

WSR 13-20-082
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed September 30, 2013, 9:29 a.m.]

reference without material change, Washington state statutes or regulations.

September 19, 2013
Katherine I. Vasquez
Rules Coordinator

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-15-106.

Title of Rule and Other Identifying Information: Assisted living facilities rules: WAC 388-78A-2020 Definitions, 388-78A-2035 Disclosure statement to nonresident individuals, 388-78A-2440 Resident register, 388-78A-2460 Quality assurance committee, 388-78A-2474 Training and home care aides certification requirements, 388-78A-2730 Licensee's responsibilities, 388-78A-3180 Required enforcement remedies, and other related rules as appropriate.

Hearing Location(s): Office Building 2, Lookout Room, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on November 26, 2013, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 27, 2013.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on November 26, 2013.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by November 5, 2013, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending these rules to comply with and be consistent with newly passed state laws SB [SSB] 5077 Gender-neutral terms; HB [SHB] 1629 Concerning credentialing and continuing education requirements for long-term services; and SB 5510 Vulnerable adults—Abuse.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: Chapter 18.20 RCW.

Statute Being Implemented: Chapter 18.20 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Jeanette K. Childress, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2591; Implementation and Enforcement: Lori Melchiori, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2404.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3), a small business economic impact statement is not required for rules adopting or incorporating, by reference without material change, Washington state statutes or regulations.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b), a cost-benefit analysis is not required for rules adopting or incorporating, by

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2020 Definitions. "Abandonment" means action or inaction by a person with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a resident. In instances of abuse of a resident who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a resident, which have the following meanings:

(1) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing;

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints;

(3) **"Sexual abuse"** means any form of nonconsensual sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual contact may include interactions that do not involve touching, including but not limited to sending a resident sexually explicit messages, or cuing or encouraging a resident to perform sexual acts. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual;

(4) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another.

"Activities of daily living" means the following tasks related to basic personal care: Bathing; toileting; dressing; personal hygiene; mobility; transferring; and eating.

"Administrator" means an assisted living facility administrator who must be in active administrative charge of the assisted living facility as required in this chapter. Unless exempt under RCW 18.88B.041, the administrator must complete long-term care training and home care aide certification.

"Adult day services" means care and services provided to a nonresident individual by the assisted living facility on the assisted living facility premises, for a period of time not

to exceed ten continuous hours, and does not involve an overnight stay.

"Ambulatory" means capable of walking or traversing a normal path to safety without the physical assistance of another individual:

(1) **"Nonambulatory"** means unable to walk or traverse a normal path to safety without the physical assistance of another individual;

(2) **"Semiambulatory"** means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual.

"Applicant" means the person, as defined in this section, that has submitted, or is in the process of submitting, an application for a assisted living facility license.

"Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

"Bathing fixture" means a bathtub, shower or sit-down shower.

"Bathroom" means a room containing at least one bathing fixture.

"Assisted living facility" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this chapter to seven or more residents after July 1, 2000. However, an assisted living facility that is licensed for three to six residents prior to or on July 1, 2000, may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility. "Assisted living facility" does not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development. "Assisted living facility" may also include persons associated with the assisted living facility to carry out its duties under this chapter.

"Building code" means the building codes and standards adopted by the Washington state building code council.

"Caregiver" means anyone providing direct personal care to another person including, but not limited to: Cuing, reminding or supervision of residents, on behalf of an assisted living facility, except volunteers who are directly supervised.

"Construction review services" means the office of construction review services within the Washington state department of health.

"Continuing care contract" means, as stated in RCW 70.38.025, a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such ser-

vices, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community" means, as stated in RCW 70.38.025, an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

"Contractor" means an agency or person who contracts with a licensee to provide resident care, services or equipment.

"Crimes relating to financial exploitation" means the same as "crimes relating to financial exploitation" as defined in RCW 43.43.830 or 43.43.842.

"Department" means the Washington state department of social and health services.

"Dietitian" means an individual certified under chapter 18.138 RCW.

"Direct supervision" means oversight by a person on behalf of the assisted living facility who has met training requirements, demonstrated competency in core areas, or has been fully exempted from the training requirements, is on the premises, and is quickly and easily available to the caregiver.

"Document" means to record, with signature, title, date and time:

(1) Information about medication administration, medication assistance or disposal, a nursing care procedure, accident, occurrence or change in resident condition that may affect the care or needs of a resident; and

(2) Processes, events or activities that are required by law, rule or policy.

"Domiciliary care" means:

(1) Assistance with activities of daily living provided by the assisted living facility either directly or indirectly; or

(2) Health support services, if provided directly or indirectly by the assisted living facility; or

(3) Intermittent nursing services, if provided directly or indirectly by the assisted living facility.

"Enforcement remedy" means one or more of the department's responses to an assisted living facility's non-compliance with chapter 18.20 RCW and this chapter, as authorized by RCW 18.20.190.

"Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.-020(6).

"Food service worker" means according to chapter 246-217 WAC an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or unpackaged food or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food products and/or equipment and facilities. This does not include persons who simply assist residents with meals.

"General responsibility for the safety and well-being of the resident" means the provision of the following:

- (1) Prescribed general low sodium diets;
- (2) Prescribed general diabetic diets;
- (3) Prescribed mechanical soft foods;
- (4) Emergency assistance;
- (5) Monitoring of the resident;
- (6) Arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary;
- (7) Coordinating health care services with outside health care providers consistent with WAC 388-78A-2350;
- (8) Assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices;
- (9) Observation of the resident for changes in overall functioning;
- (10) Blood pressure checks as scheduled;
- (11) Responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or
- (12) Medication assistance as permitted under RCW 69.41.085 and as described in RCW 69.41.010 and chapter 246-888 WAC.

"Harm" means a physical or mental or emotional injury or damage to a resident including those resulting from neglect or violations of a resident's rights.

"Health support services" means any of the following optional services:

- (1) Blood glucose testing;
- (2) Puree diets;
- (3) Calorie controlled diabetic diets;
- (4) Dementia care;
- (5) Mental health care; or
- (6) Developmental disabilities care.

"Independent living unit" means:

- (1) Independent senior housing;
- (2) Independent living unit in a continuing care retirement community or other similar living environments;
- (3) Assisted living facility unit where domiciliary services are not provided; or
- (4) Assisted living facility unit where one or more items listed under "general responsibilities" are not provided.

"Independent senior housing" means an independent living unit occupied by an individual or individuals sixty or more years of age.

"Infectious" means capable of causing infection or disease by entrance of organisms into the body, which grow and multiply there, including, but not limited to, bacteria, viruses, protozoans, and fungi.

"Licensee" means the person, as defined in this chapter, to whom the department issues the assisted living facility license.

"Licensed resident bed capacity" means the resident occupancy level requested by the licensee and approved by the department. All residents receiving domiciliary care or the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section count towards the licensed resident bed capacity.

Adult day services clients do not count towards the licensed resident bed capacity.

"Long-term care worker," as defined in RCW 74.39A.009, has the same meaning as the term "caregiver."

"Majority owner" means any person that owns:

- (1) More than fifty percent interest; or
- (2) If no one person owns more than fifty percent interest, the largest interest portion; or
- (3) If more than one person owns equal largest interest portions, then all persons owning those equal largest interest portions.

"Manager" means the person defined in this chapter, providing management services on behalf of the licensee.

"Management agreement" means a written agreement between the licensee and the manager regarding the provision of certain services on behalf of the licensee.

"Mandated reporter":

(1) Is an employee of the department, law enforcement officer, social worker, professional school personnel, individual provider, an employee of a facility, an operator of a facility, an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW; and

(2) For the purpose of the definition of mandated reporter, "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW (assisted living facility), chapter 18.51 RCW (nursing homes), chapter 70.128 RCW (adult family homes), chapter 72.36 RCW (soldiers' homes), chapter 71A.20 RCW (residential habilitation centers), or any other facility licensed by the department.

"Maximum facility capacity" means the maximum number of individuals that the assisted living facility may serve at any one time, as determined by the department.

(1) The maximum facility capacity includes all residents and respite care residents and adult day services clients.

(2) The maximum facility capacity is equal to the lesser of:

(a) The sum of the number of approved bed spaces for all resident rooms (total number of approved bed spaces), except as specified in subsection (3); or

(b) Twice the seating capacity of the dining area(s) consistent with WAC 388-78A-2300 (1)(h); or

(c) The number of residents permitted by calculating the ratios of toilets, sinks, and bathing fixtures to residents consistent with WAC 388-78A-3030; or

(d) For assisted living facilities licensed on or before December 31, 1988, the total day room area in square feet divided by ten square feet, consistent with WAC 388-78A-3050; or

(e) For assisted living facilities licensed after December 31, 1988, the total day room area in square feet divided by twenty square feet, consistent with WAC 388-78A-3050.

(3) For the purposes of providing adult day services consistent with WAC 388-78A-2360, one additional adult day services client may be served, beyond the total number of approved bed spaces, for each additional sixty square feet of day room area greater than the area produced by multiplying

the total number of approved bed spaces by twenty square feet, provided that:

(a) There is at least one toilet and one hand washing sink accessible to adult day services clients for every eight adult day services clients or fraction thereof;

(b) The total number of residents and adult day services clients does not exceed twice the seating capacity of the dining area(s) consistent with WAC 388-78A-2300 (1)(h); and

(c) The adult day services program area(s) and building do not exceed the occupancy load as determined by the local building official or state fire marshal.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the resident by an individual legally authorized to do so.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a resident of an assisted living facility in accordance with chapter 246-888 WAC.

"Medication organizer" means a container with separate compartments for storing oral medications organized in daily doses.

"Medication service" means any service provided either directly or indirectly by an assisted living facility related to medication administration, medication administration provided through nurse delegation, medication assistance, or resident self-administration of medication.

"Neglect" means:

(1) A pattern of conduct or inaction resulting in the failure to provide the goods and services that maintain physical or mental health of a resident, or that fails to avoid or prevent physical or mental harm or pain to a resident; or

(2) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

"Nonresident individual" means an individual who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in an unlicensed room located within an assisted living facility. A nonresident individual may not receive from the assisted living facility:

(1) Domiciliary care directly or indirectly; or

(2) The items or services listed in the definition of "general responsibility for the safety and well-being of the resident", except as allowed under WAC 388-78A-2032 or when the person is receiving adult day services.

"Nonpractitioner" means any individual who is not a practitioner as defined in WAC 388-78A-2020 and chapter 69.41 RCW.

"Nurse" means an individual currently licensed under chapter 18.79 RCW as either a:

(1) **"Licensed practical nurse"** (LPN); or

(2) **"Registered nurse"** (RN).

"Over-the-counter (OTC) medication" means any medication that may be legally purchased without a prescriptive order, including, but not limited to, aspirin, antacids, vitamins, minerals, or herbal preparations.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association or any other legal or commercial entity.

"Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

"Practitioner" includes a licensed physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.41 RCW for a complete listing of practitioners.

"Prescribed medication" means any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Prescriber" means a health care practitioner authorized by Washington state law to prescribe drugs.

"Problem" means a violation of any WAC or RCW applicable to the operation of an assisted living facility:

(1) **"Recurring problem"** means, for all purposes other than those described in RCW 18.20.400, that the department has cited the assisted living facility for a violation of WAC or RCW and the circumstances of (a) or (b) of this subsection are present:

(a) The department previously imposed an enforcement remedy for a violation of the same section of WAC or RCW for substantially the same problem following any type of inspection within the preceding thirty-six months; or

(b) The department previously cited a violation under the same section of WAC or RCW for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

(c) If the previous violation in (a) or (b) of this subsection was pursuant to WAC or RCW that has changed at the time of the new violation, citation to the equivalent current WAC or RCW section is sufficient.

(d) When there is a change in licensees between the first and the second or third citations, the new licensee must accept, and the department will consider, the prior licensee's compliance and enforcement record as part of the new licensee's compliance record at that assisted living facility if any person affiliated with the new licensee was affiliated with the prior licensee at the same assisted living facility. A person is considered affiliated with the licensee if the person is an applicant for the assisted living facility license, or is listed on the license application as a partner, officer, director, or majority owner of the applicant.

(2) **"Serious problem"** means:

(a) There has been a violation of a WAC or RCW; and

(b) Significant harm has actually occurred to a resident;

or

(c) It is likely that significant harm or death will occur to a resident.

(3) **"Uncorrected problem"** means the department has cited a violation of WAC or RCW following any type of inspection and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected. When a change in licensees occurs, the new licensee is responsible for correcting any remaining violations that may exist, including complying with any plan of

correction in effect immediately prior to the change in licensees.

"Prospective resident" means an individual who is seeking admission to a licensed assisted living facility and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

"Reasonable accommodation" and **"reasonably accommodate"** have the meaning given in federal and state antidiscrimination laws and regulations which include, but are not limited to, the following:

(1) Reasonable accommodation means that the assisted living facility must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of assisted living facility services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident or individual applying for admission presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the assisted living facility; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

"RCW" means Revised Code of Washington.

"Records" means:

(1) **"Active records"** means the current, relevant documentation regarding residents necessary to provide care and services to residents; or

(2) **"Inactive records"** means historical documentation regarding the provision of care and services to residents that is no longer relevant to the current delivery of services and has been thinned from the active record.

"Resident" means an individual who:

(1) Chooses to reside in an assisted living facility, including an individual receiving respite care;

(2) Is not related by blood or marriage to the operator of the assisted living facility;

(3) Receives basic services; and

(4) Receives one or more of the services listed in the definition of "general responsibility for the safety and well-being of the resident," and may receive domiciliary care or respite care provided directly, or indirectly, by the assisted living facility. A nonresident individual may receive services that are permitted under WAC 388-78A-2032.

"Resident's representative" means:

(1) The legal representative who is the person or persons identified in RCW 7.70.065 and who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident; or

(2) If there is no legal representative, a person designated voluntarily by a competent resident in writing, to act in the resident's behalf concerning the care and services provided by the assisted living facility and to receive information from the assisted living facility if there is no legal representative. The resident's representative may not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident. The resident's representative under this subsection shall not have authority to act on behalf of the resident once the resident is no longer competent. The resident's competence shall be determined using the criteria in RCW 11.88.010 (1)(e).

"Respite care" means short-term care for any period in excess of twenty-four continuous hours for a resident to temporarily relieve the family or other caregiver of providing that care.

"Restraint" means any method or device used to prevent or limit free body movement, including, but not limited to:

(1) Confinement, unless agreed to as provided in WAC 388-78A-2370;

(2) **"Chemical restraint"** which means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms; and

(3) **"Physical restraint"** which means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

"Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(1) **"Sleeping room"** means a room where a resident is customarily expected to sleep and contains a resident's bed.

(2) **"Resident living room"** means the common space in a resident unit that is not a sleeping room, bathroom or closet.

"Significant change" means a change in the resident's physical, mental, or psychosocial status that causes either life-threatening conditions or clinical complications.

"Special needs" means a developmental disability, mental illness, or dementia.

"Staff person" means any assisted living facility employee or temporary employee or contractor, whether employed or retained by the licensee or any management company, or volunteer.

"State fire marshal" means the director of fire protection under the direction of the chief of the Washington state patrol.

"Toilet" means a disposal apparatus used for urination and defecation, fitted with a seat and flushing device.

"Volunteer" means an individual who interacts with residents without reimbursement.

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(2) Found incapacitated under chapter 11.88 RCW; or

(3) Who has a developmental disability as defined under RCW 71A.10.020; or

(4) Admitted to any facility, including any assisted living facility; or

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(6) Receiving services from an individual provider.

(7) For the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

"WAC" means Washington Administrative Code.

"Wellness program" means an educational program provided by the assisted living facility. It is a proactive and preventative approach to assist residents and nonresident individuals in achieving optimal levels of health, social, and emotional functioning. A wellness program does not include medical care or interventions.

"Willful" means the deliberate, or nonaccidental, action or inaction by an alleged perpetrator that he/she knows or reasonably should have known could cause a negative outcome, including harm, injury, pain or anguish.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the Washington state department of labor and industries.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2035 Disclosure statement to nonresident individuals. (1) An assisted living facility must provide each nonresident individual a disclosure statement upon admission and at the time that additional services are requested by the nonresident individual.

(2) The disclosure statement must notify the nonresident individual that:

(a) The resident rights of chapter 70.129 RCW do not apply to nonresident individuals;

(b) Licensing requirements for assisted living facilities under this chapter do not apply to nonresident units; and

(c) The jurisdiction of the long-term care ((~~ombudsman~~) ombuds) does not apply to nonresident individuals and nonresident units.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2440 Resident register. (1) The assisted living facility must maintain in the assisted living facility a single current register of all assisted living facility residents, their roommates and identification of the rooms in which such persons reside or sleep.

(2) The assisted living facility must maintain a readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all individuals who resided in the assisted living facility within the past five years, including:

(a) Move-in date;

(b) Full name;

(c) Date of birth;

(d) Date of moving out;

(e) Reason for moving out; and

(f) Location and address to which the resident was discharged.

(3) The assisted living facility must make this register immediately available to:

(a) Authorized department staff;

(b) Representatives of the long-term care ((~~ombudsman's~~) ombud's) office; and

(c) Representatives of the Washington state fire marshal when conducting fire safety inspections.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2460 Quality assurance committee.

(1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-review, any assisted living facility licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:

(a) A licensed registered nurse under chapter 18.79 RCW;

(b) The administrator; and

(c) Three other members from the staff of the assisted living facility.

(2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in the quality of care provided to residents.

(3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ((~~ombudsman~~) ombuds) program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:

(a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and

(b) The records or reports are created for and collected and maintained by the committee.

(4) If the assisted living facility refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the assisted living facility has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the assisted living facility offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with assisted living facility requirements, the documents are not protected as quality assurance committee documents when in the possession of the department.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.

(6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against an assisted living facility.

(7) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any incident of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2474 Training and home care aide certification requirements. (1) The assisted living facility must ensure staff persons hired before January 7, 2012 meet training requirements in effect on the date hired, including requirements in chapter 388-112 WAC.

(2) The assisted living facility must ensure all assisted living facility administrators, or their designees, and caregivers hired on or after January 7, 2012 meet the long-term care worker training requirements of chapter 388-112 WAC, including but not limited to:

- (a) Orientation and safety;
- (b) Basic;
- (c) Specialty for dementia, mental illness and/or developmental disabilities when serving residents with any of those primary special needs;
- (d) Cardiopulmonary resuscitation and first aid; and
- (e) Continuing education.

(3) The assisted living facility must ensure that all staff receive appropriate training and orientation to perform their specific job duties and responsibilities.

(4) The assisted living facility must ensure all persons listed in subsection (2) of this section, obtain the home-care aide certification.

(5) Under RCW 18.88B.041 and chapter 246-980 WAC, certain individuals including registered nurses, licensed practical nurses, certified nursing assistants, or persons who are in an approved certified nursing assistant training program are exempt from long-term care worker basic training requirements. Continuing education requirements still apply as outlined in chapter 388-112 WAC. Continuing education does not apply for Registered Nurses, Licensed Practical Nurses as outlined in chapter 388-112 WAC, RCW 74.39A.341 and chapter 18.270 RCW.

(6) For the purpose of this section, the term "caregiver" has the same meaning as the term "long-term care worker" as defined in RCW 74.39A.009.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-2730 Licensee's responsibilities. (1) The assisted living facility licensee is responsible for:

- (a) The operation of the assisted living facility;
- (b) Complying at all times with the requirements of this chapter, chapter 18.20 RCW, and other applicable laws and rules; and

(c) The care and services provided to the assisted living facility residents.

(2) The licensee must:

(a) Maintain the occupancy level at or below the licensed resident bed capacity of the assisted living facility;

(b) Maintain and post in a size and format that is easily read, in a conspicuous place on the assisted living facility premises:

(i) A current assisted living facility license, including any related conditions on the license;

(ii) The name, address and telephone number of:

(A) The department;

(B) Appropriate resident advocacy groups; and

(C) The state and local long-term care ((~~ombudsman~~)) ombuds with a brief description of ((~~ombudsman~~)) ombuds services.

(iii) A copy of the report, including the cover letter, and plan of correction of the most recent full inspection conducted by the department.

(c) Ensure any party responsible for holding or managing residents' personal funds is bonded or obtains insurance in sufficient amounts to specifically cover losses of resident funds; and provides proof of bond or insurance to the department.

(3) The licensee must not delegate to any person responsibilities that are so extensive that the licensee is relieved of responsibility for the daily operations and provisions of services in the assisted living facility.

(4) The licensee must act in accord with any department-approved management agreement, if the licensee has entered into a management agreement.

(5) The licensee must appoint the assisted living facility administrator consistent with WAC 388-78A-2520.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

WAC 388-78A-3180 Required enforcement remedies. The department must impose an appropriate remedy consistent with RCW 18.20.125 and as otherwise authorized by RCW 18.20.185 or 18.20.190 whenever the department finds an assisted living facility has:

(1) A serious problem, a recurring problem, or an uncorrected problem;

(2) Created a hazard that causes or is likely to cause death or serious harm to one or more residents;

(3) Discriminated or retaliated in any manner against a resident, employee, or any other person because that person or any other person made a complaint or provided information to the department, the attorney general, a law enforcement agency, or the long-term care ((~~ombudsman~~)) ombuds; or

(4) Willfully interfered with the performance of official duties by a long-term care ((~~ombudsman~~)) ombuds.

WSR 13-21-017
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed October 7, 2013, 10:14 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.-330(1).

Title of Rule and Other Identifying Information: Hops, chapter 16-532 WAC.

Hearing Location(s): Moxee City Hall, Community Room, 255 West Seattle Avenue, Moxee, WA 98936 (please use street parking), on December 5, 2013, at 11:00 a.m.

Date of Intended Adoption: February 26, 2014.

Submit Written Comments to: Kelly Frost, P.O. Box 42560, Olympia, WA 98504-2560, e-mail kfrost@agr.wa.gov, fax (360) 902-2092, by 5:00 p.m., December 6, 2013.

Assistance for Persons with Disabilities: Contact WSDA receptionist by November 15, 2013, TTY 1-800-833-6388 or (360) 902-1976.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 16-532-010 Definitions, changes the unit of measure for an "affected unit" from two hundred pounds to one pound. Many hops are no longer marketed in two hundred-pound bales and very few bales actually weigh exactly two hundred pounds. The affected unit is the measure used to determine assessment collection amounts.

