200);

(b) Prescribed for the treatment of the specific disease or condition identified in (a) of this definition nonformulary drug;

(c) Prescribed for a client in the identified population in (a) of this definition nonformulary drug; and

(d) Included on the agency's nonformulary list with a written explanation of the basis for the drug's removal from the formulary.

**"Nonformulary justification"** or **"NEJ"** - See WAC 182-530-2300.

**"Nonformulary list"** - The agency's list of nonformulary drugs and the reasons for removal from the formulary by the DUR board.

**"Nonpreferred drug"** - A drug that has not been selected as a preferred drug within the therapeutic class(es) of drugs on the preferred drug list.

**"Obsolete NDC"** - A national drug code replaced or discontinued by the manufacturer or labeler.

**"Over-the-counter (OTC) drugs"** - Drugs that do not require a prescription before they can be sold or dispensed.

**"Peer reviewed medical literature"** - A research study, report, or findings regarding the specific use of a drug that has been submitted to one or more professional journals, reviewed by experts with appropriate credentials, and subsequently published by a reputable professional journal. A clinical drug study used as the basis for the publication must be a double blind, randomized, placebo or active control study.

**"Pharmacist"** - A person licensed in the practice of pharmacy by the state in which the prescription is filled.

**"Pharmacy"** - Every location licensed by the state board of pharmacy in the state where the practice of pharmacy is conducted.

**"Pharmacy and therapeutic (P&T) committee"** - The independent Washington state committee created by RCW 41.05.021 (1)(a)(iii) and 70.14.050. At the election of the ~~((department))~~ medicaid agency or its designee, the committee may serve as the drug use review board provided for in WAC ~~((388-530-4000))~~ 182-530-4000.

**"Point-of-sale (POS)"** - A pharmacy claims processing system capable of receiving and adjudicating claims on-line.



**"Practice of pharmacy"** - The practice of and responsibility for:

- (1) Accurately interpreting prescription orders;
- (2) Compounding drugs;
- (3) Dispensing, labeling, administering, and distributing of drugs and devices;
- (4) Providing drug information to the client that includes, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices;
- (5) Monitoring of drug therapy and use;
- (6) Proper and safe storage of drugs and devices;
- (7) Documenting and maintaining records;
- (8) Initiating or modifying drug therapy in accordance with written guidelines or protocols previously established and approved for a pharmacist's practice by a practitioner authorized to prescribe drugs; and
- (9) Participating in drug use reviews and drug product selection.

**"Practitioner"** - An individual who has met the professional and legal requirements necessary to provide a health care service, such as a physician, nurse, dentist, physical therapist, pharmacist or other person authorized by state law as a practitioner.

**"Preferred drug"** - Drug(s) of choice within a selected therapeutic class that are selected based on clinical evidence of safety, efficacy, and effectiveness.

**"Preferred drug list (PDL)"** - The ((department's)) medicaid agency's list of drugs of choice within selected therapeutic drug classes.

**"Prescriber"** - A physician, osteopathic physician/surgeon, dentist, nurse, physician assistant, optometrist, pharmacist, or other person authorized by law or rule to prescribe drugs. See WAC 246-863-100 for pharmacists' prescriptive authority.

**"Prescription"** - An order for drugs or devices issued by a practitioner authorized by state law or rule to prescribe drugs or devices, in the course of the practitioner's professional practice, for a legitimate medical purpose.

**"Prescription drugs"** - Drugs required by any applicable federal or state law or regulation to be dispensed by prescription only or that are restricted to use by practitioners only.

**"Prospective drug use review (Pro-DUR)"** - A process in which a request for a drug product for a particular client is screened, before the product is dispensed, for potential drug therapy problems.

**"Reconstitution"** - The process of returning a single active ingredient, previously altered for preservation and storage, to its approximate original state. Reconstitution is not compounding.

**"Retrospective drug use review (Retro-DUR)"** - The process in which drug utilization is reviewed on an ongoing periodic basis to identify patterns of fraud, abuse, gross over-use, or inappropriate or not medically necessary care.

**"Risk/benefit ratio"** - The result of assessing the side effects of a drug or drug regimen compared to the positive therapeutic outcome of therapy.

**"Single source drug"** - A drug produced or distributed under an original new drug application approved by the Food and Drug Administration (FDA).

**"Substitute"** - To replace a prescribed drug, with the prescriber's authorization, with:

- (1) An equivalent generic drug product of the identical base or salt as the specific drug product prescribed; or
- (2) A therapeutically equivalent drug other than the identical base or salt.

**"Systematic review"** - A specific and reproducible method to identify, select, and appraise all the studies that meet minimum quality standards and are relevant to a particular question. The results of the studies are then analyzed and summarized into evidence tables to be used to guide evidence-based decisions.