WAC 16-532-050 Assessment and collections, sets the assessment rate at \$0.0125 per "affected unit." This would represent an increase of twenty-five percent in the current assessment rate. Any proposed increase would be decided through a referendum of affected hop producers.

Reasons Supporting Proposal: The hop commission board determined that an increase in the assessment rate is necessary for the board to remain solvent in light of declining crop production and will allow the commission to continue to carry out their mandated mission. These changes will implement the petition received from the hop commission in accordance with RCW 15.65.050.

Statutory Authority for Adoption: RCW 15.65.047 and [15.65].050, chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Any rule proposal that results from this rule-making process will not be adopted unless the proposed rules are also approved in a referendum of affected hop producers pursuant to chapter 15.65 RCW.

Name of Proponent: Washington state hop commission, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Frost, P.O. Box 42560, Olympia, WA 98504, (360) 902-1802; Implementation and Enforcement: Ann George, P.O. Box 1207, Moxee, WA 98936, (509) 453-4749.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In accordance with RCW 15.65.570, the adoption of the final amendments to

chapter 16-532 WAC will be determined by a referendum vote of affected producers.

A cost-benefit analysis is not required under RCW 34.05.328. The department of agriculture and the Washington hop commission are not named agencies in RCW 34.05.328 (5)(a)(i).

October 7, 2013

Don R. Hover

Director

AMENDATORY SECTION (Amending WSR 05-15-098, filed 7/15/05, effective 8/15/05)

WAC 16-532-010 Definitions. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Processed" means and includes all hops which are converted into pellets, extracts, oils, lupulin, and/or other forms, including hops which are frozen in undried form, but excluding whole, dried hop cones, whether loose or baled.

(11) "Marketing season" means the twelve month period beginning with January 1 of any year and ending December 31, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(13) "Affected area" means the state of Washington.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means ((two hundred)) one pound((s)) net of hops, or the amount of lupulin, extract or oil produced from ((two hundred)) pound((s)) net of hops.

AMENDATORY SECTION (Amending WSR 08-15-039, filed 7/10/08, effective 8/10/08)

WAC 16-532-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be (~~up to two dollars and fifty cents~~) \$0.0125 per affected unit, as approved by referendum vote of affected producers(~~; the results of which shall be retained on file in the board's administrative office~~).

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require the person subject to the assessment to remit assessments for any hops which are processed prior to the first sale; or

(iv) Require the person subject to the assessment to remit an inventory report for any hops which are not processed or sold prior to December 31 of the year in which they are produced.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 13-21-025

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed October 7, 2013, 4:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-17-007.

Title of Rule and Other Identifying Information: WAC 390-05-400 Changes in dollar amounts and 390-16-050 Forms for contributions and expenditures of our-of-state [out-of-state] political committee.

Hearing Location(s): Office of the Public Disclosure Commission (PDC), 711 Capitol Way, Room 206, Olympia, WA 98504, on Thursday, December 5, 2013, at 9:30 a.m.

Date of Intended Adoption: December 5, 2013.

Submit Written Comments to: Lori Anderson, P.O. Box 40908, Olympia, WA 98504, e-mail lori.anderson@pdc.wa.gov, fax (360) 753-1112, by November 27, 2013.

Assistance for Persons with Disabilities: Contact Nancy Coverdell by e-mail Nancy.Coverdell@pdc.wa.gov, (360) 753-1980.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In accordance with RCW 42.17A.125(1), proposed amendments to WAC 390-05-400: (1) Make inflationary adjustments to contribution limits and other dollar amounts found in chapter 42.17A RCW and (2) insert and adjust contribution limits for certain hospital commissioner candidates enacted by chapter 311, Laws of 2013, effective July 28, 2013. These adjustments are made based on changes in economic conditions as reflected in the inflationary index recommended by the office of financial management.

In accordance with RCW 42.17A.250 [(1)](g), the proposed amendment to WAC 390-16-050 modifies the disclosure threshold for major contributions reported by an out-of-state political committee who participates in Washington state elections. The modification is based on the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the federal Department of Commerce. The proposed amendment also declares that reports are available on the PDC's web site.

Reasons Supporting Proposal: The PDC proposes these adjustments in keeping with the people's declaration that campaign contributions be fully disclosed to the public and that secrecy is to be avoided. The adjustments are further proposed to comply with the statutory mandates to adjust, (1) at the beginning of every even-numbered year, contribution limits and the other dollar amounts set out in WAC 390-05-400 and (2) annually, the disclosure threshold defining which major contributions will be reported by an out-of-state committee making expenditures in support of or opposition to Washington state candidates and/or ballot measures [measures].

Statutory Authority for Adoption: RCW 42.17A.110, 42.17A.125(1), and 42.17A.250 (1)(g).

Statute Being Implemented: RCW 42.17A.005(26), 42.17A.405, 42.17A.4109, 42.17A.445(3), 42.17A.475, 47.17A.630(1) and 42.17A.250 (1)(g).

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed amendments conform with statutory mandates that certain dollar amounts be adjusted for inflation at regular intervals. No fiscal impact is expected to result from these amendments.

Name of Proponent: PDC, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Lori Anderson, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-2737; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-8853.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rule amendments has minimal impact on small busi-

ness. The PDC is not subject to the requirement to prepare a school district fiscal impact statement, per RCW 28A.305.135 and 34.05.320.

A cost-benefit analysis is not required under RCW 34.05.328. The PDC is not an agency listed in subsection (5)(1)(i) [(5)(a)(i)] of RCW 34.05.328. Further, the PDC does not voluntarily make that section applicable to the adoption of these rules pursuant to subsection [subsection] (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of these rules.

October 7, 2013
Lori Anderson
Communications and
Training Officer

AMENDATORY SECTION (Amending WSR 13-05-012, filed 2/7/13, effective 3/10/13)

WAC 390-05-400 Changes in dollar amounts. Pursuant to the requirement in RCW 42.17A.125 that the commission biennially revise the dollar amounts found in Initiative 134 and RCW 42.17A.410 to reflect changes in economic conditions, the following revisions are made:

Code Section	Subject Matter	Amount Enacted or Last Revised	((2012)) <u>2014</u> Revision
.005	Definition of "Independent Expenditure"	\$ ((800)) <u>900</u>	\$ ((900)) <u>950</u>
.445(3)	Reimbursement of candidate for loan to own campaign	\$ ((4,700)) <u>5,000</u>	\$ ((5,000)) <u>5,500</u>
.630(1)	Report— Applicability of provisions to Persons who made contributions Persons who made independent expenditures	\$ ((16,000)) <u>18,000</u> \$ ((800)) <u>900</u>	\$ ((18,000)) <u>19,000</u> \$ ((900)) <u>950</u>
.405(2)	Contribution Limits— Candidates for state leg. office Candidates for county office Candidates for other state office Candidates for special purpose districts Candidates for city council office Candidates for mayoral office Candidates for school board office <u>Candidates for hospital district</u>	\$ ((800)) <u>900</u> \$ ((800)) <u>900</u> \$ ((1,600)) <u>1,800</u> \$ ((1,600)) <u>1,800</u> \$ ((800)) <u>900</u> \$ ((800)) <u>900</u> \$ ((800)) <u>900</u> <u>\$800</u>	\$ ((900)) <u>950</u> \$ ((900)) <u>950</u> \$ ((1,800)) <u>1,900</u> \$ ((1,800)) <u>1,900</u> \$ ((900)) <u>950</u> \$ ((900)) <u>950</u> \$ ((900)) <u>950</u> <u>\$950</u>
.405(3)	Contribution Limits— State official up for recall or pol comm. supporting recall— State Legislative Office Other State Office	\$ ((800)) <u>900</u> \$ ((1,600)) <u>1,800</u>	\$ ((900)) <u>950</u> \$ ((1,800)) <u>1,900</u>
.405(4)	Contribution Limits— Contributions made by political parties and caucus committees		

Code Section	Subject Matter	Amount Enacted or Last Revised	((2012)) 2014 Revision
	State parties and caucus committees	((.80)) <u>.90</u> per voter	((.90)) <u>.95</u> per registered voter
	County and leg. district parties	((.40)) <u>.45</u> per voter	((.45)) <u>.50</u> per registered voter
	Limit for all county and leg. district parties to a candidate	((.40)) <u>.45</u> per voter	((.45)) <u>.50</u> per registered voter
.405(5)	Contribution Limits— Contributions made by pol. parties and caucus committees to state official up for recall or committee supporting recall		
	State parties and caucuses	((.80)) <u>.90</u> per voter	((.90)) <u>.95</u> per registered voter
	County and leg. district parties	((.40)) <u>.45</u> per voter	((.45)) <u>.50</u> per registered voter
	Limit for all county and leg. district parties to state official up for recall or pol. comm. supporting recall	((.40)) <u>.45</u> per voter	((.45)) <u>.50</u> per registered voter
.405(7)	Limits on contributions to political parties and caucus committees		
	To caucus committee	\$((800)) <u>900</u>	\$((900)) <u>950</u>
	To political party	\$((4,000)) <u>4,500</u>	\$((4,500)) <u>5,000</u>
.410(1)	Candidates for judicial office	\$((1,600)) <u>1,800</u>	\$((1,800)) <u>1,900</u>
.475	Contribution must be made by written instrument	\$((80)) <u>90</u>	\$((90)) <u>95</u>

AMENDATORY SECTION (Amending WSR 12-11-033, filed 5/10/12, effective 6/10/12)

WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees. The official form for the report required by RCW 42.17A.250 of contributions and expenditures of an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 is designated "C-5," revised ((6/12)) 1/14. Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.

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Form C5 (6/12) This space for office use POST RECEIVED

Out-of-State Political Committee Campaign Finance Report

1. Name and full address of committee making the contribution
2. Check appropriate box
This is the first report submitted during 20__
This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.

3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)

4. Officers or responsible leaders of committee: Name and full address Title

5. States where this political committee is registered and has been actively reporting campaign finance information for the preceding two years: Name of state(s) & administrative agency(s) Agency(s) website address

6. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.

Table with 5 columns: Candidate name, Office sought, Political party, Date, Amount

7. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Table with 5 columns: Committee name & full address, Ballot number, For or Against?, Date, Amount

8. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state, local or judicial candidate, ballot measure or political committee.

Table with 4 columns: Recipient name & full address, Purpose, Date, Amount

Check here [] if continued on an attached sheet

9. Total contributions and expenditures (Add parts 6, 7, 8)

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Form
C5
(1/14)

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Out-of-State Political Committee Campaign Finance Report

1. Name and full address of committee making the contribution Name Street address City / State / Zip	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)

4. Officers or responsible leaders of committee:

Name and full address	Title
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5. States where this political committee is registered and has been actively reporting campaign finance information for the preceding two years:

Name of state(s) & administrative agency(s)	Agency(s) website address
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6. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.

Candidate name	Office sought	Political party	Date	Amount

7. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name & full address	Ballot number	For or Against?	Date	Amount

8. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state, local or judicial candidate, ballot measure or political committee.

Recipient name & full address	Purpose	Date	Amount

Check here if continued on an attached sheet

9. Total contributions and expenditures (Add parts 6, 7, 8)

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10. Aggregate contributions and expenditures made during this calendar year in Washington State.
 Include amounts shown on this report and C5 reports previously submitted this calendar year.

Does this aggregate total represent 20% or more of the committee's nationwide campaign activity to date for this calendar year? Y N

11. Contributions received from Washington residents. List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

Name and full address	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

12. Contributions received from persons residing outside of Washington. List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,615.00 in the aggregate to this out-of-state committee during the current calendar year.

Name and full address	Employer name, city and state	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

13. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.

A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.

14. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official _____ Name – Typed or Printed _____

Title _____ Daytime Telephone No. () _____

E-Mail Address _____

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10. Aggregate contributions and expenditures made during this calendar year in Washington State.
 Include amounts shown on this report and C5 reports previously submitted this calendar year.

Does this aggregate total represent 20% or more of the committee's nationwide campaign activity to date for this calendar year? Y N

11. Contributions received from Washington residents. List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

Name and full address	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

12. Contributions received from persons residing outside of Washington. List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,645.00 in the aggregate to this out-of-state committee during the current calendar year.

Name and full address	Employer name, city and state	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

13. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.

A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.

14. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official _____ Name – Typed or Printed _____

Title _____ Daytime Telephone No. () _____

E-Mail Address _____

Instructions — (Statutory reference: RCW 42.17A.250)

Who Must Report on C5 Form: An out-of-state political committee, including political committees filing with the Federal Election Commission, organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 which has made contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state. See WAC 390-16-049 reprinted below. A political committee making contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state that fails to satisfy all of the conditions of WAC 390-16-049(3) shall not use the C5 form but instead shall register and report as a political committee pursuant to RCW 42.17A.205 through 42.17A.240 and as otherwise required by RCW 42.17A.

When to Report: A C5 report is due no later than the 10th day of the month following any month in which a contribution or other expenditure of more than \$50 is made to or on behalf of a Washington state candidate or political committee. After filing an initial C5 report, subsequent reports during the same calendar year shall be filed updating or amending the information previously reported. These follow-up reports are also due no later than the 10th day of the month following any month in which an additional contribution or other expenditure of more than \$50 is made. The C5 report is considered filed as of the postmark date.

Send Report to: Public Disclosure Commission, 711 Capitol Way, Room 206, PO Box 40908, Olympia, Washington 98504-0908

Questions? Contact PDC at www.pdc.wa.gov, toll free at 1-877-601-2828 or 1-360-753-1111

WAC 390-16-049 Out-of-state political committees – Implementation of RCW 42.17A.250

(1) RCW 42.17A.250 governs campaign reporting in Washington State by committees located outside of Washington. The statute directs that an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state (and that is not otherwise required to report as an in-state committee) reports the information listed in RCW 42.17A.250 on a C5 form (WAC 390-16-050). The committee begins reporting on a C5 form when it makes an expenditure supporting or opposing a Washington state candidate or political committee.

(2) To file as an out-of-state political committee, all the criteria in (a) and (b) below must be satisfied:

(a) **Out-of-State.** First, the committee must be located out-of-state. It must be maintaining its office or headquarters in another U.S. state or the District of Columbia, and has no office, street address or corporate registered agent in Washington State. If there is no office or headquarters in another state or the District of Columbia, and no corporate registered agent in Washington State, the political committee is deemed out-of-state if its treasurer resides in another U.S. state or the District of Columbia.

(b) **Organizational Purpose and Campaign Activities.** Second, the committee must also be currently organized primarily for engaging in campaign activities in another state. The political committee may be described in other states as a political committee, political action committee (PAC), group (Alaska) or similar terms to describe a committee. Therefore, to qualify as a current out-of-state committee, the committee must also:

(i) Be currently registered and actively filing campaign disclosure reports in one or more other states and has been so filing for the preceding two years; and,

(ii) Have organizational documents showing it was originally formed and is currently organized for the purpose of making expenditures in another state or soliciting contributions for use in another state's election campaigns; and,

(iii) Have spent less than 20 percent of its aggregate expenditures for all political campaign activity nationwide at any point in any calendar year to support and/or oppose Washington candidates for state, local and judicial office, Washington ballot measures and/or Washington political committees.

(3) A committee that does not satisfy the criteria subsection (2) shall file as an in-state committee under RCW 42.17A, including RCW 42.17A.205 – RCW 42.17A.240.

(4) Out-of-state political committees reporting under RCW 42.17A.250 are also subject to reporting pursuant to RCW 42.17A.260 (political advertising independent expenditures) and 42.17A.305 through 42.17A.315 (electioneering communications).

WSR 13-21-038

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed October 9, 2013, 11:41 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 246-491-149 Information collected on the legal or public section of certificates; modifications to the United States standard certificates and report forms. Adding the legal date of

marriage to marriage certificates for couples previously in a Washington state registered domestic partnership.

Hearing Location(s): Department of Health, Point Plaza East, Room 152/153, 310 Israel Road S.E., Tumwater, WA 98501, on December 3, 2013, at 2:00 p.m.

Date of Intended Adoption: December 6, 2013.

Submit Written Comments to: Kristin Reichl, P.O. Box 47814, Olympia, WA 98504-7814, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 753-4135, by December 3, 2013.

Assistance for Persons with Disabilities: Contact Kristin Reichl by November 20, 2013, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule adds the legal date of marriage to marriage certificates for same-sex couples whose Washington state registered domestic partnerships are converted into marriages on June 30, 2014. It also includes the option of adding it by request to an existing marriage certificate for couples previously in a Washington state registered domestic partnership who chose to marry. The legal date of marriage is defined as the original date of domestic partnership (RCW 26.60.100).

Reasons Supporting Proposal: The proposed rule may make it easier for couples previously in a Washington state registered domestic partnership to prove their legal date of marriage for the purposes of obtaining benefits, or for other reasons, by presenting a marriage certificate that includes the original date of the domestic partnership. Each federal agency will determine what documentation is acceptable and if they will recognize the Washington law. RCW 26.60.100 automatically merges certain domestic partnerships into marriages on June 30, 2014.

Statutory Authority for Adoption: RCW 43.70.150.

Statute Being Implemented: RCW 26.60.100.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Kristin Reichl, 101 Israel Road S.E., Olympia, WA 98504, (360) 236-4311; Implementation: Jean Remsbecker, 101 Israel Road S.E., Olympia, WA 98504, (360) 236-4330; and Enforcement: Christie Spice, 101 Israel Road S.E., Olympia, WA 98504, (360) 236-4307.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 and 34.05.310 (4)(b), a small business economic impact statement is not required for proposed rules that relate only to internal governmental operations and that are not subject to violation by a nongovernmental party.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(ii) exempts rules that relate only to internal governmental operations that are not subject to violation by a nongovernment party.

October 9, 2013
 John Wiesman, DrPH, MPH
 Secretary

AMENDATORY SECTION (Amending WSR 13-01-004, filed 12/6/12, effective 12/6/12)

WAC 246-491-149 Information collected on the legal or public section of certificates; modifications to the United States standard certificates and report forms. (1) Effective January 1, 2003, the department shall use the 2003 revisions of the United States standard forms for live birth and fetal death.

(2) Effective January 1, 2004, the department shall use the 2003 standard form for death.

(3) Effective January 1, 1992, the department shall use the 1988 revisions of the United States standard forms for marriage and certificate of divorce, dissolution of marriage or annulment.

(4) These forms are developed by the United States Department of Health and Human Services, National Center for Health Statistics. Copies of these forms may be obtained by contacting the department's center for vital statistics.

(5) With the exception of the confidential section, the department may modify any part of these forms.

(a) Table 3 identifies the modifications to the United States standard form for live birth.

(b) Table 4 identifies the modifications to the United States standard form for fetal death.

(c) Table 5 identifies the modifications to the United States standard form for death.

(d) Table 6 identifies modifications to the United States standard form for marriage.

(e) Table 7 identifies modifications to the United States standard form for certificate of divorce, dissolution of marriage, or annulment.

(6) Table 8 lists items to be collected on the certificate of dissolution of Washington state domestic partnership. This is a Washington state form not addressed in the United States standard forms.

(7) Modification to the United States standard form for marriage for domestic partnerships. Parties who previously had a state-registered domestic partnership and become married or are deemed married under RCW 26.60.100 may request the state registrar include the legal date of marriage on the marriage certificate. The legal date of marriage is defined in RCW 26.60.100(4) as the date of the original state-registered domestic partnership.

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

**Table 3:
 Legal or Public Birth Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Child's name	
2	Child's date of birth	
3	Time of birth	
4	Type of birthplace	Add "En route," Add "Planned birthplace if different"

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

**Table 3:
Legal or Public Birth Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
5	Child's sex	
6	Name of facility	
7	City, town or location of birth	
8	County of birth	
9	Mother's name before first marriage	
10	Mother's date of birth	
11	Mother's birthplace	
12	Mother's Social Security number	
13	Mother's current legal last name	
14	Social Security number requested for child?	
16a	Mother's residence - Number, street, and Apt. No.	
16b	Mother's residence - City or town	
16c	Mother's residence - County	
16d	Tribal reservation name (if applicable)	Added
16e	Mother's residence - State or foreign country	
16f	Mother's residence - Zip code + 4	
16g	Mother's residence - Inside city limits?	
17	Telephone number	Added
18	How long at current residence?	Added
19	Mother's mailing address, if different	
25	Father's current legal name	
26	Father's date of birth	
27	Father's birthplace	
28	Father's Social Security number	

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

**Table 3:
Legal or Public Birth Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
66	Certifier name and title	Delete check boxes
67	Date certified	
68	Attendant name and title	Delete check boxes
69	NPI of person delivering the baby	
—	Date filed by registrar	Deleted

U.S. STANDARD REPORT OF FETAL DEATH

**Table 4:
Legal or Public Fetal Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Name of fetus	
2	Sex	
3	Date of delivery	
4	Time of delivery	
5	Type of birthplace	Add "En route," Add "Planned birthplace if different"
6	Name of facility	
7	Facility ID (NPI)	
8	City, town or location of birth	
9	Zip code of delivery	
10	County of birth	
11	Mother's name before first marriage	
12	Mother's date of birth	
13	Mother's current legal last name	
14	Mother's birthplace	
15a	Mother's residence - Number, street, and Apt. No.	
15b	Mother's residence - City or town	
15c	Mother's residence - County	

U.S. STANDARD REPORT OF FETAL DEATH

U.S. STANDARD REPORT OF FETAL DEATH

**Table 4:
Legal or Public Fetal Death Certificate Items**

**Table 4:
Legal or Public Fetal Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
15d	Tribal reservation name (if applicable)	Added
15e	Mother's residence - State or foreign country	
15f	Mother's residence - Zip code + 4	
15g	Mother's residence - Inside city limits?	
16	How long at current residence?	Added
17	Father's current legal name	
18	Father's date of birth	
19	Father's birthplace	
20	Name and title of person completing the report	
21	Date report completed	
22	Attendant name and title	Delete check boxes
23	NPI of person delivering the baby	
24	Method of disposition	
25	Date of disposition	
26	Place of disposition	Added
27	Location of disposition - City/town and state	Added
28	Name and complete address of funeral facility	Added
29	Funeral director signature	Added
30	Initiating cause/condition (cause of death)	
31	Other significant causes or conditions	
32	Estimated time of fetal death	
33	Was an autopsy performed?	
34	Was a histological placental examination performed?	

Item Number	Item Name	Difference from U.S. Standard, if any
35	Were autopsy or histological placental examination results used in determining the cause of death?	
36	Registrar signature	Added
37	Date received	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Legal name (include a.k.a.'s if any)	
2	Death date	
3	Sex	
4a	Age - Years	
4b	Age - Under 1 year	
4c	Age - Under 1 day	
5	Social Security number	
6	County of death	
7	Birth date	
8a	Birth place - City, town or county	
8b	Birth place - State or foreign country	
9	Decedent's education	Add "Specify": next to box for "8th Grade or less"
10	Decedent's Hispanic origin	
11	Decedent's race	
12	Was decedent ever in U.S. Armed Forces?	
13a	Residence - Number and street	
13b	Residence - City or town	
13c	Residence - County	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
13d	Tribal reservation name (if applicable)	Added
13e	Residence - State or foreign country	
13f	Residence - Zip code	
13g	Inside city limits?	
14	Estimated length of time at residence	Added
15	Marital status at time of death	
16	Surviving spouse's name	
17	Occupation	
18	Kind of business/industry	
19	Father's name	
20	Mother's name before first marriage	
21	Informant - Name	
22	Informant - Relationship to decedent	
23	Informant - Address	
24	Place of death	
25	Facility name (if not a facility, give number and street)	
26a	City, town, or location of death	
26b	State of death	
27	Zip code of death	
28	Method of disposition	
29	Place of disposition (name of cemetery, crematory, other place)	
30	Disposition - City/town, and state	
31	Name and complete address of funeral facility	
32	Date of disposition	Added
33	Funeral director signature	
34	Causes of death and intervals between onset and death	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
35	Other significant conditions contributing to death	
36	Autopsy?	
37	Were autopsy findings available to complete the cause of death?	
38	Manner of death	
39	Pregnancy status	
40	Did tobacco use contribute to death?	
41	Date of injury	
42	Hour of injury	
43	Place of injury	
44	Injury at work?	
45	Injury location - Street, city, county, state, zip	County Added
46	Describe how injury occurred	
47	Transport injury type	
48a	Certifying physician signature	
48b	Medical examiner/coroner signature	
49	Name and address of certifier	
50	Hour of death	
51	Name and title of attending physician if other than certifier	Added
52	Date certified	
53	Title of certifier	
54	License number of certifier	
55	ME/coroner file number	Added
56	Was case referred to medical examiner?	
57	County registrar signature	Added
58	County date received	Added
59	Record amendment	Added
—	License number of funeral director	Deleted
—	Date pronounced dead	Deleted

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
—	Time pronounced dead	Deleted
—	Signature of person pronouncing death	Deleted
—	License number of person pronouncing death	Deleted
—	Date person pronouncing death signed	Deleted

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
7a	Person B - Bride/groom/spouse	Added
7b	Legal name before marriage	
7c	Birth name, if different	Modified
7d	Sex - Male/female	Added
7e	Current residence (street, city/town)	
7f	County of residence	
7g	State of residence	
7h	Date of birth	
7i	Birth state (if not USA, provide country)	
7j	Mother/parent birth name	Modified
7k	Father/parent birth name	Modified
7l	Mother/parent birth state (or country)	Modified
7m	Father/parent birth state (or country)	Modified

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
	Certificate name	Modified
1	County of license	Added
2	Date valid	
3	Not valid after (date)	
4	County auditor signature	
5	Date received (by county auditor)	
6a	Person A - Bride/groom/spouse	Added
6b	Legal name before marriage	Modified
6c	Birth name, if different	Added
6d	Sex - Male/female	Added
6e	Current residence (street, city/town)	
6f	County of residence	
6g	State of residence	
6h	Date of birth	
6i	Birth state (if not USA, provide country)	
6j	Mother/parent birth name	Modified
6k	Father/parent birth name	Modified
6l	Mother/parent birth state (or country)	Modified
6m	Father/parent birth state (or country)	Modified

8	Date of marriage	
9	County of ceremony	
10	Type of ceremony	Added
11	Date signed (by officiant)	Added
12	Officiant's address	
13	Officiant's daytime phone	Added
14	Officiant's name	
15	Officiant's signature	
16	Witness signature	
17	Witness signature	
18	Person A signature	Modified
19	Date signed (by person A)	Added
20	Person B signature	Modified
21	Date signed (by person B)	Added
22	Person A - Social Security number	Added
23	Person A - Name	Added
24	Person B - Social Security number	Added
25	Person B - Name	Added

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
26	Person A signature - Declaration in absence of a Social Security number	Added
27	Person A date - Declaration in absence of a Social Security number	Added
28	Person B signature - Declaration in absence of a Social Security number	Added
29	Person B date - Declaration in absence of a Social Security number	Added
	(Groom's) age last birthday	Deleted
	(Bride's) age last birthday	Deleted
	Signature of (license) issuing official	Deleted
	Title of (license) issuing official	Deleted
	Where married - City, town or location	Deleted
	Title (of officiant)	Deleted
	Confidential information	Deleted

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT

**TABLE 7:
Certification of Dissolution, Declaration of Invalidity of Marriage, or Legal Separation**

Item Number	Item Name	Difference from U.S. Standard, if any
	Certificate name	Modified
1	Court file number	Added
2	Type of decree	
3	Date of decree	
4	County where decree filed	
5	Signature of superior court clerk	
6a	Spouse A - Name	Added
6b	Birth name, if different	Added
6c	Date of birth	

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT

**TABLE 7:
Certification of Dissolution, Declaration of Invalidity of Marriage, or Legal Separation**

Item Number	Item Name	Difference from U.S. Standard, if any
6d	Place of birth (state or country)	
6e	Residence - Street	Added
6f	Residence - City	
6g	Residence - County	
6h	Residence - State	
7a	Spouse B - Name	Added
7b	Birth name, if different	Modify
7c	Date of birth	
7d	Place of birth (state or country)	
7e	Residence - Street	Added
7f	Residence - City	
7g	Residence - County	
7h	Residence - State	
8	Place of marriage -County	
9	Place of marriage - State	
10	Date of marriage	
11	Number of children born alive of this marriage	Added
12	Petitioner	
13	Name of petitioner's attorney or pro se	
14	Petitioner's attorney's address	
15	Spouse A Social Security number	Added
16	Spouse B Social Security number	Added
	Date (decree) recorded	Deleted
	Number of children under 18 whose physical custody was awarded to (husband, wife, joint, other)	Deleted
	Number of children under 18 in household	Deleted
	Title of court	Deleted
	Title of certifying official	Deleted
	Date (certifying official) signed	Deleted

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT

TABLE 7:

Certification of Dissolution, Declaration of Invalidity of Marriage, or Legal Separation

Item Number	Item Name	Difference from U.S. Standard, if any
	Date couple last resided in same household	Deleted
	Confidential items	Deleted

TABLE 8:

Certification of Dissolution of Washington State Domestic Partnership

Item Number	Item Name
	Certificate name
	Court file number
1	Type of decree
2	Date of decree
3	County where decree filed
4	Signature of superior court clerk
5a	First partner's name
5b	First partner's name at birth
6	First partner's date of birth
7	First partner's place of birth
8	First partner's residence - Street
9	First partner's residence - City
10	First partner's residence - Inside city limits
11	First partner's residence - County
12	First partner's residence - State
13a	Second partner's name
13b	Second partner's name at birth
14	Second partner's date of birth
15	Second partner's place of birth

TABLE 8:

Certification of Dissolution of Washington State Domestic Partnership

Item Number	Item Name
16	Second partner's residence - Street
17	Second partner's residence - City
18	Second partner's residence - Inside city limits
19	Second partner's residence - County
20	Second partner's residence - State
21	Date of this partnership
22	Domestic partnership certificate number
23	Petitioner
24	Name of petitioner's attorney/pro se
25	Petitioner's address

WSR 13-21-055

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF

FINANCIAL INSTITUTIONS

(By the Code Reviser's Office)

[Filed October 15, 2013, 9:25 a.m.]

WAC 460-24A-005, 460-24A-010, 460-24A-020, 460-24A-030, 460-24A-035, 460-24A-040, 460-24A-045, 460-24A-047, 460-24A-050, 460-24A-057, 460-24A-058, 460-24A-059, 460-24A-060, 460-24A-070, 460-24A-071, 460-24A-072, 460-24A-080, 460-24A-100, 460-24A-105, 460-24A-106, 460-24A-107, 460-24A-108, 460-24A-109, 460-24A-110, 460-24A-120, 460-24A-125, 460-24A-130, 460-24A-140, 460-24A-145, 460-24A-150, 460-24A-160, 460-24A-170, 460-24A-200, 460-24A-205, 460-24A-210, and 460-24A-220, proposed by the department of financial institutions in WSR 13-07-082, appearing in issue 13-08 of the Washington State Register, which was distributed on April 17, 2013, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 13-21-059
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed October 16, 2013, 8:24 a.m.]

Sonja Hirsch
 Rules Coordinator

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-17-081.

Title of Rule and Other Identifying Information: WAC 139-05-210 Basic law enforcement certification of equivalency.

Hearing Location(s): Washington State Criminal Justice Training Commission (WSCJTC), Room E-154, 19010 1st Avenue South, Burien, WA 98148, on December 11, 2013, at 10 a.m.

Date of Intended Adoption: December 11, 2013.

Submit Written Comments to: Sonja Hirsch, Rules Coordinator, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, fax (206) 835-7928, by December 2, 2013.

Assistance for Persons with Disabilities: Contact Sonja Hirsch, rules coordinator, by December 9, 2013, TTY (206) 835-7300 or (206) 835-7372.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to WAC 139-05-210 are needed to provide clarification and to streamline the existing process and requirements.

(1) A peace officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a certificate of equivalency, regardless of the officer's prior years of law enforcement service.

(2) Applicants will now need to attend the first available session of the equivalency academy regardless if it is held within the first sixty days of hire. Equivalency academies are held every three months; this change will eliminate lengthy gaps in training.

(3) It is not the WSCJTC's responsibility to ensure future police officers have a current and valid driver's license and basic first aid card; the responsibility lies with the employing agency.

(4) All applicants must have emergency vehicle operations training. If they do not, it will be provided at the employer's expense.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Tisha Jones, Burien, Washington, (206) 835-7332; Implementation and Enforcement: Dave Bales, Burien, Washington, (206) 835-7289.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025.

A cost-benefit analysis is not required under RCW 34.05.328. The changes are not new, as they [are] simply mirroring the language of RCW 43.101.220.

October 16, 2013

AMENDATORY SECTION (Amending WSR 08-20-010, filed 9/18/08, effective 10/19/08)

WAC 139-05-210 Basic law enforcement certificate of equivalency. (1) A peace officer whose certification, commission, and/or licensing has been revoked, sanctioned, suspended, or is under review by this state or any other state or territory is not eligible for a certificate of equivalency, regardless of the officer's prior years of law enforcement service.

(2) A certificate of completion of equivalent basic law enforcement training is issued to applicants who successfully complete the equivalency process as required by the commission. For this purpose, the term "process" includes all documentation and prerequisites set forth in subsection (6) of this section and successful completion of all knowledge and skills requirements within the equivalency academy.

~~((2))~~ (3) Participation in the equivalency process is limited to:

(a) Fully commissioned peace officers of a city, county, or political subdivision of the state of Washington, who otherwise are eligible to attend the basic law enforcement academy; or

(b) Fully commissioned peace officers who have attained commissioned law enforcement status by completing a basic training program in this or another state. For this purpose, the term "basic training program" does not include any military or reserve training program or any federal training program not otherwise approved by the commission; or

(c) Persons who have not attained commissioned peace officer status but have successfully completed a basic law enforcement academy recognized as a full equivalent to the Washington state basic law enforcement academy by the commission and within twelve months of the date of completion been made a conditional offer of employment as a fully commissioned peace officer in Washington state; or

(d) Persons whose ~~((Washington))~~ peace officer certification, commission, and/or licensing has lapsed because of a break in service as a full-time, fully commissioned peace officer in this or any other state or territory for more than twenty-four months but less than sixty months and who are required to attend the equivalency.

~~((3))~~ (4) Applicants who are required to participate in the equivalency academy for the purpose of becoming a certified peace officer must attend the first available session of the equivalency academy ~~((following such applicant's date of hire unless the equivalency academy occurs within the first sixty days of the peace officer's initial date of employment in which case the peace officer must attend the next available academy))~~ as a condition of certification as a peace officer. Applicants approved to participate in the equivalency academy for training purposes only, will be admitted on a space available basis.

It is the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner, and as

necessary, to ensure that the participation provided by this section is affected.

~~((4) In those instances where an applicant has attended more than one basic training program, eligibility for participation in the equivalency process will be based upon successful completion of the most recent of such programs attended.))~~

(5) The decision to request an officer's participation in the equivalency process is discretionary with the head of the officer's employing agency, who must advise the commission of that decision by appropriate notation upon the hiring notification form. Upon receipt of such notification, the commission will provide all necessary forms and information.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency must submit to the commission the following documentation as a precondition of participation within such process:

~~(a) ((Proof of the applicant's current and valid driver's license;~~

~~(b) Proof of the applicant's current and valid basic first-aid card;~~

~~(e)) A statement of the applicant's health and physical condition by an examining physician;~~

~~((f)) (b) A record of the applicant's firearms qualification;~~

~~((g)) (c) A liability release agreement by the applicant; and~~

~~((h)) (d) A criminal records check regarding such applicant.~~

(7) If comparable emergency vehicle operations training has not been completed previously, the applicant will be required to complete the commission's current basic law enforcement academy emergency vehicle operation course, as scheduled by the commission; all costs associated with this training will be the responsibility of the law enforcement agency.

(8) Upon completion of the equivalency process and review and evaluation of the applicant's performance, the commission will:

(a) Issue a certificate of completion of equivalent basic law enforcement training; or

(b) Issue a certificate of completion of equivalent basic law enforcement training upon the applicant's successful completion of additional training as the commission may require; or

(c) Require completion of the commission's basic law enforcement academy.

Title of Rule and Other Identifying Information: WAC 139-05-241 Sponsored reserve officer requirements for basic law enforcement academy training.

Hearing Location(s): Washington State Criminal Justice Training Commission, Room E-154, 19010 1st Avenue South, Burien, WA 98148, on December 11, 2013, at 10 a.m.

Date of Intended Adoption: December 11, 2013.

Submit Written Comments to: Sonja Hirsch, Rules Coordinator, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, fax (206) 835-7928, by December 2, 2013.

Assistance for Persons with Disabilities: Contact Sonja Hirsch, rules coordinator, by December 9, 2013, TTY (206) 835-7300 or (206) 835-7372.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This new rule is being proposed to provide guidelines for law enforcement agencies who wish to sponsor an applicant for basic law enforcement training who is not employed by the agency as a fully commissioned law enforcement officer.

(1) This new rule allows a law enforcement agency to sponsor a reserve officer as an applicant for basic law enforcement training.

(2) Reserve officers will not be given priority status for admittance into basic law enforcement academy (BLEA); only those that are fully commissioned law enforcement officers.

(3) Reserve officers are responsible for the full cost of attendance at the BLEA, which is nonrefundable.

(4) Reserve officer applicants must provide proof of agency L&I coverage or adequate medical insurance coverage throughout the duration of the academy.

(5) Reserve officer applicants must satisfy all requirements set forth in WAC 139-05-220, 139-05-230, and 139-05-240.

(6) Reserve officers are not eligible for peace officer or tribal police officer certification.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Tisha Jones, Burien, Washington, (206) 835-7332; Implementation and Enforcement: Dave Bales, Burien, Washington, (206) 835-7289.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025.

A cost-benefit analysis is not required under RCW 34.05.328. The changes are not new, as they [are] simply mirroring the language of RCW 43.101.220.

October 16, 2013

Sonja Hirsch

Rules Coordinator

WSR 13-21-060
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed October 16, 2013, 8:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-17-087.

NEW SECTION

WAC 139-05-241 Sponsored reserve officer requirements for basic law enforcement academy training. (1) A law enforcement agency may sponsor a reserve officer, as

defined by WAC 139-05-810, as an applicant for basic law enforcement training.

(2) The commission has sole discretion to admit or deny admittance to the basic law enforcement academy. Priority for admittance to the basic law enforcement academy shall be given to applicants currently employed as fully commissioned law enforcement officers.

(3) Reserve officer applicants who are admitted to the basic law enforcement academy are responsible for the full cost of attendance at the basic law enforcement academy, including payment for room and board if room and board are requested by the applicant. Full payment for attendance at the basic law enforcement academy must be paid in advance as a condition of attendance and is nonrefundable.

(4) Reserve officer applicants must provide proof of agency labor and industries coverage or adequate medical insurance coverage as a condition of admission to the basic law enforcement academy. Such applicants must maintain said medical insurance throughout the duration of the academy; and must immediately notify the commission in the event that medical insurance terminates, changes, or coverage and liability under the policy is substantially changed. The commission has sole discretion to determine what constitutes adequate medical insurance coverage for attendance at the basic law enforcement academy.

(5) Reserve officer applicants must satisfy all other requirements for admittance to and continued participation in the basic law enforcement academy, to include those requirements set forth in WAC 139-05-220, 139-05-230, and 139-05-240.

(6) Reserve officers are not eligible for peace officer or tribal police officer certification.

ment) is amending certificate of need (CoN) rules to address health care facility affiliations, corporate restructuring, mergers and other arrangements. These types of transactions would require prior CoN review by the department. This would ensure the community will not lose access to services as a result to the new organizational structure. The department is also amending the hospital licensing rules to improve transparency for consumer information and the public's ease of access to hospital information.

Reasons Supporting Proposal: The proposed rules respond to Governor Directive 13-12 to initiate rule making to consider how arrangements between health care facilities result in outcomes similar to traditional methods of sales, purchasing and leasing of hospitals, when control of part or all of an existing hospital changes from one party to another. The department was also to consider ways to improve transparency to consumers of hospital services by requiring hospitals to provide online access to their policies of admissions, nondiscrimination, end of life, and reproductive health care.

Statutory Authority for Adoption: RCW 70.38.135 and 70.41.030.

Statute Being Implemented: Chapters 70.38 and 70.41 RCW.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janis Sigman, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-2956.

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

Small Business Economic Impact Statement

Section 1. What is the scope of the rule? Hospitals, licensed under chapter 70.41 RCW, are subject to CoN under chapter 70.38 RCW. The department is proposing to change the CoN process through rule making. The proposed changes in WAC 246-310-010 will clarify the term "corporation" as used in the existing definition of "person." A definition for "sale, purchase, or lease" of a hospital is also proposed. The proposed new definition will result in the requirement that when a hospital enters into an arrangement that effectively transfers "control" of the hospital from one person to another a CoN application must be submitted. This change improves transparency of significant hospital changes that have long lived impacts on the communities they serve.

The department is also proposing a new section of rules in WAC 246-320-141 Patient rights and organization ethics, that requires hospitals to submit their policies to the department on admission, nondiscrimination, end of life care, and reproductive health care. Requiring hospitals to provide these policies improves transparency by the hospitals about consumer access to their services. This requirement will help consumers have access to important hospital information to help them make decisions on where to get their health care in advance of needing hospital services.

These proposed rules are in response to a directive from the governor. Governor Jay Inslee issued Directive 13-12 on June 28, 2013, asking the department to review its CoN rules

WSR 13-21-076
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed October 17, 2013, 11:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-17-091.

Title of Rule and Other Identifying Information: WAC 246-310-010 and 246-320-141, the proposed rule makes changes to chapter 246-310 WAC, Certificate of need, and chapter 246-320 WAC, Hospital licensing regulations, to implement Governor Directive 13-12.

Hearing Location(s): Department of Health, 310 Israel Road S.E., Point Plaza East, Conference Rooms 152 and 153, Tumwater, WA 98501, on November 26, 2013, at 1:00 p.m.

Date of Intended Adoption: December 10, 2013.

Submit Written Comments to: Janis Sigman, Department of Health, P.O. Box 47852, Olympia, WA 98502-7852, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2321, by November 26, 2013.

Assistance for Persons with Disabilities: Contact Janis Sigman by November 18, 2013, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In response to the Governor Directive 13-12, the department of health (depart-

to consider "how the structure of affiliations, corporate restructuring, mergers and other arrangements among health care facilities results in outcomes similar to the traditional methods of sales, purchasing, and leasing of hospitals, particularly when control of part or all of an existing hospital changes from one party to another." The directive also said the rule process must "consider ways to improve transparency for consumer education and ease of use, specifically the department shall ensure hospitals supply nondiscrimination, end of life care, and reproductive health care policies," and that consumers have access to those policies.

Section 2. Which businesses will be impacted? What are their minor cost thresholds? General medical and surgical hospitals with North American Industrial Classification System (NAICS) industrial codes are the only business[es] that will be affected by this proposed rule. We used 2007 census data on NAICS to calculate the following two alternative industry thresholds based on industry annual sales (receipts) and also industry average annual payroll:

Hospital Industry threshold based on Annual sales (receipts)

Total industry annual sales:	\$13,703,434,000
Average industry annual sales:	\$135,677,000
Threshold (3/10 of 1% of total annual sales)	\$407,032

Industry threshold based on Annual payroll

Total industry annual payroll:	\$5,251,886,000
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Average industry annual payroll: \$51,999,000

Threshold (1% of total annual payroll) \$519,989

Section 3. What are the average costs per business of the rule? The department conducted a survey to estimate the compliance costs to hospitals. Most Washington state licensed hospitals were called. The purpose of this call was to contact key hospital leadership, explain the governor's directive, explain the proposed hospital licensing rule changes, and to request feedback through completion of the hospital survey. The department was unable to personally reach key leadership of some hospitals, despite multiple calls to top level positions. The hospital survey was e-mailed to eighty-three hospitals with a seven-day requested turnaround time. The department received fifty-four completed surveys.

The following two tables list the survey questions and hospital responses related to the proposed CoN and hospital licensing rules. It is important to note that survey responses came in such a wide range that it was not possible to summarize the results in terms of average costs or a reasonable range. For this reason, it was decided to report the survey responses as received.