**"Terminated NDC"** - An eleven-digit national drug code (NDC) that is discontinued by the manufacturer for any reason. The NDC may be terminated immediately due to health or safety issues or it may be phased out based on the product's shelf life.

**"Therapeutic alternative"** - A drug product that contains a different chemical structure than the drug prescribed, but is in the same pharmacologic or therapeutic class and can be expected to have a similar therapeutic effect and adverse reaction profile when administered to patients in a therapeutically equivalent dosage.

**"Therapeutic class"** - A group of drugs used for the treatment, remediation, or cure of a specific disorder or disease.

**"Therapeutic interchange"** - To dispense a therapeutic alternative to the prescribed drug when an endorsing practitioner who has indicated that substitution is permitted, prescribes the drug. See therapeutic interchange program (TIP).

**"Therapeutic interchange program (TIP)"** - The process developed by participating state agencies under RCW 69.41.190 and 70.14.050, to allow prescribers to endorse a Washington preferred drug list, and in most cases, requires pharmacists to automatically substitute a preferred, equivalent drug from the list.

**"Therapeutically equivalent"** - Drug products that contain different chemical structures but have the same efficacy and safety when administered to an individual, as determined by:

- (1) Information from the Food and Drug Administration (FDA);
- (2) Published and peer-reviewed scientific data;
- (3) Randomized controlled clinical trials; or
- (4) Other scientific evidence.

**"Tiered dispensing fee system"** - A system of paying pharmacies different dispensing fee rates, based on the individual pharmacy's total annual prescription volume and/or the drug delivery system used.

**"True unit dose delivery"** - A method in which each patient's medication is delivered to the nursing facility in quantities sufficient only for the day's required dosage.

**"Unit dose drug delivery"** - True unit dose or modified unit dose delivery systems.

**"Usual and customary charge"** - The fee that the provider typically charges the general public for the product or service.

**"Washington preferred drug list (Washington PDL)"** - The list of drugs selected by the appointing author-

ity to be used by applicable state agencies as the basis for purchase of drugs in state-operated health care programs.

**"Wholesale acquisition cost"** - The price paid by a wholesaler for drugs purchased from a manufacturer.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-530-2100 Noncovered—Outpatient drugs and pharmaceutical supplies.** (1) The ~~((department))~~ medicaid agency does not cover:

- (a) A drug that is:
  - (i) Not approved by the Food and Drug Administration (FDA); or
  - (ii) Prescribed for a nonmedically accepted indication, including diagnosis, dose, or dosage schedule that is not evidenced-based.
- (b) A drug prescribed:
  - (i) For weight loss or gain;
  - (ii) For infertility, frigidity, impotency;
  - (iii) For sexual or erectile dysfunction;
  - (iv) For cosmetic purposes or hair growth; or
  - (v) For treatment of cough or cold symptoms, except as listed in WAC ~~((388-530-2000))~~ 182-530-2000 (1)(i).
- (c) Drugs used to treat sexual or erectile dysfunction, in accordance with section 1927 (d)(2)(K) of the Social Security Act, unless such drugs are used to treat a condition other than sexual or erectile dysfunction, and these uses have been approved by the Food and Drug Administration.
- (d) Drugs listed in the federal register as "less-than-effective" ("DESI" drugs) or which are identical, similar, or related to such drugs.
- (e) Outpatient drugs for which the manufacturer requires as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or manufacturer's designee.
- (f) A product:
  - (i) With an obsolete national drug code (NDC) for more than two years;
  - (ii) With a terminated NDC;
  - (iii) Whose shelf life has expired; or
  - (iv) Which does not have an eleven-digit NDC.
- (g) Over-the-counter (OTC) drugs, vitamins, and minerals, except as allowed under WAC ~~((388-530-2000))~~ 182-530-2000 (1)(i).
- (h) Any drug regularly supplied by other public agencies as an integral part of program activity (e.g., immunization vaccines for children).
- (i) Free pharmaceutical samples.
- (j) Over-the-counter or prescription drugs to promote smoking cessation unless the client is eighteen years old or older and participating in a ~~((department-approved))~~ medicaid agency-approved cessation program.
- (k) A nonformulary drug except as allowed by WAC 182-530-2300(4).
  - (2) A noncovered drug can be requested:
    - (a) As described in WAC 182-530-2300 for a nonformulary drug; or
    - (b) As described in WAC 182-501-0160 for all other noncovered drugs.

(3) If a noncovered drug is prescribed through the early and periodic screening, diagnosis, and treatment (EPSDT) process, an authorization request may be submitted indicating that the request is EPSDT related, and the request will be evaluated according to the process in WAC ~~((388-501-0165))~~ 182-501-0165. (See WAC ~~((388-534-0100))~~ 182-534-0100 for EPSDT rules).

~~((3) A client can request an exception to rule (ETR) as described in WAC 388-501-0160.))~~

#### NEW SECTION

**WAC 182-530-2200 How the medicaid agency develops and maintains the formulary.** The medicaid agency maintains a formulary developed by the state's drug use review (DUR) board (see WAC 182-530-4000) for the purpose of providing clients access to clinically appropriate, cost-effective pharmaceutical options to treat their medical conditions.

(1) The formulary includes all drugs covered under WAC 182-530-2000 and not removed from the formulary by the DUR board according to the process described in subsection (2) of this section.

(2) The agency periodically presents drugs labeled by the food and drug administration (FDA) for treatment of a specific disease or condition for an identified population, or which have a medically accepted indication for the treatment of the specific disease or condition to the DUR board for review. The following categories of drugs cannot be presented by the agency to the DUR board for review:

- (a) Antiretroviral drugs used to treat HIV/AIDS;
- (b) Anticancer medication used to kill or slow the growth of cancerous cells;
- (c) Antihemophilic drugs;
- (d) Insulin or other drugs to lower blood glucose;
- (e) Immunosuppressive drugs;
- (f) Drugs in therapeutic classes included in the Washington preferred drug list.

(3) If a drug is found by the DUR board to have no significant, clinically meaningful therapeutic advantage in terms of safety, effectiveness, or clinical outcome for treatment of a specific disease or condition for an identified population over other drugs on the formulary, the drug may be removed from the formulary for treatment of the specific disease or condition for the identified population, provided that the DUR board's written explanation of the basis for removal is made available to the public.

(4) At the DUR board's discretion, nonformulary drugs may be added back to the formulary.

(5) At the DUR board's discretion, a drug removed from the formulary for a specified indication or subpopulation will remain covered for clients already stable on the medication at the time the drug is removed from the formulary.

(6) The agency maintains a nonformulary list on a publicly accessible internet site detailing the:

- (a) Nonformulary drugs;
- (b) Specific disease or condition for an identified population for which the drug is nonformulary; and
- (c) DUR board's written explanation of the basis for the drug's removal from the formulary.

(7) Formulary drugs may be subject to authorization requirements and other restrictions detailed in this chapter.

(8) The agency covers nonformulary drugs for specific clients for the treatment of a specific disease or condition according to the nonformulary justification process defined in WAC 182-530-2300.

(9) If a dispensing pharmacist makes a professional judgment that the client's need for a nonformulary drug is an emergency, the pharmacist may dispense a nonformulary drug without approval through the nonformulary justification (NFJ) process defined in WAC 182-530-2300. The agency will reimburse for the dispensed medication if justification for the emergency is provided to the agency within seventy-two hours of the date of dispense, excluding weekends and Washington state holidays.

(10) The nonformulary status of a drug does not constitute a denial of service.

#### NEW SECTION

**WAC 182-530-2300 The medicaid agency's nonformulary justification process.** A client's prescriber or the client with the assistance of the prescriber may request the agency cover a nonformulary drug for the specific client for the treatment of a specific disease or condition. This process is called a nonformulary justification (NFJ).

(1) The medicaid agency only reviews a request for a noncovered service as an NFJ when:

(a) The NFJ is submitted by the prescriber on the form provided by the agency;

(b) The drug is a nonformulary drug; and

(c) The NFJ conforms with the agency's minimum requirements in current published billing instructions, numbered memoranda, provider notices, and any additional requirements in the Washington Administrative Code (WAC) and/or Revised Code of Washington (RCW).

(2) The agency approves, on a case-by-case basis, an NFJ when the agency determines the drug is medically necessary as defined in WAC 182-500-0070. The process the agency uses to assess whether a nonformulary drug is medically necessary is based on evaluation of submitted client-specific information and documentation establishing:

(a) The client's clinical condition is different from the majority of individuals with the same or similar diagnosis whose treatment needs are met within the scope of covered services;

(b) Medical treatment, items of service, and all formulary drugs covered under the client's medical assistance program and which, under accepted standards of medical practice, are indicated as appropriate for the treatment of the illness or condition, have been found to be:

(i) Medically ineffective in the treatment of the client's condition after an adequate trial at the maximum dose approved by the FDA; or

(ii) Medically inappropriate for that specific client.

(c) The requested nonformulary drug can be reasonably expected to successfully treat or improve the client's function and the condition the nonformulary drug is prescribed to treat when other treatments, items of service, and all formulary outpatient drugs covered under the client's medical assistance

program have proven to be medically ineffective or inappropriate for the client.