A. WAC 246-310-010 CoN Definitions (amended): The following table lists hospital responses to survey questions regarding the proposed changes to the CoN rules. The rules would be amended to provide a definition of "sale, purchase or lease" to include any transaction in which the control, direct or indirect, of any part of an existing hospital change[s] to a different person (or entity).

Table 1. Survey Results for Costs to Complete a Certificate of Need Application

Hospital FTEs ¹	Potential to be an acquiring entity?	Estimated cost to create a CoN application?	Identify parts of estimated costs for CoN application?
66	No	n/a	n/a
85	No specific information provided	No specific information provided	No specific information provided
91	No	n/a	n/a
102	Unlikely	n/a	n/a
108	Confidential	n/a	n/a
135	No specific information provided	No specific information provided	No specific information provided
147	No	\$50,000	n/a
156	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
178	No	n/a	n/a
188	Yes	Very substantial	Do not know
196	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
199	No	\$40,000 plus	n/a
221	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
228	Unlikely	\$50,000 to \$100,000	n/a

Hospital FTEs¹	Potential to be an acquiring entity?	Estimated cost to create a CoN application?	Identify parts of estimated costs for CoN application?
245	No	n/a	n/a
263	Yes	\$120,000	Consultation, staff, management, legal, communications, logistics
317	No	n/a	n/a
379	Prefer not to answer	\$70,000 to \$140,000	Consultants, legal, staff, misc.
386	No	\$52,000	Staff, consultants, legal
443	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
530	Could occur in the future	\$45,000 to \$200,000	CN consulting administrative leadership, clinical leadership, legal staff, design firm consulting
546	No	n/a	n/a
563	Yes	\$120,000	Consultation, staff, management, legal, communications, logistics
576	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
698	Could occur in the future	\$45,000 to \$200,000	CN consulting administrative leadership, clinical leadership, legal staff, design firm consulting
849	Yes	\$120,000	Consultation, staff, management, legal, communications, logistics
879	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
1,051	Yes	\$120,000	Consultation, staff, management, legal, communications, logistics
1,114	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
1,157	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
1,237	Yes	\$120,000	Consultation, staff, management, legal, communications, logistics
1,467	Yes	\$10,000 to \$50,000	Consultants, staff, legal
1,544	Yes	\$85,000 to \$125,000	Staff, medical, consultants, legal
1,700	Could occur in the future	\$45,000 to \$200,000	CN consulting administrative leadership, clinical leadership, legal staff, design firm consulting
1,843	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
1,868	No specific information provided	No specific information provided	No specific information provided
1,917	Yes	\$120,000	Consultation, staff, management, legal, communications, logistics
2,041	Yes	\$10,000 to \$50,000	Consultants, staff, legal

Hospital FTEs ¹	Potential to be an acquiring entity?	Estimated cost to create a CoN application?	Identify parts of estimated costs for CoN application?
2,262	Could occur in the future	\$45,000 to \$200,000	CN consulting administrative leadership, clinical leadership, legal staff, design firm consulting
2,535	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
2,651	Yes	\$85,000 to \$125,000	Staff, medical, consultants, legal
2,987	Yes	\$10,000 to \$50,000	Consultants, staff, legal
3,212	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
3,299	Yes	\$120,000	Consultation, staff, management, legal, communications, logistics
3,633	Unknown	\$65,000 to \$70,000	Staff hours, physician hours, legal, consultants
4,383	Yes	\$85,000 to \$125,000	Staff, medical, consultants, legal
4,683	Yes	\$85,000 to \$125,000	Staff, medical, consultants, legal
4,806	Unknown	Unable to estimate	n/a
5,002	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
Not available	Yes	\$120,000	Consultation, staff, management, legal, communications, logistics
Not available	Yes	\$10,000 to \$50,000	Consultants, staff, legal
Not available	Yes	\$10,000 to \$50,000	Consultants, staff, legal
Not available	Cannot confirm	\$62,174 to \$93,262	Legal, consultants, staff, misc.
Not open	Could occur in the future	\$45,000 to \$200,000	CN consulting administrative leadership, clinical leadership, legal staff, design firm consulting

¹Hospital FTE information was obtained from department records.

- Note:
1. The above cost estimates do not include a \$40,700 CoN application fee.
 2. One hospital included \$380,000 estimated costs associated with legal actions. The department did not include this cost as part of the cost of compliance with the proposed rule.

B. WAC 246-320-141 Hospital patient rights and organizational ethics (amended): The following table lists hospital responses to survey questions regarding the proposed changes to the hospital licensing rules, specifically the requirement for hospitals to have a reproductive health care policy. The rules would be amended to require each hospital to send the department its policies on administration, nondiscrimination, end of life and reproductive health care for posting to the department web site and require hospitals to provide the public easy access to these policies on the hospital's web site.²

²Under other statutes and rules, hospitals are required to have policies regarding admission, nondiscrimination, and end of life care.

Table 2. Survey Results for Costs to Complete Proposed Policy Work

Hospital FTEs ³	Does hospital have a reproductive health care policy?	Estimated cost to develop a reproductive health care policy?	Identify parts of estimated costs for new policy?	Cost to send all policies to the department?	Cost to post all policies to hospital web page?
66	No	\$1,000	80% legal, 20% staff	<\$20	\$500

Hospital FTEs ³	Does hospital have a reproductive health care policy?	Estimated cost to develop a reproductive health care policy?	Identify parts of estimated costs for new policy?	Cost to send all policies to the department?	Cost to post all policies to hospital web page?
85	No	\$2,325 to \$3,000	\$550 staff time, \$250 legal, copying \$25, staff training \$1,700		
91	No	\$5,000 to \$10,000	20% staff, 80% legal	<\$100	<\$100
102	No	Uncertain	No specific information provided	Minimal	Minimal
108	No	No specific information provided	n/a	Nominal	\$3,050
135	No	No specific information provided	No specific information provided	No specific information provided	No specific information provided
147	No	\$500 to \$1000	Legal, staff	\$25	Minimal
156	No	\$42,185 to \$63,278	Policy research, ethical discernment, written policy development, legal, leadership, board of directors, sponsors, archbishop, implementation, communications	\$107.76	\$520 to \$780
178	No	\$700 to \$1,200	\$900 staff hours, \$300 legal	\$10	\$150
188	No	Unable to estimate	Unable to estimate	<\$100	Not exorbitant
196	No	\$42,185 to \$63,278	Policy research, ethical discernment, written policy development, legal, leadership, board of directors, sponsors, archbishop, implementation, communications	\$107.76	\$520 to \$780
199	No	\$1,890	\$800 legal, \$1090 staff	Minimal	Minimal
221	No	\$42,185 to \$63,278	Policy research, ethical discernment, written policy development, legal, leadership, board of directors, sponsors, archbishop, implementation, communications	\$107.76	\$520 to \$780
228	No	\$1,500	\$1,000 staff, \$500 legal	Depends on how they are sent?	Minimal
245	No	\$100 to \$400	Staff, legal	Copying costs \$5, staff time \$31, postal rate \$9	\$50
263	No	\$25,000 to \$50,000	Consultation, staff, management, legal, communications, logistics	\$1,000	\$5,000
317	No	\$20,000 to \$25,000	20% staff time, 80% legal expense	Minimal	Minimal
379	No	\$5,000 to \$10,000	Staff, legal, misc.	\$5 to \$10	\$50 to \$100
386	No	\$5,350	Staff hours, legal hours	\$100	\$260

Hospital FTEs ³	Does hospital have a reproductive health care policy?	Estimated cost to develop a reproductive health care policy?	Identify parts of estimated costs for new policy?	Cost to send all policies to the department?	Cost to post all policies to hospital web page?
443	No	\$25,690 to \$38,535	Policy research, assessment, written policy development, legal, leadership, board, implementation, communications	\$67.35	\$325 to \$488
530	Some	\$5,000	Admin/leadership clinical leadership medical staff legal/risk/insurance	\$50	<\$100
546	No	\$10,500	\$4,500 legal, \$2,000 physician, \$4,000 staff	\$10	\$200 to \$400
563	No	\$25,000 to \$50,000	Consultation, staff, management, legal, communications, logistics	\$1,000	\$5,000
576	No	\$42,185 to \$63,278	Policy research, ethical discernment, written policy development, legal, leadership, board of directors, sponsors, archbishop, implementation, communications	\$107.76	\$520 to \$780
698	Some	\$5,000	Admin/leadership clinical leadership medical staff legal/risk/insurance	\$50	<\$100
849	No	\$25,000 to \$50,000	Consultation, staff, management, legal, communications, logistics	\$1,000	\$5,000
879	No	\$42,185 to \$63,278	Policy research, ethical discernment, written policy development, legal, leadership, board of directors, sponsors, archbishop, implementation, communications	\$107.76	\$520 to \$780
1,051	No	\$25,000 to \$50,000	Consultation, staff, management, legal, communications, logistics	\$1,000	\$5,000
1,114	No	\$25,690 to \$38,535	Policy research, assessment, written policy development, legal, leadership, board, implementation, Communications	\$67.35	\$325 to \$488
1,157	No	\$25,690 to \$38,535	Policy research, assessment, written policy development, legal, leadership, board, implementation, communications	\$67.35	\$325 to \$488
1,237	No	\$25,000 to \$50,000	Consultation, staff, management, legal, communications, logistics	\$1,000	\$5,000

Hospital FTEs³	Does hospital have a reproductive health care policy?	Estimated cost to develop a reproductive health care policy?	Identify parts of estimated costs for new policy?	Cost to send all policies to the department?	Cost to post all policies to hospital web page?
1,467	No	No specific information provided	n/a	Minimal	Minimal
1,544	No	\$70,000 to \$100,000	Medical, administrative, staff, governing bodies, legal	Cost of admin prep time and postage	Cost of admin time which is unknown?
1,700	Some	\$5,000	Admin/leadership clinical leadership medical staff legal/risk/insurance	\$50	<\$100
1,843	No	\$42,185 to \$63,278	Policy research, ethical discernment, written policy development, legal, leadership, board of directors, sponsors, archbishop, implementation, communications	\$107.76	\$520 to \$780
1,868	No specific information provided	No specific information provided	No specific information provided	No specific information provided	No specific information provided
1,917	No	\$25,000 to \$50,000	Consultation, staff, management, legal, communications, logistics	\$1,000	\$5,000
2,041	No	No specific information provided	n/a	Minimal	Minimal
2,262	Some	\$5,000	Admin/leadership clinical leadership medical staff legal/risk/insurance	\$50	<\$100
2,535	No	\$42,185 to \$63,278	Policy research, ethical discernment, written policy development, legal, leadership, board of directors, sponsors, archbishop, implementation, communications	\$107.76	\$520 to \$780
2,651	No	\$70,000 to \$100,000	Medical, administrative, staff, governing bodies, legal	Cost of admin. prep time and postage	Cost of admin. time which is unknown?
2,987	No	No specific information provided	n/a	Minimal	Minimal
3,212	No	\$42,185 to \$63,278	Policy research, ethical discernment, written policy development, legal, leadership, board of directors, sponsors, archbishop, implementation, communications	\$107.76	\$520 to \$780
3,299	No	\$25,000 to \$50,000	Consultation, staff, management, legal, communications, logistics	\$1,000	\$5,000
3,633	Uncertain	\$16,000 to \$20,000	Staff hours, physician hours, legal	\$50	\$2,500

Hospital FTEs ³	Does hospital have a reproductive health care policy?	Estimated cost to develop a reproductive health care policy?	Identify parts of estimated costs for new policy?	Cost to send all policies to the department?	Cost to post all policies to hospital web page?
4,383	No	\$70,000 to \$100,000	Medical, administrative, staff, governing bodies, legal	Cost of admin. prep time and postage	Cost of admin. time which is unknown?
4,683	No	\$70,000 to \$100,000	Medical, administrative, staff, governing bodies, legal	Cost of admin. prep time and postage	Cost of admin. time which is unknown?
4,806	No	\$5,000	Legal, regulatory, compliance, clinic operations	Very low	Uncertain
5,002	No	\$25,690 to \$38,535	Policy research, assessment, written policy development, legal, leadership, board, implementation, communications	\$67.35	\$325 to \$488
Not available	No	\$25,000 to \$50,000	Consultation, staff, management, legal, communications, logistics	\$1,000	\$5,000
Not available	No	No specific information provided	n/a	Minimal	Minimal
Not available	No	No specific information provided	n/a	Minimal	Minimal
Not available	No	\$25,690 to \$38,535	Policy research, assessment, written policy development, legal, leadership, board, implementation, communications	\$67.35	\$325 to \$488
Not open	Some	\$5,000	Admin/leadership clinical leadership medical staff legal/risk/insurance	\$50	<\$100

³Hospital FTE information was obtained from department records.

Section 4. Does the rule impose more than minor costs on impacted businesses? According to survey responses in Table 1, the compliance costs per business associated with the proposed CoN rules do not exceed either of the two estimated minor cost threshold[s] based on sales or receipts (\$407,032) or based on payroll (\$519,989). According to survey responses in Table 2, the compliance costs per business[es] associated with the proposed hospital licensing rules do not exceed either of the two estimated minor cost thresholds.

Section 5. Does the rule have a disproportionate [impact] on small businesses? The fifty-four hospitals that responded to our survey have more than fifty FTEs and are not considered small businesses based on the definition. In addition, all hospitals that are subject to these proposed rules have more than fifty FTEs and therefore do not meet the definition of a "small business."

Section 6. Did we make any effort to reduce the impact of the rule?

(a) Reducing, modifying, or eliminating substantive regulatory requirements? In regards to the proposed hospital licensing rules, the department made efforts to reduce the burden of the new requirements. The department circulated draft rules requiring hospitals to submit a list of services that was limited or not available because of the access to care policies. Concerns were raised by some stakeholders that the term "reproductive health care" was vague, and does not describe what the department is looking for in terms of specific services. The department decided to strike from the draft rules the requirement of a list of services that are limited or not available.

The purpose of these rules is not to specify what is required in a reproductive health policy but simply to require hospitals to submit policies that reflect current practices and make that information available and transparent to the public. The department determined the least burdensome approach to achieving the goals and objectives of the proposed rule would be to publish the submitted hospital policies on reproductive

health services, admission, nondiscrimination, and end of life care on the department's web site.

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements? A hospital only must provide the policies required in proposed amendments to WAC 246-320-141 one time, unless the hospital revises those policies. The draft rule circulated to stakeholders in July 2013 would have required hospitals to submit a list of services they do not provide. To reduce the burden on hospitals, this requirement was removed from the draft.

(c) Reducing the frequency of inspections? Not applicable.

(d) Delaying compliance timetables? The proposed rule requires hospitals to submit its policies within sixty days after the effective date of the rule, to give hospitals time to develop the policies.

(e) Reducing or modifying fine schedules for noncompliance? Not applicable.

(f) Any other mitigation techniques? Not applicable

7. How are small businesses involved in the development of this rule? No "small businesses" are impacted by the proposed rules.

8. Will businesses have to hire or fire any employees because of this rule? The department has determined that the proposed rule does not require a change in hospital staffing.

A copy of the statement may be obtained by contacting Janis Sigman, Department of Health, P.O. Box 47852, Olympia, WA 98502-7852, phone (360) 236-2956, fax (360) 236-2321, e-mail Janis.Sigman@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Janis Sigman, Department of Health, P.O. Box 47852, Olympia, WA 98502-7852, phone (360) 236-2956, fax (360) 236-2321, e-mail Janis.Sigman@doh.wa.gov.

October 17, 2013
Jessica Todorovich
Deputy Secretary
for John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 08-19-018, filed 9/5/08, effective 10/6/08)

WAC 246-310-010 Definitions. For the purposes of chapter 246-310 WAC, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) "Acute care facilities" means hospitals and ambulatory surgical facilities.

(2) "Affected person" means an interested person who:

(a) Is located or resides in the applicant's health service area;

(b) Testified at a public hearing or submitted written evidence; and

(c) Requested in writing to be informed of the department's decision.

(3) "Alterations," see "construction, renovation, or alteration."

(4) "Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

(5) "Ambulatory surgical facility" means any free-standing entity, including an ambulatory surgery center that operates primarily for the purpose of performing surgical procedures to treat patients not requiring hospitalization. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using the facility is not extended to physicians or dentists outside the individual or group practice.

(6) "Applicant," means:

(a) Any person proposing to engage in any undertaking subject to review under chapter 70.38 RCW; or

(b) Any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under chapter 70.38 RCW.

(7) "Bed banking" means the process of retaining the rights to nursing home bed allocations which are not licensed as outlined in WAC 246-310-395.

(8) "Bed supply" means within a geographic area the total number of:

(a) Nursing home beds which are licensed or certificate of need approved but not yet licensed or beds banked under RCW 70.38.111 (8)(a) or where the need is deemed met under RCW 70.38.115 (13)(b), excluding:

(i) Those nursing home beds certified as intermediate care facility for the mentally retarded (ICF-MR) the operators of which have not signed an agreement on or before July 1, 1990, with the department of social and health services department of social and health services to give appropriate notice prior to termination of the ICF-MR service;

(ii) New or existing nursing home beds within a CCRC which are approved under WAC 246-310-380(5); or

(iii) Nursing home beds within a CCRC which is excluded from the definition of a health care facility per RCW 70.38.025(6); and

(iv) Beds banked under RCW 70.38.115 (13)(b) where the need is not deemed met.

(b) Licensed hospital beds used for long-term care or certificate of need approved hospital beds to be used for long-term care not yet in use, excluding swing-beds.

(9) "Bed-to-population ratio" means the nursing home bed supply per one thousand persons of the estimated or forecasted resident population age seventy and older.

(10) "Capital expenditure": Except for WAC 246-310-280, capital expenditure means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The costs of any studies, surveys,

designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, this acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility, which if acquired directly by the facility, would be subject to review under this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to the review.

(11) "Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

(12) "Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

(13) "Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project provided applicable permits have been applied for or obtained within sixty days of the notice; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. In the case of other projects, initiating a health service.

(14) "Construction, renovation, or alteration" means the erection, building, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

(15) "Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of the services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(16) "Continuing care retirement community (CCRC)" means any of a variety of entities, unless excluded from the definition of health care facility under RCW 70.38.025(6), which provides shelter and services based on continuing care contracts with its residents which:

Maintains for a period in excess of one year a CCRC contract with a resident which provides or arranges for at least the following specific services:

- (a) Independent living units;
- (b) Nursing home care with no limit on the number of medically needed days;
- (c) Assistance with activities of daily living;
- (d) Services equivalent in scope to either state chore services or medicaid home health services;

(e) Continues a contract, if a resident is no longer able to pay for services;

(f) Offers services only to contractual residents with limited exception during a transition period; and

(g) Holds the medicaid program harmless from liability for costs of care, even if the resident depletes his or her personal resources.

(17) "Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

(18) "Department" means the Washington state department of health.

(19) "Effective date of facility closure" means:

(a) The date on which the facility's license was relinquished, revoked or expired; or

(b) The date the last resident leaves the facility, whichever comes first.

(20) "Enhance the quality of life for residents" means, for the purposes of voluntary bed banking, those services or facility modifications which have a direct and immediate benefit to the residents. These include, but are not limited to: Resident activity and therapy facilities; family visiting rooms; spiritual rooms and dining areas. These services or facility modifications shall not include those that do not have direct and immediate benefit to the residents, such as: Modifications to staff offices; meeting rooms; and other staff facilities.

(21) "Established ratio" means a bed-to-population ratio of forty beds per one thousand persons of the estimated or forecast resident population age seventy and older established for planning and policy-making purposes. The department may revise this established ratio using the process outlined in WAC 246-310-370.

(22) "Estimated bed need" means the number of nursing home beds calculated by multiplying the planning area's forecasted resident population by the established ratio for the projection year.

(23) "Estimated bed projection" means the number of nursing home beds calculated by the department statewide or within a planning area, by the end of the projection period.

(24) "Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

(25) "Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to WAC 246-310-900.

(26) "Health care facility" means hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers including freestanding dialysis units, ambulatory surgical facilities, continuing care retirement communities, hospices

and home health agencies, and includes the facilities when owned and operated by a political subdivision or instrumentality of the state and other facilities as required by federal law and rules, but does not include any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy.

(a) In addition, the term "health care facility" does not include any nonprofit hospital:

(i) Operated exclusively to provide health care services for children;

(ii) Which does not charge fees for the services; and

(iii) If not contrary to federal law as necessary to the receipt of federal funds by the state.

(b) In addition, the term "health care facility" does not include a continuing care retirement community which:

(i) Offers services only to contractual residents;

(ii) Provides its residents a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;

(iii) Contractually assumes responsibility for costs of services exceeding the resident's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its residents, no third party, including the medicaid program, is liable for costs of care even if the resident depletes personal resources;

(iv) Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the department of social and health services assuring financial liability for services to residents, including nursing home services, shall not fall upon the department of social and health services;

(vi) Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to residents.

(27) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

(b) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, X ray, emergency and preventive services, and out-of-area coverage;

(c) Is compensated (except for copayments) for the provision of the basic health care services listed in this subsec-

tion to enrolled participants by a payment made on a periodic basis without regard to the date the health care services are provided and fixed without regard to the frequency, extent, or kind of health service actually provided; and

(d) Provides physicians' services primarily:

(i) Directly through physicians who are either employees or partners of the organization; or

(ii) Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(28) "Health service area" means a geographic region appropriate for effective health planning including a broad range of health services.

(29) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

(30) "Home health agency" means an entity which is, or has declared its intent to become, certified as a provider of home health services in the medicaid or medicare program.

(31) "Hospice" means an entity which is, or has declared its intent to become, certified as a provider of hospice services in the medicaid or medicare program.

(32) "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or as a psychiatric hospital licensed under chapter 71.12 RCW.

(33) "Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

(34) "Interested persons" means:

(a) The applicant;

(b) Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;

(c) Third-party payers reimbursing health care facilities in the health service area;

(d) Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;

(e) Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services in the same planning area;

(f) Any person residing within the geographic area to be served by the applicant; and

(g) Any person regularly using health care facilities within the geographic area to be served by the applicant.

(35) "Licensee" means an entity or individual licensed by the department of health or the department of social and health services. For the purposes of nursing home projects, licensee refers to the operating entity and those persons specifically named in the license application as defined under chapter 388-97 WAC.

(36) "Net estimated bed need" means estimated bed need of a planning area changed by any redistribution as follows:

(a) Adding nursing home beds being redistributed from another nursing home planning area or areas; or

(b) Subtracting nursing home beds being redistributed to another nursing home planning area or areas.

(37) "New nursing home bed" means a nursing home bed never licensed by the state or beds banked under RCW 70.38.115(13), where the applicant must demonstrate need for the previously licensed nursing home beds. This term does not include beds banked under RCW 70.38.111(8).

(38) "Nursing home" means any entity licensed or required to be licensed under chapter 18.51 RCW or distinct part long-term care units located in a hospital and licensed under chapter 70.41 RCW.

(39) "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

(a) An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or

(b) A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or

(c) In the case of donated property, the date on which the gift is completed in accordance with state law.

(40) "Offer," when used in connection with health services, means the health facility provides one or more specific health services.

(41) "Over the established ratio" means the bed-to-population ratio is greater than the statewide current established ratio.

(42) "Person" means an individual, a trust or estate, a partnership, ~~((a))~~ any public or private corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(43) "Planning area" means each individual county designated by the department as the smallest geographic area for which nursing home bed need projections are developed, except as follows:

(a) Clark and Skamania counties shall be one planning area.

(b) Chelan and Douglas counties shall be one planning area.

(44) "Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may consider the "commencement of the project" as this term is defined in this section.

(45) "Professional review of continuing care retirement community pricing and long-term solvency" means prospective financial statements, supported by professional analysis and documentation, which:

(a) Conform to Principles and Practices Board Statement Number 9 of the Healthcare Financial Management Association, "Accounting and Reporting Issues Related to Continuing Care Retirement Communities"; and

(b) Project the financial operations of the continuing care retirement community over a period of ten years or more into the future; and

(c) Are prepared and signed by a qualified actuary as defined under WAC 284-05-060 or an independent certified public accountant, or are prepared by management of the continuing care retirement community and reviewed by a qualified actuary or independent certified public accountant who issues a signed examination or compilation report on the prospective financial statements; and

(d) Include a finding by management that the intended expansion project of the continuing care retirement project is financially feasible.

(46) "Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

(47) "Project completion" for projects requiring construction, means the date the facility is licensed. For projects not requiring construction, project completion means initiating the health service.

(48) "Projection period" means the three-year time interval following the projection year.

(49) "Projection year" for nursing home purposes, means the one-year time interval preceding the projection period.

(50) "Public comment period" means the time interval during which the department shall accept comments regarding a certificate of need application.

(51) "Redistribution" means the shift of nursing home bed allocations between two or more planning areas or the shift of nursing home beds between two or more nursing homes.

(52) "Replacement authorization" means a written authorization by the secretary's designee for a person to implement a proposal to replace existing nursing home beds in accordance with the eligibility requirements in WAC 246-310-044 and notice requirements in WAC 246-310-396.

(53) "Resident population" for purposes of nursing home projects, means the number of residents sixty-five years of age and older living within the same geographic area which:

(a) Excludes contract holders living within a recognized CCRC:

(i) With approval for new nursing home beds under WAC 246-310-380(4); or

(ii) Excluded from the definition of a health care facility per RCW 70.38.025(6);

(b) Is calculated using demographic data obtained from:

(i) The office of financial management; and

(ii) Certificate of need applications and exemption requests previously submitted by a CCRC.

(54) "Sale, purchase, or lease" means any transaction in which the control, either directly or indirectly, of part or all of any existing hospital changes to a different person including but not limited to, by contract, affiliation, corporate membership restructuring, or any other transaction.

(55) "Secretary" means the secretary of the Washington state department of health or the secretary's designee.

~~((55))~~ (56) "State Health Planning and Resources Development Act" means chapter 70.38 RCW.

~~((56))~~ (57) "Statewide current ratio" means a bed-to-population ratio computed from the most recent statewide

nursing home bed supply and the most recent estimate of the statewide resident population.

~~((57))~~ (58) "Swing beds" means up to the first five hospital beds designated by an eligible rural hospital which are available to provide either acute care or nursing home services.

~~((58))~~ (59) "Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

~~((59))~~ (60) "Transition period" means the period of time, not exceeding five years, between the date a CCRC is inhabited by a member, and the date it fully meets the requirements of a CCRC.

~~((60))~~ (61) "Under the established ratio" means the bed-to-population ratio is less than the statewide current established ratio.

~~((61))~~ (62) "Undertaking" means any action subject to the provisions of chapter 246-310 WAC.

~~((62))~~ (63) "Working days" excludes Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

AMENDATORY SECTION (Amending WSR 09-07-050, filed 3/11/09, effective 4/11/09)

WAC 246-320-141 Patient rights and organizational ethics. The purpose of this section is to improve patient care and outcomes by respecting every patient and maintaining ethical relationships with the public.

Hospitals must:

(1) Adopt and implement policies and procedures that define each patient's right to:

- (a) Be treated and cared for with dignity and respect;
- (b) Confidentiality, privacy, security, complaint resolution, spiritual care, and communication. If communication restrictions are necessary for patient care and safety, the hospital must document and explain the restrictions to the patient and family;
- (c) Be protected from abuse and neglect;
- (d) Access protective services;
- (e) Complain about their care and treatment without fear of retribution or denial of care;
- (f) Timely complaint resolution;
- (g) Be involved in all aspects of their care including:
- (i) Refusing care and treatment; and
- (ii) Resolving problems with care decisions~~((:))~~;
- (h) Be informed of unanticipated outcomes according to RCW 70.41.380;
- (i) Be informed and agree to their care;
- (j) Family input in care decisions;
- (k) Have advance directives and for the hospital to respect and follow those directives;
- (l) Request no resuscitation or life-sustaining treatment;
- (m) End of life care;
- (n) Donate organs and other tissues according to RCW 68.50.500 and 68.50.560 including:
- (i) Medical staff input; and

(ii) Direction by family or surrogate decision makers~~((:))~~;

(2) Provide each patient a written statement of patient rights from subsection (1) of this section;

(3) Adopt and implement policies and procedures to identify patients who are potential organ and tissue donors;

(4) Adopt and implement policies and procedures to address research, investigation, and clinical trials including:

- (a) How to authorize research;
- (b) Require staff to follow informed consent laws; and
- (c) Not hindering a patient's access to care if a patient refuses to participate.

(5) No later than sixty days following the effective date of this section, every hospital must submit to the department its policies related to access to care:

(a) Admission;

(b) Nondiscrimination;

(c) End of life care; and

(d) Reproductive health care.

(6) The department shall post a copy of the policies received under subsection (5) of this section on its web site.

(7) If a hospital makes changes or additions to any of the policies listed under subsection (5) of this section, it must submit a copy of the changed or added policy to the department within thirty days after the hospital approves the changes or additions.

(8) Hospitals must post a copy of the policies provided under subsection (5) of this section to its own web site where it is readily accessible to the public, without requiring a login or other restriction.

WSR 13-21-084
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)

[Filed October 17, 2013, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-17-019.

Title of Rule and Other Identifying Information: Definitions—Precious metal, the division is proposing to adopt a rule to expand the subject matter covered by the term "precious metal" in the Washington Commodities Act to include palladium and copper, in addition to gold, silver, and platinum.

Hearing Location(s): Washington State Department of Financial Institutions, 3rd Floor, Room 319, 150 Israel Road S.W., Tumwater, WA 98501, on December 3, 2013, at 2:00 p.m.

Date of Intended Adoption: December 4, 2013.

Submit Written Comments to: Jordan Rood, Associate General Counsel, Washington State Department of Financial Institutions, 150 Israel Road S.W., Tumwater WA, 98501, e-mail Jordan.Rood@dfi.wa.gov, fax (360) 704-6992, by December 2, 2013.

Assistance for Persons with Disabilities: Contact Carolyn Hawkey, P.O. Box 9033, Olympia, WA 98507-9033, TTY (360) 664-8126 or (360) 902-8824.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Washington adopted its Commodities Act in 1986, based on the North American Securities Administrators Association (NASAA) Model State Commodity Act (Model Act). Since that time, NASAA has amended the Model Act to expand the definition of "precious metal" to include palladium and copper, in addition to the initially covered metals of gold, silver, and platinum. A majority of other states that have adopted the Model Act have amended their own laws to reflect this expanded definition. A primary reason to expand this definition would be to broaden the subject matter covered by the exemption for precious metal commodity contracts in RCW 21.30.040 (1)(b).

Reasons Supporting Proposal: The expansion of this definition will expand the scope of the precious metal commodity contract exemption, which will ease the regulatory requirements for businesses and individuals buying and selling these metals under coverage of the exemption.

Statutory Authority for Adoption: RCW 21.30.400, 21.30.010 (17)(d), 21.30.040 (1)(b).

Statute Being Implemented: Chapter 21.30 RCW.

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

Name of Proponent: Department of financial institutions, governmental.

Name of Agency Personnel Responsible for Drafting: Jordan Rood, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8797; Implementation: J. Scott Jarvis, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8723; and Enforcement: William Beatty, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8734.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The primary effect of this rule would be to expand the subject matter covered by precious metal commodity contract exemption, which would have the effect of lowering regulatory burden, and thus likely costs, for individuals and businesses effecting transactions in these metals. As a result, the rule will not have more than a "minor cost" as defined in chapter 19.85 RCW. As such, the agency is not required to prepare a small business economic impact statement under RCW 19.85.030.

A cost-benefit analysis is not required under RCW 34.05.328. The department of financial institutions is not one of the agencies listed in RCW 34.05.328.

October 14, 2013
Scott Jarvis
Director

Chapter 460-300 WAC

GENERAL RULES

NEW SECTION

WAC 460-300-010 Definitions—Precious metal. For the purposes of RCW 21.30.010(17), the term "precious metal" includes:

- (1) Palladium, in either coin, bullion, or other form; and
- (2) Copper, in either coin, bullion, or other form.

WSR 13-21-086

PROPOSED RULES

WENATCHEE VALLEY COLLEGE

[Filed October 18, 2013, 8:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-05-068.

Title of Rule and Other Identifying Information: Board of trustees (chapter 132W-105 WAC), Student rights and freedoms (chapter 132W-112 WAC), Code of student conduct (chapter 132W-115 WAC), Parking and traffic (chapter 132W-117 WAC), Withholding services for outstanding debts (chapter 132W-125 WAC), Rules coordinator (chapter 132W-134 WAC), Use of facilities (adding trespass rule) (chapter 132W-141 WAC), Weapons on campus (chapter 132W-145 WAC), Access to public records (chapter 132W-277 WAC), and Violence in the workplace (WAC 132W-280-010).

Hearing Location(s): Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801, on November 27, 2013, at 3:00 p.m.

Date of Intended Adoption: December 11, 2013.

Submit Written Comments to: Reagan Bellamy, 1300 Fifth Street, Wenatchee, WA 98801, e-mail rbellamy@wvc.edu, fax (509) 682-6441, by November 20, 2013.

Assistance for Persons with Disabilities: Contact Carla Boyd, (509) 682-6854 by November 20, 2013, TTY (509) 682-6853 or (509) 682-6854.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules provide more flexibility for the time, place, and location of board of trustee meetings than is currently provided. The proposed rules provide more protection from sexual harassment in the college academic or work communities. The current student rights and freedoms and student conduct rules do not adequately address the prohibition of tobacco use or marijuana use or possession on campus. The proposed rules clarify also when alcohol can be consumed on campus. The proposed rules further clarify that acts of violence or the threat of violence towards students, employees, or visitors is prohibited on campus. The current rules do not adequately reflect that during a student disciplinary process that appeals may be made in some circumstances to the disciplinary review board. In addition, the current procedures for resolving student disciplinary violations and the procedural guidelines do not adequately provide needed flexibility. The proposed rules pro-

vide for the procedures and guidelines to be set out in the student handbook instead of in the WAC, making it easier to change the student disciplinary procedures and guidelines when needed. In addition, the current parking and traffic rules do not adequately specify that the security officer designated by the college president is responsible for enforcement of the traffic rules and that the vice-president of administrative services (not dean) is authorized to issue or recall parking permits, allocate parking spaces, or impose regulations. In addition, the current rules that set the fee for parking fines is outdated and needs to be changed to allow flexibility in raising the fines over time. In addition, the current rule regarding notifying a person by certified mail at their last known address that services will not be provided due to an outstanding debt should be changed to provide for a more cost-effective and swifter procedure that would allow the college to provide notice "by the most expedient means." In addition, the current rules need to be amended to reflect that the vice-president of administrative services is the rules coordinator for the college. The current use of facilities rules need to be updated to clarify the rental fee, optional services, liability, damages, cancellations, and exceptions or reduction in rental fee rules. Further, the current rules do not provide for the trespass of individuals from [onto] the college property, and thus do not provide for enough protection against disruption of the educational process and the safety of students, employees and guests. In addition, a proposed weapons on campus rule would specify what weapons are prohibited on college property, with the goal of protecting students, employees and visitors. The access to public records rules need to be changed to reflect public record RCW.

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

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

Name of Proponent: Wenatchee Valley College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Suzie Benson, 1300 Fifth Street, Wenatchee, WA 98801, (509) 682-6515.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Housekeeping in nature and has no substantive changes to the rules.

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

October 18, 2013
Jim Richardson
President

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-105-020 Regular meetings. Regular meetings of the board shall be held each month (~~on the dates of the regular meetings shall be~~), typically on the ((second)) third Wednesday of each month at ((3:00 p.m.)) such time and place as it may designate.

A regular meeting may be canceled by action of the board or the board chair. A special meeting may, however, be set for another date and time. When a special meeting is

scheduled, notice thereof will be given in conformance with the notice requirements for special meetings contained in RCW 42.30.080.

The location of board meetings shall be ((held in the Wells Hall Board Room)) on one of the college campuses, 1300 Fifth St., Wenatchee, WA, or 116 West Apple Avenue, Omak, WA or at such other places as the board shall determine. The location, including building and room will be included in public notices.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-112-040 Confidentiality of student records. Student records are managed in accordance with the Family Educational Rights and Privacy Act (FERPA). To minimize the risk of improper disclosure, academic and disciplinary records shall be separate. Transcripts of academic records shall contain only information about academic status, except when a student is dismissed for misconduct. Record of dismissal for misconduct shall be entered on a student transcript. Academic records, or information from disciplinary or counseling files, shall not be available to unauthorized persons on campus, or to individuals off campus, without the written consent of the student involved, except under legal compulsion or in cases where the safety of persons or property is involved. No records shall be kept which reflect the political activities or beliefs of students. Provision shall be made for the destruction of noncurrent disciplinary records after a period of three years. Administrative staff and faculty members shall respect confidential student information acquired in the course of their work.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-112-050 Freedom of association. Students are free to organize and to participate in voluntary associations of their own choosing. To be officially recognized, the associated students of Wenatchee Valley College must grant student organizations an official charter. Procedures for obtaining an official charter ((are published in the student handbook and)) can be found in the ASWVC bylaws. To receive or maintain official recognition, a student organization must be open to all students without regard to race, color, gender, creed, national origin, mental or physical handicaps, age, or sexual orientation.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-112-060 Freedom from sexual harassment. ((Students at)) It is the responsibility of Wenatchee Valley College ((shall be free from sexual harassment)) to provide and maintain a work and academic community which is free from sexual harassment. Sexual harassment violates federal and state law and will not be tolerated by Wenatchee Valley College. Any student or employee in violation of this policy and who engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where such behavior offends the

recipient, causes discomfort or humiliation, or interferes with job or academic performance, ~~((shall))~~ will be subject to disciplinary action((s)) up to and including expulsion from the school or dismissal from employment. See college policy 000.330 and 000.340 and procedure 1000.350 for more information.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-115-070 Standards of classroom behavior. Academic honesty and proper classroom conduct is vital to the very fabric and integrity of the college. All students must comply with an appropriate and sound academic honesty policy and code of honest behavior and classroom conduct policy. All members of the college community are responsible for knowing and understanding the statement on academic honesty and classroom conduct. The statement and procedures will be made readily available to all students and faculty to ensure understanding of the academic honesty system and expected classroom conduct and its proper functioning.

Where suspected violations of the academic honesty system occur, appropriate procedures are designed to protect academic integrity while ensuring due process.

(1) Academic dishonesty: Honest assessment of student performance is crucial to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) The college administration and teaching faculty will provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty that occur at the college.

(b) Any student who knowingly submits a fraudulent examination, assignment, or any other academic work product shall have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

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

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

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

(a) Any student who substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain class decorum shall be subject to disciplinary action which may include removal from the class.

(b) Any college instructor is authorized to take steps necessary to preserve order and to maintain the effective cooperation of the class in fulfilling course objectives; provided that

a student shall have the right to appeal such disciplinary action to the ~~((dean of))~~ chief student services officer or designee.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-115-080 Code of conduct. Wenatchee Valley College expects that its students ~~((while within college facilities or attending a college-sponsored activity, will adhere to high standards of honor and good citizenship at all times. Students will always conduct themselves in a responsible manner that reflects credit on themselves and)),~~ both on and off campus, conduct themselves in a manner that maintains high standards of integrity, honesty and morality at all times. A student who does not follow college rules will be subject to such action as may be deemed appropriate by designated college authorities. Conduct, either on or off campus, should be of such nature as not to reflect adversely on the reputation of the individual or the college. Students arrested for violation of criminal law on or off campus may also be subject to disciplinary action by the college. The following misconduct on college facilities is subject to disciplinary action:

(1) Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.

(2) ~~((Sexual harassment as defined in college policy under Policy 000.340 and 000.350))~~ Harassment, bullying, abuse: No student shall physically, sexually, or emotionally harass, bully, abuse, coerce, intimidate, seriously embarrass, assault, or recklessly endanger any other person. See college policy 000.330 nondiscrimination and harassment and policy 000.340 sexual harassment.

(3) Students engaging in any activity which inhibits or interferes with the orderly operation of Wenatchee Valley College or the ability of students and/or college personnel to perform their functions in an orderly environment shall be subject to disciplinary action. No student shall intentionally or recklessly ((interfering)) interfere with normal college or college-sponsored activities or any form of emergency services. See college policy 500.450 violence in the workplace.

(4) Unauthorized entry or use of college facilities.

(5) Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.

(6) Theft of property or services; knowing possession of stolen property.

(7) Violating college policies or procedures by any student or by the guest of any student.

(8) ~~((Smoking or))~~ Using tobacco products ((in classrooms or)) on the college premises ((except in designated smoking areas)).

(9) ~~((The possession, use, sale or distribution of any alcoholic beverage or illegal drug on the college campus; the use of illegal drugs by any student attending a college-sponsored event, even though the event does not take place at the college.))~~ The consumption of alcoholic beverages on college property, except in accordance with state of Washington liquor license procedures. The unlawful (as a matter of local, state or federal law) manufacture, distribution, dispensing,

possession or use of alcohol, legend drugs, narcotic drugs, or controlled substances including marijuana, on college property or during college-sponsored events, whether on or off campus except when use or possession of a legend drug, narcotic drug, or controlled substance other than marijuana is specifically prescribed by an appropriately licensed health care provider. See college policy 500.475 alcohol and drug-free workplace.

(10) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification.

(12) Refusal to comply with the direction of college officials acting in the legitimate performance of their duties.

(13) ~~((Possession of firearms, licensed or unlicensed, except where possessed by commissioned police officers as prescribed by law.))~~ Unauthorized possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instruments. Legal defense sprays are not covered by this policy. Exceptions to this policy are permitted when the weapon is used in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer. See college policy 000.270 weapons on campus.

(14) Failure to comply with the college's ~~((technology))~~ network acceptable use policy, WashingtonOnline (WAOL) memorandum of understanding and/or misuse of computing equipment ~~((and))~~ services and facilities, including use of electronic mail and the internet.

(15) Ethics violation: The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as their educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the College.

(16) Hazing: Conspiracy to engage in hazing or participation in hazing another. Hazing shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending Wenatchee Valley College. Consent is no defense to hazing. The term does not include customary athletic events or other similar contests or competitions. Hazing is also a misdemeanor, punishable under state law.

(17) Initiation violation: Conduct associated with initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to an organization, association or living group not amounting to a violation ~~((of))~~ under the definition of hazing. Conduct covered by this definition may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation. Consent is no defense to initiation violation.

(18) Animals, with the exception of service animals, are not allowed on or in college facilities. All service~~((s))~~ animals on campus shall be under direct physical control, leashed by their owner or custodian and registered with the special populations coordinator.

(19) Gambling: Any form of gambling is prohibited.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-115-090 Civil disturbances. In accordance with provision contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any ~~((administrator, faculty member))~~ employee, or student of the college who is in the peaceful discharge or conduct of ~~((his))~~ their duties or studies. See college policy 500.450 violence in the workplace.

(2) ~~((It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his/her duties or studies.))~~ The college prohibits acts of intimidation as well as actual or threatened violence against co-workers, students, visitors, or any other persons who are on campus or college employees in the course of their duties. The prohibited acts include behavior that interferes with an individual's legal rights of movement, or expression, disrupts the workplace, the academic environment or the college's ability to provide service to the public. See college policy 500.450 violence in the workplace.

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

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-115-100 Disciplinary process. (1) Any infractions of college policies or procedures may be referred by anyone within the college community to the ~~((dean of))~~ chief student services officer or designee. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of this code. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the ~~((academic regulations committee))~~ disciplinary review board.

(3) If a referral or an appeal is made to the ~~((academic regulations committee))~~ disciplinary review board, the ~~((committee))~~ board shall hold a hearing, reach conclusion, and recommend sanctions. The student may appeal all cases involving suspension or dismissal from the college to the president of the college. ~~((All other cases may be appealed to the administrator designated by the president.))~~

(4) The president of the college or his/her designee, after reviewing the case, may reverse, sustain or modify any sanctions. The decision of the president or designee is final.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-115-110 Procedures for resolving disciplinary violations. ~~((1))~~ The ~~((dean of))~~ chief student services officer is responsible for initiating disciplinary proceedings. The ~~((dean of student services))~~ officer may delegate this responsibility to members of ~~((his/her))~~ their staff, and ~~((he/she))~~ they may also establish committees or other hearing bodies to advise or act for ~~((him/her))~~ them in disciplinary matters. Please see student handbook for protocol.