(3)(a) When the agency receives a request for an NFJ, the agency acknowledges receipt within:

(i) Twenty-four hours if the NFJ is received during normal state business hours; or

(ii) Twenty-four hours of opening for business on the next business day if the NFJ is received outside normal state business hours.

(b) Within five business days the agency:

(i) Approves the NFJ if the requested nonformulary drug is medically necessary according to subsection (2) of this section; or

(ii) Denies the NFJ if the requested nonformulary drug is not medically necessary according to subsection (2) of this section; and

(iii) Sends written notification to the client and a facsimile to the client's prescriber of the agency's determination.

(c) The agency's pharmacists or medical consultants have final authority of approval or denial of the NFJ.

(4) Nonformulary drugs which meet all other conditions of coverage with the exception of their nonformulary status are covered services for the specific client for the treatment of a specific disease or condition when approved under subsection (3) of this section.

(5) A client has the right to request an administrative hearing on NFJ denials.

(6) Drugs determined to be noncovered according to WAC 182-530-2100 (1)(a) through (j) will be reviewed according to the exception to rule (ETR) process in WAC 182-501-0160.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

**WAC 182-531-0100 Scope of coverage for physician-related and healthcare professional services—General and administrative.** (1) The ~~((department))~~ medicaid agency covers healthcare services, equipment, and supplies listed in this chapter, according to ~~((department))~~ agency rules and subject to the limitations and requirements in this chapter, when they are:

(a) Within the scope of an eligible client's medical assistance program. Refer to WAC ~~((388-501-0060))~~ 182-501-0060 and ~~((388-501-0065))~~ 182-501-0065; and

(b) Medically necessary as defined in WAC ~~((388-500-0005))~~ 182-500-0070.

(2) The ~~((department))~~ agency evaluates a request for a service that is in a covered category under the provisions of WAC ~~((388-501-0165))~~ 182-501-0065.

(3) The ~~((department))~~ agency evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions as described in WAC ~~((388-501-0169))~~ 182-501-0169.

(4) The ~~((department))~~ agency covers the following physician-related services and healthcare professional services, subject to the conditions in subsections (1), (2), and (3) of this section:

(a) Allergen immunotherapy services;

- (b) Anesthesia services;
  - (c) Dialysis and end stage renal disease services (refer to chapter ((388-540)) 182-540 WAC);
  - (d) Emergency physician services;
  - (e) ENT (ear, nose, and throat) related services;
  - (f) Early and periodic screening, diagnosis, and treatment (EPSDT) services (refer to WAC ((388-534-0100)) 182-534-0100);
  - (g) Reproductive health services (refer to chapter ((388-532)) 182-532 WAC);
  - (h) Hospital inpatient services (refer to chapter ((388-550)) 182-550 WAC);
  - (i) Maternity care, delivery, and newborn care services (refer to chapter ((388-533)) 182-533 WAC);
  - (j) Office visits;
  - (k) Vision-related services (refer to chapter ((388-544)) 182-544 WAC for vision hardware for clients twenty years of age and younger);
  - (l) Osteopathic treatment services;
  - (m) Pathology and laboratory services;
  - (n) Physiatry and other rehabilitation services (refer to chapter ((388-550)) 182-550 WAC);
  - (o) Foot care and podiatry services (refer to WAC ((388-531-1300)) 182-531-1300);
  - (p) Primary care services;
  - (q) Psychiatric services, provided by a psychiatrist;
  - (r) Psychotherapy services for children as provided in WAC ((388-531-1400)) 182-531-1400;
  - (s) Pulmonary and respiratory services;
  - (t) Radiology services;
  - (u) Surgical services;
  - (v) Cosmetic, reconstructive, or plastic surgery, and related services and supplies to correct physiological defects from birth, illness, or physical trauma, or for mastectomy reconstruction for post cancer treatment;
  - (w) Oral healthcare services for emergency conditions for clients twenty-one years of age and older, except for clients of the division of developmental disabilities (refer to WAC ((388-531-1025)) 182-531-1025); and
  - (x) Other outpatient physician services.
- (5) The ((department)) agency covers physical examinations for medical assistance clients only when the physical examination is one or more of the following:
- (a) A screening exam covered by the EPSDT program (see WAC ((388-534-0100)) 182-534-0100);
  - (b) An annual exam for clients of the division of developmental disabilities; or
  - (c) A screening pap smear, mammogram, or prostate exam.
- (6) By providing covered services to a client eligible for a medical assistance program, a provider who has signed an agreement with the ((department)) agency accepts the ((department's)) agency's rules and fees as outlined in the agreement, which includes federal and state law and regulations, billing instructions, and ((department)) agency issuances.
- (7) Outpatient drugs are not subject to the rules in this chapter. For rules about outpatient drugs see chapter 182-530 WAC.