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

~~(3)~~ Upon initiation of formal disciplinary proceedings, the dean of student services or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student's last known address, specifying the violations with which the student is charged. The dean of student services or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.

~~(4)~~ After considering the evidence in a case and interviewing the student or students involved, the dean of student services or designee may take any of the following actions:

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

~~(b)~~ Dismiss the case after whatever counseling and advice may be appropriate; not subject to the appeal rights provided in this code;

~~(c)~~ Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code;

~~(d)~~ Direct the parties to make a reasonable attempt to achieve a mediated settlement;

~~(e)~~ Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

~~(f)~~ Refer the matter to the academic regulations committee requesting their recommendation for appropriate action. The student shall be notified in writing that the matter has been referred to the academic regulations committee.

~~(5)~~ This section shall not be construed as preventing the appropriate official from summarily suspending a student.

~~(6)~~ If the dean of student services or his or her designee(s) has cause to believe that any student:

~~(a)~~ Has committed a felony; or

~~(b)~~ Has violated any provision of this chapter; and

~~(c)~~ Presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and

shall be notified by certified and regular mail at the student's last known address, or shall be personally served.

Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

~~(7)~~ During the summary suspension period, the suspended student shall not enter campus other than to meet with the dean of student services or to attend the hearing. However, the dean of student services or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

~~(8)~~ When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:

~~(a)~~ The charges against the student including reference to the provisions of the student code or the law involved; and

~~(b)~~ That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension. The hearing shall be held as soon as practicable after the summary suspension.

~~(9)~~ The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the dean of student services or designee presiding. At the summary suspension hearing, the dean of student services shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

~~(10)~~ If the dean of student services, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

~~(a)~~ The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations; and

~~(b)~~ That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus; and

~~(c)~~ Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the dean of student services may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action as appropriate.

~~(11)~~ A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the dean of student services' findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension

hearing. The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.

(12) The dean of student services is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(13) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the academic regulations committee. No such appeal shall be entertained, however, unless:

(a) The student has first appeared at the student hearing in accordance with subsection (9) of this section;

(b) The student has been officially notified of the outcome of the hearing;

(c) Summary suspension or other disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in chapter 132W-109 WAC. The academic regulations committee shall, within five working days, conduct a formal hearing in the manner described in chapter 132W-109 WAC.)

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-115-130 Procedural guidelines for hearings involving serious disciplinary violations. ((1) The committee chair shall set the time, place and available seating capacity for a hearing.

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

(3) The committee chair shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.

(4) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.

(5) The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

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

(7) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct

charged, but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.

(8) The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(9) The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council. If the student intends to use an attorney, he or she must notify the dean of student services five days in advance of the formal hearing.

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

(11) The student will be provided with a copy of the findings of fact and the conclusions of the committee.

(12) If the council's proceedings were to hear a disciplinary matter pursuant to the request of the dean for student services, the council's recommendation shall be forwarded to the dean of student services for disposition of the matter.

(13) The dean of student services or designee shall notify the student of his or her decision.

(14) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee.

(15) The dean of student services or designee shall notify the student of his or her decision.

(16) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee.

(17) The president of the college or his/her designated representative shall, after reviewing the case, sustain the decision, give directions as to what other disciplinary action shall be taken by modifying its decision, or nullify previous sanctions imposed by reversing the decision. The president or designee shall then notify the dean of student services, the student, and the committee. The president's decision shall be final.) Please see student handbook for protocol.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-020 Authority. Pursuant to RCW 28B.50.140(10), the board is granted authority to establish rules and regulations for pedestrians and vehicular and non-vehicular traffic over property owned, operated, and/or maintained by the college.

The enforcement of these rules and regulations shall be the responsibility of the ((plant office-)) security officer designated by the president.

The security officer or designees are authorized to issue parking and traffic citations, impound and/or immobilize

vehicles, and control and regulate facilities use, traffic, and parking as prescribed in these rules and regulations.

Any person interfering with a college security officer or designees in the discharge of the provisions of these rules and regulations shall be in violation of RCW 9A.76.020, Obstructing governmental operation, and may be subject to arrest by a peace officer.

Failure by students to abide by these rules and regulations may be considered to be a violation of the code of student conduct.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-100 Report of accidents. The operator of any vehicle involved in an accident on campus where injury or death of any person results, or where either or both vehicles is damaged in any amount, shall within twenty-four hours make a written report of the accident to the ~~((dean))~~ vice-president of administrative services within one business day. This report does not relieve any person so involved in an accident from his or her responsibility to file a state of Washington motor vehicle accident report.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-110 Enforcement. ~~(1) ((Enforcement of the parking rules and regulations will begin the first week of classes of fall quarter and will continue until the end of summer quarter.))~~ These rules and regulations will not be enforced Saturdays, Sundays and official college holidays.

(2) The security officer or his or her designee(s) shall be responsible for the enforcement of the rules and regulations contained in this chapter.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-120 Permits required for motor vehicles on campus. Students, ~~((faculty members, staff members))~~ employees, guests and visitors shall not stop, park or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to this chapter; provided, the permit shall not be required of visitors who park in specifically marked visitor areas and the exemptions from traffic and parking restrictions set forth in this chapter.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-130 Authorization for issuance of permits. Parking permits shall be issued to students, ~~((faculty members, staff members))~~ employees, guests and visitors of the college pursuant to the following regulations:

(1) The ~~((dean))~~ vice-president of administrative services is authorized to issue parking permits to students upon the registration of their vehicle with the college at the beginning of each academic period.

(2) ~~((Faculty, staff, and))~~ Employees may be issued parking permits if they register their vehicle upon employment with the college.

(3) Temporary visitor parking permits or special parking permits may be issued by the ~~((dean))~~ vice-president of administrative services or his or her designee(s) if issuance enhances the business or operation of the college.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-150 Valid permits. The following are valid parking permits, provided they are properly displayed and unexpired:

A ~~((permanent))~~ student or employee permit.

A temporary permit.

A handicapped permit.

A visitor's permit.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-180 Permit revocation. Parking permits are the property of the college and may be recalled by the ~~((dean))~~ vice-president of administrative services or his or her designee(s) for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists;

(2) When a permit is used by an unregistered vehicle or by an unauthorized individual;

(3) Falsification on a parking permit application;

(4) Continued violations of parking regulations; or

(5) Counterfeiting or altering a parking permit.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-210 Right to refuse permit. The ~~((dean))~~ vice-president of administrative services may refuse to issue a parking permit when it is deemed in the best interests of the college to do so.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-220 Allocation of parking spaces. The parking space available on campus shall be allocated by the ~~((dean))~~ vice-president of administrative services or his or her designee(s), in such a manner as will best effectuate the objectives ~~((of))~~ of this chapter.

(1) Faculty and staff reserved spaces will be so designated for their use; and

(2) Student and staff spaces will be so designated for their use; provided, physically handicapped students may be granted special permits to park in close proximity to the classrooms used by such students; and

(3) Parking space will be designated for use of visitors on campus.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-240 Special traffic and parking regulations authorized. Upon special occasions causing additional and/or heavy traffic and during emergencies, the ~~((dean))~~ vice-president of administrative services or his or her designee(s) is authorized to impose additional traffic and parking regulations to achieve the objectives of this chapter.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-117-260 Fines and penalties. The ~~((dean))~~ vice-president of administrative services or his or her designee(s) is authorized to impose fines and penalties for the violation of rules and regulations contained in this chapter.

(1) ~~((The following \$5.00))~~ Citations will be issued for any of the following violations of the campus parking regulations. ~~The ((fee will)) amount of the fines and penalties will be set annually by the board of trustees. Fines may be reduced ((to \$2.50))~~ if paid within twenty-four hours.

- (a) No valid parking permit displayed.
- (b) Parking out of designated parking space.
- (c) Overtime parking.
- (d) Occupying more than one parking space.
- (e) Blocking traffic.
- (f) Parking in a reserved or restricted area.
- (g) Parking in a driveway or walkway.
- (h) Parking on grass or landscaped area.
- (i) Failure to display handicapped permit.
- (j) Use of forged, stolen, or transferred parking permits.
- (k) Parking in a loading zone.
- (l) Parked in any space designated as handicapped parking where the parked vehicle does not have a valid handicapped permit visible.

(m) Parked at an area designated as a fire lane.

(2) The ~~((dean))~~ vice-president of administrative services or his or her designee(s) shall be authorized to impound vehicles parked on college property.

(a) Vehicles left abandoned on college property for an unreasonable duration are subject to impoundment by the college, pursuant to state law. An unreasonable duration is a period greater than five working days.

(b) Vehicles involved in more than two violations of these regulations within a twelve-month period are subject to impoundment.

(c) Impoundment and storage expenses shall be borne by the owner of the impounded vehicle.

(d) The college shall not be liable for loss or damage of any kind resulting from such impoundment and storage.

(e) Impoundment of a vehicle does not remove the obligation for any fines associated with the citation.

(3) An accumulation of traffic violations by a student will be cause for disciplinary action, and the ~~((dean))~~ vice-president of administrative services shall initiate disciplinary proceedings against such student pursuant to WAC 132W-109-050.

(4) Fines will be paid at the cashier's office.

(5) Unpaid fines will be referred to the registration office for notation. When fines are unpaid, transcripts, quarterly grade reports, or permission to reregister may be withheld.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-125-010 Statement of policy. The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff ~~((is))~~ are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-125-020 Withholding services for outstanding debts. (1) Upon receipt of a request for services where there is an outstanding debt owed to the college from the requesting person, the college shall notify the person ~~((in writing by certified mail to the last known address,))~~ by the most expedient means that the services will not be provided since there is an outstanding debt, and further that until that debt is satisfied, no such services will be provided to the individual. The notice shall include a statement to inform the college that he or she has a right to a hearing before a person designated by the president of the college if he or she believes that no debt is owed. The notice shall state that the request for the hearing must be made within twenty-one days from the date of notification.

(2) Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and, at that time, shall hold a brief adjudicative proceeding concerning whether the individual owes or owed any outstanding debts to the institution. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether the college is correct in withholding services and/or applying offset for the outstanding debt.

(a) If the outstanding debt is found to be owed by the individual involved, no further services shall be provided.

(b) Notice of the decision shall be sent to the individual within five days after the hearing.

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-134-010 Rules coordinator. The rules coordinator for Wenatchee Valley College as designated by the president is:

~~((Dean))~~ Vice President of Administrative Services
Wenatchee Valley College
1300 Fifth St.
Wenatchee, WA 98801

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-141-010 Policy statement. The college is committed to providing quality educational and cultural services to the people of the college district. ~~((On this basis))~~ To that end, college facilities are made available for use by organizations conducting educational, cultural, civic, or community activities. College related activities of public educational, cultural or community service nature shall be given first priority consideration for the use of college facilities. Exemptions to the rental fee must be authorized by the president or designee, if deemed to further the best interests of the college, its ~~((faculty, staff))~~ employees or students.

The college reserves the right to deny an application by any group, organization, or individual which discriminates in their membership or limits participation in a manner inconsistent with the college's nondiscrimination policy.

College facilities may not be used for religious worship, exercise, or instruction (Washington State Constitution, Article I, Section 11). College facilities may not be used in ways which interfere with the college's teaching, research, public service or support programs or interfere with the flow of pedestrian or vehicular traffic.

College facilities may be used for activities of a commercial nature or by commercial firms provided that the activity does not conflict with college functions and that charges are levied reflecting the full cost of the facility usage.

Unauthorized camping on Wenatchee Valley College District property is not permitted. "Camping" is defined to include use of tents, RV's, sleeping bags, or other outdoor sleeping arrangements (including overnight occupancy of a vehicle parked on college property). Exceptions to this policy can only be approved by the president or designee.

The college reserves the right to deny any application or to revoke any permit at any time if actions resulting from such application or permission constitute unlawful activity; or, if in the judgment of the administration, present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions or rules and regulations of the college; or if activities which, in the judgment of the president or designee, conflict with, directly compete with, or are incompatible with the programs or mission of the college.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-141-020 Scheduling. (1) College facilities are made available for outside agencies or individuals by scheduling through the room ~~((calendar coordinator))~~ scheduler on each campus with approval by the ~~((dean))~~ vice-president of administrative services. Students must request facility usage with the student programs office, which will schedule requests through room scheduling. Any organization wishing to use college facilities on the college campus shall provide the following information:

- (a) Name of sponsoring organization;
- (b) Name of person in charge of arrangements;

- (c) Number of participating individuals;
 - (d) Nature of proposed meeting;
 - (e) Desired dates and times;
 - (f) Type of facilities desired;
 - (g) Desired special optional equipment or arrangements.
- (2) If the desired facility is available, a contract for the use of the facility is prepared by the office of the ~~((dean))~~ vice-president of administrative services and is to be completed and returned by the user group representative. Requests for scheduling will normally not be allowed more than two months in advance or beyond the end of the quarter in which a request is made. All applications shall be presented in time to allow consideration by the college board of trustees if needed.

(3) No publicity may be released until the college receives copy of the contract signed by the user. Publicity for all noncollege sponsored events must include the name of the sponsoring organization. This publicity must not imply Wenatchee Valley College sponsorship.

(4) The possession or consumption of alcoholic beverages on college premises or at college-related activities is prohibited except when preapproved by the board of trustees or the president in accordance with state board for liquor control regulations.

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-141-030 Rental fees, additional charges, payment. The following fees and charges are applicable to all noncollege use of college facilities.

(1) Rental fees include routine custodial services during normal working hours. Any custodial/security/technical services required in addition to the routine service normally provided shall be paid by the user at current rates which may include overtime.

(2) User organizations using campus facilities ~~((after 10:00 p.m. on weekdays, or on weekends, or college holidays))~~ outside of regular public hours will be charged custodial/security/technical services at current hourly rates of time and one-half for a minimum of two hours.

(3) The rental schedule shall apply to ~~((by))~~ all noncollege groups. Exemption and/or reduction in fees are allowed under WAC 132W-141-090. The ~~((dean))~~ vice-president of administrative services is responsible for financial negotiations regarding custodial and rental expenses.

(4) The business office prepares and issues invoices for rental fees and any required guarantee or bond (WAC 132W-141-060). All fees will be made payable to Wenatchee Valley College at least one week before the use of the facility.

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-141-040 Optional services. The user shall arrange food and beverage services in advance with the college food services ~~((manager))~~ provider. Outside food service is not permitted without prior written approval from the food services ~~((manager))~~ provider. For a fee, college-owned ~~((audio-visual))~~ equipment may be used on campus by any

group using college facilities when arranged in advance through college media services.

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-141-060 Liability. (1) The ~~((dean))~~ vice-president of administrative services may require that any user post ~~((of))~~ an adequate bond, deposit or a certificate of insurance before any rental agreement is consummated.

(2) The amount of the insurance for liability and property damage is at the discretion of the ~~((dean))~~ vice-president of administrative services ~~((, proof of coverage must be presented to the dean at least fourteen days prior to the date of the event))~~. The college may request it be named as an additional insured on such liability insurance policy or certificate.

(3) In consideration of the permission granted to the user of college facilities, the user shall release the college and its agents, employees, or officers from all debts, claims, demands, damages, actions and causes of action whatsoever, which may occur as a result of the use of college facilities. The user shall further agree to protect, indemnify, and hold harmless the district, college, and its agents, employees, and officers from any claims, demands, actions, damages or causes of action directly or indirectly arising out of the use of the facilities or premises. Any group or individual applying for the use of a college facility shall accept financial responsibility and liability. Application for college facility use shall constitute acceptance by said group/individual of the responsibility stated above and willingness to comply with all rules and regulations regarding the use of college facilities.

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-141-070 Damages. The user organization is responsible for and shall be liable for any repairs or replacement occasioned or made necessary by negligence or misuse of the facility. ~~Repairs for damage to college equipment ((, including stage, audio-visual, or lighting equipment))~~ during and by reason of the occupancy of the premises by the user ~~((,))~~ shall be ~~((paid from the guarantee deposit. The balance, if any, shall be returned to the organization making the deposit. If the guarantee deposit is not sufficient to cover the damage, the group using the facilities will be billed for the difference))~~ the responsibility of the user.

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-141-080 Cancellations. (1) Cancellations for facility rentals should be made at least forty-eight hours in advance. Notice of cancellation must be directed to the ~~((Dean))~~ vice-president of administrative services ~~((, Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801-1799, telephone number 509-662-1651 ext. 2133))~~ by telephone, e-mail, or mail. Failure to cancel at least forty-eight hours in advance may result in the forfeiture of rental fees.

(2) Cancellations for catering services are the responsibility of the applicant and must be made at least forty-eight

hours in advance. Notice of cancellation must be directed to the Food Services Manager, Wenatchee Valley College ~~((, 1300 Fifth Street, Wenatchee, WA 98801-1799, telephone number 509-662-1651 ext. 2410))~~ by telephone, e-mail, or mail. Failure to cancel at least forty-eight hours in advance may require the user to reimburse the college for preparation and personnel expenses.

(3) Cancellations for audio/visual services are the responsibility of the applicant and must be made at least forty-eight hours in advance. Notice of cancellations must be directed to the Office of Media Services, ~~((Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801-1799, telephone number 509-662-1651 ext. 2802))~~ by telephone, e-mail, or mail. Failure to cancel at least forty-eight hours in advance may result in the forfeiture of rental fees.

AMENDATORY SECTION (Amending WSR 01-14-016, filed 6/25/01, effective 7/26/01)

WAC 132W-141-090 Exemptions from or reduction in rental fees. (1) WAC 132W-141-010 allows for exemptions from rental fees. Such exemptions or reductions in rental fees must be authorized by the president or designee, if the planned use is deemed to further the best interests of the college ~~((and its))~~.

Applications for reductions or exemptions must be made in writing to the ~~((dean))~~ vice-president of administrative services two weeks prior to the event. The application must cite why the exemption meets the best interests and educational mission of the college.

(2) If space is available, exemptions for classroom use are normally granted to state-supported educational institutions with charges only to recover direct costs. A WVC facility use agreement addendum will outline such cost recoveries.

Chapter 132W-145 WAC

WEAPONS ON CAMPUS

NEW SECTION

WAC 132W-145-010 Weapons on campus. Wenatchee Valley College prohibits, on college property or in college facilities, the unauthorized possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instruments. Legal defense sprays are not covered by this policy. Exceptions to this policy are permitted when the weapon is used in conjunction with an approved college instructional program or is carried by a duly commissioned law enforcement officer. Violators of this policy will be subject to appropriate disciplinary and/or legal action.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-277-010 Purpose. The purpose of this chapter is to ensure that Wenatchee Valley College complies with the provisions of chapter ~~((42-17))~~ 42.56 RCW and in particular with those sections of that chapter dealing with public records.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-277-050 Public records available. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW ((42-17-310)) 42.56.210 or other statutes.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-277-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The public records officer shall be responsible for implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter ((42-17)) 42.56 RCW.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-277-080 Requests for public records. Requests for public records shall be made at the administrative office of the district at Wenatchee Valley College, 1300 5th St., Wenatchee, WA 98801. In accordance with the requirements of RCW ((42-17-290)) 42.56.100 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are obtainable by members of the public only when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the information requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index⁽¹⁾; and
- (e) If the requested information is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-277-100 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132W-277-080 is exempt pursuant to the provisions set forth in RCW ((42-17-310)) 42.56.210 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW ((42-17-260)) 42.56.070, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the college, within five business days, either:

- (a) Provides the record;
 - (b) Acknowledges receipt of the request and provides a reasonable estimate of the time the college will require to respond to the request; or
 - (c) Denies the request.
- (4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

AMENDATORY SECTION (Amending WSR 01-12-015, filed 5/25/01, effective 6/25/01)

WAC 132W-277-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district or the president's designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president or designee, shall complete such review.

(4) During the course of the review the president or designee shall consider the obligations of the district to comply with the intent of chapter ((42-17)) 42.56 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW ((42-17-310)) 42.56.210 or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent

excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

Chapter 132W-280 WAC

VIOLENCE IN THE WORKPLACE

NEW SECTION

WAC 132W-280-010 Violence in the workplace.

Wenatchee Valley College prohibits acts of intimidation as well as actual or threatened violence against co-workers, students, visitors, or any other persons who are either on campus or have contact with college employees in the course of their duties. The prohibited acts include behavior that interferes with an individual's legal rights of movement, or expression, disrupts the workplace, the academic environment or the college's ability to provide service to the public.

WSR 13-21-091

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed October 18, 2013, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-14-125 on July 3, 2013, and 12-11-078 on May 17, 2012.

Title of Rule and Other Identifying Information: Rules for recreational marine and freshwater fishing: WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts, 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules, and new sections in chapter 220-310 WAC, Personal-use fisheries, splitting the provisions of WAC 232-28-619 in [into] separate WAC sections.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on December 6-7, 2013, at 8:30 a.m.

Date of Intended Adoption: On or after January 10, 2014.

Submit Written Comments to: Joanna Eide, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Joanna.eide@dfw.wa.gov, fax (360) 902-2155, by November 29, 2013.

Assistance for Persons with Disabilities: Contact Tami Linger by November 29, 2013, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to make necessary adjustments to recreational fishing rules based on department data, public feedback, and changes in fish and shellfish populations. The department makes similar adjustments to recreational rules annually, to maximize conservation and recreational fishing opportunity. The department also proposes taking this opportunity to split WAC 232-28-619 into more manageable sections based on geographic area. This project incorporates two CR-101s, WSR 12-11-078 and 13-14-125 to accomplish both substan-

tive changes and technical changes in one rule-making project.

Reasons Supporting Proposal: WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts, these changes are for housekeeping.

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules, these changes are for housekeeping, conservation, and to provide greater fishing opportunity.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The public may also submit comments on the proposed rule changes online at http://wdfw.wa.gov/fishing/regulations/rule_proposals/.

Dates related to these proposed rules:

November 29, 2013: Deadline for the public to submit written comments on the rules.

January 10, 2014: The department will ask the fish and wildlife commission to adopt the rule changes at the January [meeting].

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Charmane Ashbrook, 1111 Washington Street, Olympia, (360) 902-2672; Implementation: Jim Scott, 1111 Washington Street, Olympia, (360) 902-2736; and Enforcement: Steve Crown, Chief, 1111 Washington Street, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule amendments do not affect small business; i.e., there is no direct regulation of small business. The rules apply to recreational fishers.

A cost-benefit analysis is not required under RCW 34.05.328. These proposals do not affect hydraulics.

October 18, 2013

Joanna M. Eide

Administrative Regulations Analyst

Acting Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-11-125, filed 5/21/13, effective 6/21/13)

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

(2) ~~((It is permissible to retain white sturgeon in Puget Sound and all Puget Sound tributaries from June 1 through June 30, 2013, and September 1 through October 15, 2013, except in Union River white sturgeon may only be retained from June 1 through June 30, 2013.~~

~~(3))~~ (3) It is permissible to catch and release white sturgeon in saltwater waterways year-round. However, for freshwater waterways, including freshwater Puget Sound tributaries, it is permissible to catch and release white sturgeon only when

the season is open for salmon or game fish, unless otherwise provided.

~~((4))~~ (3) It is permissible to catch and release, but unlawful to retain, white sturgeon in the following areas:

~~(a) Coastal waters and tributaries of coastal waters; and~~

~~(b) Puget Sound waters and tributaries of Puget Sound.~~

(4) It is permissible to catch and release, but unlawful to retain, white sturgeon year-round in the following waters, unless otherwise provided by department rule:

(a) The Columbia River and its tributaries below Bonneville Dam;

(b) The mainstem Columbia River and its tributaries downstream from where the river forms the boundary between Oregon and Washington;

~~((b))~~ (c) The mainstem Columbia and its tributaries from Priest Rapids Dam to Chief Joseph Dam; and

~~((c))~~ (d) The Snake River and tributaries from Lower Granite Dam upstream.

(5) It is unlawful to fish for sturgeon in the Columbia River and tributaries upstream of Chief Joseph Dam.

(6) ~~((Effective January 1, 2014, it is unlawful to retain white sturgeon in the following areas:~~

~~(a) The Columbia River and its tributaries below Bonneville Dam;~~

~~(b) Coastal waters and tributaries of coastal waters; and~~

~~(c) Puget Sound waters and tributaries of Puget Sound.~~

~~(7))~~ The following limits and requirements apply in areas where it is permissible to retain sturgeon:

(a) The daily limit is one white sturgeon.

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

(c) The annual personal-use limit for white sturgeon from April 1 through March 31 is two fish, regardless of where the angler takes the sturgeon.

(d) The maximum fork-length is 54 inches.

(e) The minimum fork-length is 38 inches, except the minimum fork-length is 43 inches ~~((a))~~ in:

(i) The mainstem Columbia and its tributaries from The Dalles Dam to Priest Rapids Dam; and

(ii) The Snake River from the Snake River Confluence Protection Area to Lower Granite Dam.

(f) It is unlawful to fail to release undersize or oversize sturgeon immediately.

(g) Once an angler reaches his or her annual limit of white sturgeon, he or she may continue to fish for white sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, unless otherwise provided by department rule, so long as the angler releases all subsequent sturgeon immediately.

(h) It is unlawful to fish for sturgeon with terminal gear other than bait and one single-point barbless hook.

(i) It is permissible to use artificial scent with bait when fishing for white sturgeon.

(j) It is unlawful to use a gaff or other body-penetrating device while restraining, handling, or landing a sturgeon.

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

(l) It is unlawful to possess sturgeon eggs in the field without retaining the intact carcass of the fish from which the eggs have been removed.

~~((8))~~ (7) A 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.

~~((9))~~ (8) 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.

Chapter 220-310 WAC

PERSONAL-USE FISHERIES

NEW SECTION

WAC 220-310-175 Freshwater exceptions to state-wide rules—General rules. The following provisions and definitions apply to this section through WAC 220-310-200.

(1) It is unlawful to fish for, take, or possess salmon from freshwater streams and lakes that are not specifically listed as open for salmon fishing.

(2) Waters listed as open during a specific date range that do not reference a particular species are open during the date range for game fish only.

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

(4) All limits are daily limits, unless otherwise provided.

(5) Within Puget Sound, beaver ponds located within or adjoining streams that are listed as open to trout and other game fish follow the same rules as the stream, except as otherwise provided.

(6) A "float" or "bobber" means 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 not part of the bait, lure, or fly) off the bottom of the stream or lake and visually signal (from the surface of the water) a fish's strike at the hook(s).

(7) "Lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method.

(8) "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.

(9) "Unmarked salmon" means salmon without either a clipped ventral fin or a clipped adipose fin as evidenced by a healed scar.

(10) Kokanee/sockeye less than fifteen inches in length are considered kokanee and kokanee fifteen inches and over in length are considered sockeye salmon.

(11)(a) A violation of this section through WAC 220-310-200 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:

(i) Terminal gear restrictions apply to all species, including salmon, unless otherwise provided.

(ii) In all waters with freshwater terminal gear restrictions including, but not limited to, night closures, 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.

(iii) It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—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.

NEW SECTION

WAC 220-310-180 Freshwater exceptions to state-wide rules—Coast. (1) **Aberdeen Lake (Grays Harbor County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: No more than 2 trout over 15 inches in length may be retained.

(2) **Alder Creek (Pacific County) (Naselle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(3) **Aldwell Lake (Clallam County):** Closed.

(4) **Anderson Lake (Jefferson County):**

(a) Open the fourth Saturday in April through October 31; fishing from a floating device equipped with an internal combustion motor prohibited.

(b) Open September 1 through October 31:

(i) Selective gear rules apply.

(ii) Trout: Catch and release only.

(5) **Bear Creek (Clallam County) (Bogachiel River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(6) **Bear Creek (Clallam County) (Sol Duc River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(7) **Bear River (Pacific County):**

(a) Open the first Saturday in June through March 31.

(b) August 16 through November 30: Night closure in effect.

(8) **Beaver Creek (Clallam County) (Sol Duc River tributary):**

(a) From the mouth upstream to Beaver Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From Beaver Falls upstream to Beaver Lake: Open the first Saturday in June through October 31.

(9) **Beaver Lake (Clallam County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Maximum length 12 inches.

(10) **Big Creek (Grays Harbor County):**

(a) Open the first Saturday in June through the last day in October.

(b) Selective gear rules apply.

(11) **Big Quilcene River (Jefferson County):** See Quilcene River.

(12) **Big River (Clallam County), outside of Olympic National Park:**

(a) Open the first Saturday in June through October 15, and January 1 through the last day of February.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(13) **Black Creek (Grays Harbor County) (Wynoochee River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(14) **Black Lake (Pacific County):** Open the fourth Saturday in April through October 31.

(15) **Black River (Grays Harbor/Thurston counties):**

(a) From the mouth to State Highway 12:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From Highway 12 to bridge on 128th Ave. S.W.:

(i) Anti-snagging rule applies.

(ii) Night closure in effect.

- (iii) Barbless hooks are required.
- (iv) Open for game fish the first Saturday in June through October 31; trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (v) Salmon open October 1 through January 31:
 - (A) From October 1 through November 30:
 - (I) Limit 6; only 2 adults may be retained.
 - (II) Release Chinook and chum.
 - (B) From December 1 through January 31:
 - (I) Limit 6; only 2 adults may be retained and only one adult may be wild coho.
 - (II) Release Chinook and chum.
- (c) From bridge on 128th Avenue S.W. (west of Litterock) to Black Lake:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
- (16) **Bogachiel River (Clallam County):**
 - (a) From the mouth to Highway 101 Bridge:
 - (i) Open the first Saturday in June through April 30.
 - (ii) Trout:
 - (A) From the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (B) From April 1 through April 30: Trout minimum length 14 inches.
 - (C) November 1 through last day in February: The limit may include one additional hatchery steelhead.
 - (D) February 16 through April 30: It is permissible to retain wild steelhead.
 - (iii) Salmon open July 1 through November 30:
 - (A) From July 1 through August 31:
 - (I) Limit 6; no more than 2 adults may be retained.
 - (II) Release wild adult Chinook and wild adult coho.
 - (B) From September 1 through November 30: Limit 6; two salmon may be adults, plus 2 additional adult hatchery coho may be retained.
 - (b) From Highway 101 Bridge to Olympic National Park boundary:
 - (i) Open the first Saturday in June through April 30.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iii) Selective gear rules apply.
 - (iv) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.
- (17) **Bone River (Pacific County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (18) **Bunker Creek (Lewis County) (Chehalis River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (19) **Butte Creek (Pacific County) (Smith River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (20) **Calawah River (Clallam County):**
 - (a) From the mouth to the Highway 101 Bridge:

- (i) Open the first Saturday in June through April 30.
- (ii) Trout:
 - (A) From the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (B) From April 1 through April 30: Trout minimum length 14 inches.
 - (C) From November 1 through the last day in February: The limit may include one additional hatchery steelhead.
 - (D) From February 16 through April 30: It is permissible to retain wild steelhead.
- (iii) Salmon open July 1 through November 30:
 - (A) From July 1 through August 31:
 - (I) Limit 6; no more than 2 adults may be retained.
 - (II) Release wild adult Chinook and wild adult coho.
 - (B) From September 1 through November 30: Limit 6; up to two salmon may be adults, plus up to 2 additional adult hatchery coho may be retained.
 - (b) From the Highway 101 Bridge to Forks:
 - (i) Open the first Saturday in June through April 30.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iii) Selective gear rules apply.
 - (iv) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.
- (21) **Calawah River, North Fork (Clallam County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (22) **Calawah River, South Fork (Clallam County):**
 - (a) Open the first Saturday in June through the last day in February from the mouth to the Olympic National Park boundary.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (23) **Canon River (Pacific County):**
- (24) **Cases Pond (Pacific County):**
 - (a) Open the fourth Saturday in April through November 30 to juvenile anglers only.
 - (b) Landlocked salmon rules apply.
- (25) **Cedar Creek (Clallam County), outside of Olympic National Park:**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (26) **Cedar Creek (Grays Harbor/Thurston counties) (Chehalis River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.

(27) Cedar Creek (Jefferson County), outside Olympic National Park:

(a) Open the first Saturday in June through the last day in February.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(28) Cedar River (Pacific County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(29) Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:

(a) From the mouth (Highway 101 Bridge in Aberdeen) to the high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell):

(i) Open August 16 through November 30: It is unlawful to use anything other than single-point barbless hooks.

(ii) Open the first Saturday in June through April 15: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon:

(A) May 1 through June 30:

(I) Open from the mouth to the confluence with the Skookumchuck River only.

(II) Limit one salmon.

(B) September 1 through September 30:

(I) Open from the mouth to Porter Bridge only.

(II) Limit 6; no more than 3 may be adults, and only 2 adults may be wild coho.

(III) Release adult Chinook.

(C) September 1 through November 30:

(I) Open from Porter Bridge to the confluence with the Skookumchuck River.

(II) Limit 6; no more than 3 may be adults and only 2 adults may be wild coho.

(III) Release chum and adult Chinook.

(D) October 1 through November 30:

(I) Open from the mouth to Porter Bridge only:

(II) Limit 6; no more than 3 may be adult salmon, only one adult may be a Chinook, and only 2 adults may be wild coho.

(E) September 16 through November 30:

(I) Open from the confluence with Skookumchuck River to the high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek (south of Pe Ell).

(II) Limit 6; no more than 3 may be adults, and only 2 adults may be wild coho.

(III) Release chum and adult Chinook.

(F) December 1 through January 31:

(I) Open from the mouth to high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek (south of Pe Ell).

(II) Limit 6; no more than 2 may be adult salmon, and only one adult may be a wild coho.

(III) Release chum and Chinook.

(G) Sturgeon: It is unlawful to retain sturgeon (catch and release only); no night closure is in effect.

(b) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:

(i) Open the first Saturday in June through April 15.

(ii) Selective gear rules apply.

(iii) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(30) Chehalis River, South Fork (Lewis County):

(a) From the mouth to County Highway Bridge near Boistfort School:

(i) Open the first Saturday in June through April 15.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From the County Highway Bridge near Boistfort School, upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(31) Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, not including sloughs or beaver ponds): Open the fourth Saturday in April through October 31.

(32) Chenois Creek (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(33) Chester Creek (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(34) Chimacum Creek (Jefferson County):

(a) From the mouth to Ness's Corner Road:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From Ness's Corner Road to headwaters:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(35) Clallam River (Clallam County):

(a) Open the first Saturday in June through January 31.

(b) Selective gear rules apply from the first Saturday in June through October 31.

(c) From the first Saturday in June through October 31: Catch and release only.

(d) Trout: Minimum length 14 inches.

(36) Clearwater River (Jefferson County):

(a) From the mouth to Snahapish River:

(i) Open the first Saturday in June through April 15:

(A) From February 16 through April 15: It is permissible to retain wild steelhead.

(B) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Salmon:

(A) Open September 1 through November 30.

(B) Limit 6; no more than 2 may be adults.

(b) From Snahapish River upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

(37) Cloquallum Creek (Grays Harbor County):

(a) From the mouth to the outlet at Stump Lake:

(i) Open the first Saturday in June through the last day in February.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

(b) From the outlet at Stump Lake upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(38) Coal Creek (Clallam County) tributary to Ozette

River:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

(ii) Release kokanee.

(39) Connor Creek (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(40) Cook Creek (Grays Harbor County), from the Quinault Indian Reservation boundary upstream:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(41) Copalis River (Grays Harbor County):

(a) General river rules:

(i) From the first Saturday in June through last day in February: Open for game fish.

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

(b) Rules by river section:

(i) From the mouth to Carlisle Bridge:

(A) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) Salmon:

(I) Open September 1 through January 31.

(II) Limit 6; no more than 2 adult salmon may be retained.

(III) Release adult Chinook and chum.

(ii) From Carlisle Bridge upstream: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(42) Crim Creek (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(43) Crocker Lake (Jefferson County): Closed.

(44) Crooked Creek (Clallam County) and tributaries that are outside of Olympic National Park:

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(45) Damon Lake (Grays Harbor County): Open the first Saturday in June through October 31.

(46) Deep Creek (Clallam County):

(a) Open December 1 through January 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to two hatchery steelhead.

(47) Deep Creek (Grays Harbor County):

(a) Open the first Saturday in June through last day in October.

(b) Selective gear rules apply.

(48) Delezene Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through last day in October.

(b) Selective gear rules apply.

(49) Dickey River (Clallam County):

(a) From Olympic National Park boundary upstream to the confluence of the East and West Forks:

(i) Open the first Saturday in June through April 30.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) February 16 through April 30: It is permissible to retain wild steelhead.

(iv) Salmon open July 1 through November 30:

(A) From July 1 through August 31:

(I) Limit 6; no more than 2 adult salmon may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) From September 1 through November 30: Limit 6; two salmon may be adults, plus 2 additional adult hatchery coho may be retained.

(b) From the confluence of the East and West Forks upstream (for both forks):

(i) Open the first Saturday in June through April 30.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(50) Donkey Creek (Grays Harbor County):

(a) Open the first Saturday in June through last day in October.

(b) Selective gear rules apply.

(51) Duck Lake (Grays Harbor County): Crappie limit 10; minimum length 9 inches.

(52) Dungeness River (Clallam County):

(a) From the mouth to the forks at Dungeness Camp-ground:

(i) Open October 8 through January 31.

(ii) Trout: Minimum length 14 inches.

(iii) Salmon:

(A) Open only from the mouth to the hatchery intake pipe at river mile 11.3 from October 8 through December 31.

(B) Limit 4 coho only.

(b) From Gold Creek upstream: Open the Saturday before Memorial Day through October 31.

(53) East Twin River (Clallam County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(54) Eight Creek (Lewis County) (tributary to Elk Creek, which is a Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(55) Elk Creek (Clallam County), outside of Olympic National Park:

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(56) Elk Creek (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(57) Elk Lake (Clallam County):

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release all kokanee.

(58) Elk River (Grays Harbor County):

(a) From the mouth (Highway 105 Bridge) to the confluence of east and middle branches:

(i) Open the first Saturday in June through the last day in February.

(ii) From August 16 through November 30: Barbless hooks are required.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iv) Salmon open October 1 through November 30:

(A) Limit 2; only one wild coho may be retained.

(B) Release chum and Chinook.

(b) From confluence of east and middle branches upstream:

(i) Open the first Saturday in June through the last day in February.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(59) Elkhorn Creek (Pacific County) (Smith River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(60) Ellis Creek (Pacific County) (Willapa River tributary):

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(61) Ellsworth Creek (Pacific County) (Naselle River tributary):

(a) Open the first Saturday in June through September 30.

(b) Selective gear rules apply.

(62) Elwha River (Clallam County): Closed.

(63) Failor Lake (Grays Harbor County):

(a) Open the fourth Saturday in April through the last day in October.

(b) Trout: It is unlawful to retain more than two trout over 15 inches in length per day.

(64) Fairchild Creek (Pacific County) (Wilson Creek tributary, which is a Willapa River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(65) Fall River and all forks (Pacific County) (North River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(66) Falls Creek (Pacific County) (Willapa River tributary):

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(67) Fern Creek (Pacific County) (Willapa River tributary):

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(68) Finn Creek (Pacific County) (Nemah River North Fork tributary): Open the first Saturday in June through October 31.

(69) Fork Creek (Pacific County) (Willapa River tributary):

(a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:

(i) Open only for anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure in effect October 1 through November 30.

(iii) Barbless hooks are required.

(iv) Stationary gear restriction applies.

(v) Open the first Saturday in June through July 15 and October 1 through March 31: Release all fish, except anglers may retain up to 2 hatchery steelhead.

(vi) Salmon: Open October 1 through January 31.

(A) From October 1 through November 30:

(I) Limit 6; no more than 3 may be adults and only 2 adults may be wild coho.

(II) Release wild Chinook and chum.

(B) From December 1 through January 31:

(I) Limit 6; no more than 2 may be adults and only one adult may be a wild coho.

(II) Release wild Chinook and chum.

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(70) Garrard Creek (Grays Harbor County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.

(71) Gibbs Lake (Jefferson County):

- (a) Selective gear rules apply.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Trout: Catch and release only.

(72) Goodman Creek (Jefferson County), outside Olympic National Park:

- (a) Open the first Saturday in June through the last day in February.
 (b) Selective gear rules apply.
 (c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(73) Grass Creek (Grays Harbor County):

- (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.

(74) Gray Wolf River (Clallam County): From the bridge at river mile 1.0, upstream:

- (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only.

(75) Halfmoon Creek (Pacific County) (Willapa River tributary):

- (a) Open the first Saturday in June through October 15.
 (b) Selective gear rules apply.

(76) Halfway Creek (Lewis County) (tributary of Stillman Creek, which is a Chehalis River tributary):

- (a) Open the first Saturday in June through October 31 from the mouth to the second bridge crossing on Pe Ell McDonald Road.
 (b) Selective gear rules apply.

(77) Hanaford Creek (Lewis County) (Skookumchuck River tributary):

- (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.

(78) Harris Creek (Grays Harbor County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
 (b) Trout: Selective gear rules apply.

(79) Hoh River (Jefferson County):

(a) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:

- (i) Open May 16 through April 15.
 (ii) From February 16 through April 15: It is permissible to retain wild steelhead.
 (iii) From May 16 through the Friday before the first Saturday in June:

(A) Open Wednesdays through Sundays only.
 (B) Release game fish, except anglers may retain up to 2 hatchery steelhead.

(iv) From the first Saturday in June through April 15:

(A) The first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) April 1 through April 15: Trout minimum length 14 inches.

(C) From November 1 through February 15: The limit may include one additional hatchery steelhead.

(v) Salmon open May 16 through November 30:

(A) From May 16 through August 31:

(I) Open Wednesday through Sunday only.

(II) Limit 6; no more than one adult may be retained.

(III) Release wild Chinook.

(B) From September 1 through November 30: Limit 6; no more than 2 adults may be retained.

(b) From the DNR Oxbow Campground Boat Launch to Willoughby Creek:

(i) Open May 16 through April 15.

(A) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(B) Selective gear rules apply May 16 through October 15 and December 1 through April 15.

(ii) From May 16 through the Friday before the first Saturday in June:

(A) Open Wednesdays through Sundays only.

(B) Release game fish, except anglers may retain up to 2 hatchery steelhead.

(iii) From the first Saturday in June through April 15: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iv) Salmon:

(A) Open May 16 through August 31:

(I) Open Wednesdays through Sundays only.

(II) Limit 6; no more than one adult may be retained.

(III) Release wild Chinook.

(B) Open October 16 through November 30: Limit 6; no more than 2 adults may be retained.

(c) From Willoughby Creek to Morgan's Crossing Boat Launch site:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) Selective gear rules apply from the first Saturday in June through October 15 and December 1 through April 15.

(iii) Open the first Saturday in June through April 15: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iv) Salmon:

(A) Open October 16 through November 30.

(B) Limit 6; no more than 2 adults may be retained.

(d) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the first Saturday in June through April 15: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(80) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:

(a) Open the first Saturday in June through April 15.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(81) Hoko River (Clallam County):

(a) From the mouth to the upper Hoko Bridge:

(i) It is 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.

(ii) Open the first Saturday in June through March 15. Open to fly fishing only September 1 through October 31.

(iii) Trout: Minimum length fourteen inches.

(b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):

(i) Open the first Saturday in June through March 31 to fly fishing only.

(ii) Release all fish except anglers may retain up to two hatchery steelhead.

(82) Hoquiam River, including West Fork (Grays Harbor County):

(a) From the mouth to Dekay Road Bridge (West Fork):

(i) August 16 through November 30: Barbless hooks are required.

(ii) Open the first Saturday in June through the last day of February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon:

(A) Open October 1 through November 30.

(B) Limit 6; no more than 2 adults may be retained, and only one may be an adult wild coho.

(C) Release Chinook and chum.

(b) From Dekay Road Bridge upstream:

(i) Open the first Saturday in June through the last day of February.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(83) Hoquiam River, East Fork (Grays Harbor County):

(a) From the mouth to the confluence of Berryman Creek:

(i) August 16 through November 30: Barbless hooks are required.

(ii) Open the first Saturday in June through the last day of February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon:

(A) Open October 1 through November 30.

(B) Limit 6; no more than 2 adults may be retained, and only one may be an adult wild coho.

(C) Release Chinook and chum.

(b) From the confluence of Berryman Creek upstream to Youman's Road Bridge:

(i) Open the first Saturday in June through the last day of February.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(84) Hoquiam River, Middle Fork (Grays Harbor County): From the mouth upstream:

(a) Open the first Saturday in June through last day of October.

(b) Selective gear rules apply.

(85) Horseshoe Lake (Jefferson County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(86) Howe Creek (Jefferson County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(87) Humptulips River (Grays Harbor County):

(a) From the mouth (Jessie Slough) to Ocean Beach Road near Copalis Crossing, including all channels, sloughs, and interconnected waterways:

(i) From August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open September 1 through January 31:

(A) From September 1 through November 30:

(I) Limit 6; no more than 3 adults may be retained.

(II) Only one adult Chinook and one adult wild coho may be retained.

(B) From December 1 through January 31:

(I) Limit 6; anglers may retain no more than 2 adults.

(II) Only one adult Chinook may be retained.

(III) Release chum and wild coho.

(b) From Ocean Beach Road near Copalis Crossing to the Highway 101 Bridge:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open September 1 through January 31:

(A) From September 1 through November 30:

(I) Limit 6; no more than 3 adults may be retained.

(II) Only one adult Chinook and only one adult wild coho may be retained.

(B) From December 1 through January 31:

(I) Limit 6; no more than 2 adults may be retained.

(II) Only one adult may be Chinook.

(III) Release chum and wild coho.

(c) From the Highway 101 Bridge to the confluence of the East and West Forks:

(i) From September 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(iii) Open the first Saturday in June through March 31:

(A) From the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From March 1 through March 31:

(I) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(II) Selective gear rules apply.

(iv) Salmon open September 1 through January 31:

(A) From September 1 through November 30:

(I) Limit 6; no more than 3 adults may be retained.

(II) Only one adult Chinook and only one adult wild coho may be retained.

(III) Release chum.

(B) From December 1 through January 31:

(I) Limit 6; no more than 2 adults may be retained, and only one may be an adult Chinook.

(II) Release chum and wild coho.

(88) Humptulips River, East Fork (Grays Harbor County):

(a) From the mouth to the concrete bridge on Forest Service Road 220:

(i) August 16 through October 31: Anti-snagging rule applies and night closure in effect.

(ii) Open the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From the concrete bridge on Forest Service Road 220 upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(89) Humptulips River, West Fork (Grays Harbor County):

(a) From the mouth to Donkey Creek:

(i) August 16 through November 30: Anti-snagging rule applies and night closure in effect.

(ii) Open the first Saturday in June through March 31:

(A) From the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From March 1 through March 31:

(I) Selective gear rules apply.

(II) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(III) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(b) From Donkey Creek upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(90) Independence Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(91) Jimmy-Come-Lately Creek (Clallam County):

(a) From the mouth to confluence with East Fork:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From confluence with East Fork upstream, including East Fork: Open the first Saturday in June through October 31.

(92) Joe Creek (Grays Harbor County):

(a) From the mouth to Ocean Beach Road Bridge:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the first Saturday in June through November 30: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open September 1 through November 30:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release adult Chinook and chum.

(b) From Ocean Beach Road Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(93) Johns River (Grays Harbor County):

(a) From the mouth (Highway 105 Bridge) to Ballon Creek:

(i) August 16 through November 30: It is unlawful to use anything other than single-point barbless hooks.

(ii) Open the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open October 1 through November 30:

(A) Limit 2; only one wild coho may be retained.

(B) Release chum and Chinook.

(b) From Ballon Creek upstream, including North and South Forks:

(i) Open the first Saturday in June through September 30 and December 1 through the last day in February.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(94) Jones Creek (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(95) Kalaloch Creek (Jefferson County), outside Olympic National Park:

(a) Closed within the section posted as the Olympic National Park water supply.

(b) Open the first Saturday in June through the last day in February:

(i) Selective gear rules apply.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(96) Leland Creek (Jefferson County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(97) Leland Lake (Jefferson County): No more than two trout over 14 inches in length may be retained.

(98) Lena Lake, Lower (Jefferson County): The inlet stream is closed from the mouth upstream to the footbridge (about 100 feet).

(99) Lincoln Creek, including South Fork (Lewis County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(100) Lincoln Pond (Clallam County): Open to juvenile anglers only.

(101) Little Hoko River (Clallam County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(102) Little Hoquiam River (Grays Harbor County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(103) Little North River and all forks (Grays Harbor County) (North River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(104) Little Quilcene River (Jefferson County):

(a) From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

- (i) Open the first Saturday in June through October 31.
- (ii) From the mouth to Highway 101 Bridge: Closed September 1 through October 31.

(iii) Selective gear rules apply.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Catch and release only.

(b) From Little Quilcene River Bridge on Penny Creek Road upstream: Open the first Saturday in June through October 31.

(105) Long Beach Peninsula waterways and lakes (Pacific County): Open the fourth Saturday in April through October 31.

(106) Loomis Lake (Pacific County): Open the fourth Saturday in April through October 31.

(107) Loomis Pond (Grays Harbor County): Closed.

(108) Lower Salmon Creek and all forks (Grays Harbor/Pacific counties) (North River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(109) Lucas Creek (Lewis County) (tributary to the Newaukum River North Fork):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Catch and release only.

(110) Ludlow Creek (Jefferson County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(c) Catch and release only.

(111) Ludlow Lake (Jefferson County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than two trout over 14 inches in length.

(112) Lyre River (Clallam County):

(a) From the mouth to falls near river mile 3:

(i) Open the first Saturday in June through January 31.

(ii) Trout: Minimum length 14 inches.

(b) From the falls to the Olympic National Park boundary:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(113) Matheny Creek (Jefferson County) (Queets River tributary), outside Olympic National Park:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(114) McDonald Creek (Clallam County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(115) Mill Creek (Pacific County) (Willapa River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(116) Mill Creek Pond (Grays Harbor County): Open to juvenile anglers only.

(117) Mitchell Creek (Lewis County) (tributary to the Newaukum River North Fork):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(118) Moclips River (Grays Harbor County):

(a) Open from the mouth to the Quinault Indian Reservation boundary from the first Saturday in June through the last day in February.

(b) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(119) Morse Creek (Clallam County):

(a) From the mouth to Port Angeles Dam:

(i) Open from December 1 through January 31.

(ii) Trout: Minimum length 14 inches.

(b) From Port Angeles Dam upstream: Open the first Saturday in June through October 31.

(120) Mosquito Creek (Jefferson County):

(a) Open outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge from the first Saturday in June through the last day in February.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

(121) **Mox Chehalis Creek (Grays Harbor County) (Chehalis River tributary):** Open the first Saturday in June through October 31: Selective gear rules apply.

(122) **Naselle River (Pacific/Wahkiakum counties):**

(a) From the Highway 101 Bridge to the Highway 4 Bridge:

(i) August 1 through November 15:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(C) Barbless hooks are required.

(D) From the South Fork upstream to the Highway 4 Bridge: Stationary gear restriction applies.

(E) It is unlawful to fish with a floating device equipped with an internal combustion motor in the lower Naselle River from the Highway 4 Bridge to Crown Mainline (Salme) Bridge.

(ii) From Highway 101 Bridge upstream to Highway 401: Anglers may fish with a two-pole endorsement August 1 through January 31.

(iii) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon open August 1 through January 31:

(A) From August 1 through November 15:

(I) Limit 6; no more than 3 adults may be retained, and no more than 2 adults may be wild coho.

(II) Release wild Chinook and chum.

(B) From November 16 through January 31:

(I) Limit 6; no more than 3 adults may be retained, and no more than one adult may be a wild coho.

(II) Release Chinook and chum.

(v) Sturgeon: It is unlawful to retain sturgeon (catch and release only).

(b) From the Highway 4 Bridge to the Crown Mainline (Salme) Bridge:

(i) The following areas are closed:

(A) From the falls in Sec. 6, T10N, R8W (Wahkiakum County) downstream 400 feet.

(B) From the upstream entrance of the hatchery attraction channel downstream 400 feet.

(ii) From Highway 4 upstream to the full spanning concrete diversion structure at the Naselle Hatchery: Closed August 1 through October 15.

(iii) From August 1 through November 15:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(C) Barbless hooks are required.

(D) Stationary gear rules in effect.

(E) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.

(v) Salmon open August 1 through January 31:

(A) From August 1 through November 15:

(I) Limit 6; no more than 3 adults may be retained, and no more than 2 adults may be wild coho.

(II) Release wild Chinook and chum.

(B) From November 16 through January 31:

(I) Limit 6; no more than 3 adults may be retained, and no more than one adult may be a wild coho.

(II) Release Chinook and chum.

(c) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:

(i) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) August 16 through November 30: Night closure and anti-snagging rule in effect.

(d) Upstream from the mouth of the North Fork:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(123) **Naselle River, North Fork (Pacific County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(124) **Naselle River, South Fork (Pacific County):**

(a) From the mouth to Bean Creek: Open the first Saturday in June through the last day in February.

(b) From the first Saturday in June through August 15: Selective gear rules apply.

(c) August 16 through November 30: Anti-snagging rule applies and night closure in effect.

(d) Release all fish except anglers may retain up to 2 hatchery steelhead.

(e) Sturgeon: It is unlawful to retain sturgeon (catch and release only).

(125) **Neil Creek (Grays Harbor County) (Wynoochee River tributary):**

(a) Open from the mouth to USFS 22 Road from the first Saturday in June through October 31.

(b) Selective gear rules apply.

(126) **Nemah River, Middle Fork (Pacific County):**

(a) From the mouth upstream to the Department of Natural Resources Bridge on the Middle Nemah A-Line Road:

(i) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) August 1 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(iii) Salmon:

(A) Open September 1 through January 31.

(B) Limit 6; anglers may not retain more than 2 adults.

(C) Release wild Chinook, wild coho, and chum.

(b) From the Department of Natural Resources Bridge on the Middle Nemah A-Line Road upstream:

(i) Open the first Saturday in June through March 31:

(A) Selective gear rules apply.

(B) Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) August 16 through November 30: Anti-snagging rule applies and night closure in effect.

(127) **Nemah River, North Fork (Pacific County):**

(a) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:

- (i) Open the first Saturday in June through March 31.
- (ii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (iii) August 1 through November 30:
 - (A) Night closure in effect.
 - (B) Stationary gear restriction applies.
 - (C) Single-point barbless hooks are required.
- (iv) Salmon:
 - (A) Open August 1 through November 30.
 - (I) Limit 6; of which only 3 may be adult salmon and of the three adults, only two may be wild coho.
 - (II) Release chum and wild Chinook.
 - (B) Open December 1 through January 31.
 - (I) Limit 6; of which only two may be adult salmon and of the two adults, only one may be a wild coho.
 - (II) Release chum and wild Chinook.
- (b) From the bridge on Nemah Valley Road upstream to Nemah Hatchery: Closed August 1 through November 15.
- (c) From the bridge on Nemah Valley Road upstream to Cruiser Creek:
 - (i) Open the first Saturday in June through March 31.
 - (ii) Release all game fish except anglers may retain up to 2 hatchery steelhead.
 - (iii) August 16 through November 30: Anti-snagging rule applies and night closure in effect.
 - (iv) December 1 through March 31: Selective gear rules apply.
- (128) Nemah River, South Fork (Pacific County):**
 - (a) From the mouth (Lynn Point, 117 degrees true to opposite shore) to the confluence with Middle Fork Nemah River:
 - (i) September 1 through November 30:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.
 - (ii) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (iii) Salmon:
 - (A) Open September 1 through January 31.
 - (B) Limit 6; only 2 adults may be retained.
 - (C) Release wild Chinook, wild coho, and chum.
 - (b) From the confluence with the Middle Fork Nemah River upstream to the second Highway 101 Bridge crossing:
 - (i) Open the first Saturday in June through March 31.
 - (ii) Selective gear rules apply.
 - (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (129) Newaukum River, including South Fork (Lewis County):**
 - (a) From the mouth to Leonard Road near Onalaska:
 - (i) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Salmon open October 1 through the last day in February:
 - (A) From October 1 through November 30:
 - (I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.
 - (II) Release Chinook and chum.

- (B) From December 1 through the last day in February:
 - (I) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.
 - (II) Release Chinook and chum.
- (ii) August 16 through November 30:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.
- (b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:
 - (i) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) August 16 through November 30:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.
 - (c) From Highway 508 Bridge upstream:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) Trout: Catch and release only.
 - (iv) August 16 through October 31:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.
- (130) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:**
 - (a) Open the first Saturday in June to March 31.
 - (b) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length.
- (131) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:**
 - (a) Open the first Saturday in June through March 31.
 - (b) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length.
- (132) Newaukum River (Grays Harbor County) (Chehalis River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (133) Newaukum River (Grays Harbor County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (134) Niawiakum River (Pacific County):** From Highway 101 Bridge to the South Bend/Palix Road Bridge:
 - (a) August 16 through November 30:
 - (i) Night closure in effect.
 - (ii) Single-point barbless hooks are required.
 - (b) Open the first Saturday in June through November 30.
 - (c) Salmon:
 - (i) Open September 1 through November 30.
 - (ii) Limit 6; of which no more than 2 may be adult salmon.
 - (iii) Release chum, wild coho, and wild Chinook.
- (135) North River (Grays Harbor/Pacific counties):**
 - (a) From the Highway 105 Bridge to Salmon Creek (located approximately 2 miles upstream from Highway 101):
 - (i) August 16 through November 30:

- (A) Night closure in effect.
- (B) Single-point barbless hooks are required.
- (ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.
- (iii) Salmon open September 1 through December 31:
 - (A) From September 1 through November 30:
 - (I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.
 - (II) Release wild Chinook and chum.
 - (B) From December 1 through December 31:
 - (I) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.
 - (II) Release wild Chinook and chum.
- (iv) Sturgeon: It is unlawful to retain sturgeon (catch and release only).
 - (b) From Salmon Creek (located approximately 2 miles upstream from Highway 101) to Fall River:
 - (i) August 16 through November 30:
 - (A) Night closure in effect.
 - (B) Anti-snagging rule applies.
 - (C) Single-point barbless hooks are required.
 - (ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (iii) Salmon open October 1 through December 31:
 - (A) From October 1 through November 30:
 - (I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.
 - (II) Release wild Chinook and chum.
 - (B) From December 1 through December 31:
 - (I) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.
 - (II) Release wild Chinook and chum.
 - (c) From Fall River to Raimie Creek:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (136) **Owens Pond (Pacific County):** The first Saturday in June through October 31 season.
- (137) **Palix River, including all forks (Pacific County):**
 - (a) From the Highway 101 Bridge to the mouth of the Middle Fork:
 - (i) August 16 through November 30:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.
 - (ii) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (iii) Salmon:
 - (A) Open September 1 through November 30.
 - (B) Limit 6; no more than 2 adults of which only one adult may be wild coho.
 - (C) Release chum and wild Chinook.
 - (iv) Sturgeon: It is unlawful to retain sturgeon (catch and release only).
 - (b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Cannon Rivers:

- (i) August 16 through October 15:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
- (ii) From the first Saturday in June through August 15, and from December 16 through March 31: Selective gear rules apply.
- (iii) Open the first Saturday in June through October 15, and from December 16 through March 31.
- (iv) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (138) **Palmquist Creek (Clallam County), outside of Olympic National Park:**
 - (a) Open the first Saturday in June through October 15.
 - (b) Selective gear rules apply.
 - (c) Trout:
 - (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Release kokanee.
- (139) **Peabody Creek (Clallam County):** Open the first Saturday in June through October 31 to juvenile anglers only.
- (140) **Penny Creek (Jefferson County):** Open the first Saturday in June through October 31.
- (141) **Petroleum Creek (Clallam County):** From the Olympic National Park boundary upstream:
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (142) **Pheasant Lake (Jefferson County):** Open the fourth Saturday in April through October 31.
- (143) **Pilchuck Creek (Clallam County) (Sooes River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (144) **Pioneer Creek (Grays Harbor County) (North River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (145) **Pleasant Lake (Clallam County):** Trout: Kokanee minimum length 6 inches, maximum length 18 inches.
- (146) **Porter Creek (Grays Harbor County) (Chehalis River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (147) **Promised Land Pond (Grays Harbor County):** Open the first Saturday in June through October 31.
- (148) **Pysht River (Clallam County):**
 - (a) Open the first Saturday in June through January 31.
 - (b) Selective gear rules apply.
 - (c) From the first Saturday in June through October 31: Catch and release only.
 - (d) From November 1 through January 31: Trout minimum length 14 inches.

(149) Rock Creek (Lewis County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(150) Stearns Creek (Lewis County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(151) Stillman River (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31 from the mouth to water supply pipeline at Mill Creek.

- (b) Selective gear rules apply.

(152) Stowe Creek (Lewis County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(153) Quigg Lake (Grays Harbor County):

(a) Open the first Saturday in June through April 15.

(b) Trout: Minimum length 14 inches.

(c) Salmon:

(i) Open October 1 through January 31.

(ii) Limit 6 hatchery coho salmon, of which no more than 4 may be adult hatchery coho.

(154) Quilcene River (Jefferson County):

(a) From the mouth to Rodgers Street:

(i) Open the first Saturday in June through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From Rodgers Street to the Highway 101 Bridge:

(i) Open the first Saturday in June through October 31.

(ii) Catch and release only.

(iii) From the first Saturday in June through August 15:

(A) Selective gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) August 16 through October 31:

(A) Night closure in effect.

(B) Anglers may only use one single-point barbless hook.

(v) Salmon:

(A) Open August 16 through October 31.

(B) Limit 4 coho only; only coho hooked inside the mouth may be retained.

(c) From the electric weir at Quilcene National Fish Hatchery to the upper boundary of Falls View Campground:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(d) From the upper boundary of Falls View Campground upstream: Open the Saturday before Memorial Day through October 31.

(155) Quillayute River (Clallam County), outside of Olympic National Park:

(a) Open May 1 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) Open the first Saturday in June through April 30:

(i) The first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) April 1 through April 30: Trout minimum length 14 inches.

(iii) November 1 through the last day in February: Anglers may retain one additional hatchery steelhead as part of the limit.

(iv) February 16 through April 30: It is permissible to retain wild steelhead.

(c) Salmon:

(i) Open February 1 through August 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release wild adult Chinook and wild adult coho.

(ii) Open September 1 through November 30: Limit 6; two may be adults, plus anglers may retain 2 additional adult hatchery coho.

(156) Quinault River (Grays Harbor County): From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) Open the first Saturday in June through April 15:

(i) February 16 through April 15: It is permissible to retain one wild steelhead per day.

(ii) Trout: minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) Salmon open July 1 through November 30:

(i) From July 1 through September 30:

(A) Limit 6 jack salmon only.

(B) It is unlawful to use anything other than single-point barbless hooks.

(ii) From October 1 through November 30:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release sockeye and chum.

(157) Quinn Creek (Clallam County), outside of Olympic National Park:

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(158) Radar Ponds (Pacific County): Salmon: Land-locked salmon rules apply.

(159) Raimie Creek and all forks (Pacific County) (North River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(160) Ripley Creek (Jefferson County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(161) Rock Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(162) Rocky Brook Creek (Jefferson County) (Dosewallips River tributary): From the falls 1000 feet

upstream of the mouth: Open the first Saturday in June through October 31.

(163) Rue Creek, including West Fork (Pacific County) (South Fork Willapa tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(164) Salmon Creek and all forks (Grays Harbor County) (North River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(165) Salmon Creek (Pacific County) (tributary of Naselle River):

(a) Open the first Saturday in June through the last day in February.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(166) Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:

(a) Open the first Saturday in June through the last day in February:

(i) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(b) Salmon open September 1 through November 30: Limit 6; no more than 3 adults may be retained, and no more than 2 adults may be Chinook.

(167) Salt Creek (Clallam County): From the mouth to the bridge on Highway 112:

(a) Open the first Saturday in June through January 31.

(b) Selective gear rules apply.

(c) First Saturday in June through October 31: Catch and release only.

(d) November 1 through January 31: Anglers may retain up to 2 hatchery steelhead.

(168) Sand Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(169) Sandysore Lake (Jefferson County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: No more than two over 14 inches in length may be retained.

(170) Satsop Lakes (Grays Harbor County): Open the fourth Saturday in April through October 31.

(171) Satsop River and East Fork (Grays Harbor County):

(a) From the mouth to the bridge at Schafer State Park:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open September 16 through November 30, and December 1 through January 31:

(A) From September 16 through November 30:

(I) Limit 6; no more than 3 adults may be retained, and only 2 may be adult wild coho.

(II) Release wild adult Chinook.

(B) From December 1 through January 31:

(I) Limit 6; no more than 2 adults may be retained, and only one may be an adult wild coho.

(II) Release Chinook and chum.

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) Open the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Open August 16 through October 31:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Closed, except open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure in effect.

(iii) From August 16 through October 31: Single-point barbless hooks are required.

(iv) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(v) Salmon open September 16 through January 31:

(A) From September 16 through November 30:

(I) Limit 6; no more than 3 adults may be retained, and only 2 may be adult wild coho.

(II) Release wild adult Chinook.

(B) From December 1 through January 31:

(I) Limit 6; no more than 2 adults may be retained, and only one may be an adult wild coho.

(II) Release Chinook and chum.

(d) From the Bingham Creek Hatchery dam upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) August 16 through October 31:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(172) Middle Fork Satsop River (Turnow Branch):

(a) From the mouth to Cougar Smith Road:

(i) From August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From Cougar Smith Road upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) August 16 through October 31:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(173) **West Fork Satsop River:**

(a) From the mouth to Cougar Smith Road:

(i) August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From Cougar Smith Road to USFS 2260 Road Bridge at Spoon Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) August 16 through October 31: Night closure in effect.

(c) From USFS 2260 Road Bridge at Spoon Creek upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Eastern brook trout: Limit 5; no minimum size.

(174) **Schafer Creek (Grays Harbor County) (Wynoochee River tributary):**

(a) From the mouth to USFS 22 Road:

(b) Open the first Saturday in June through October 31.

(c) Selective gear rules apply.

(175) **Sekiu River (Clallam County):**

(a) From the mouth to the forks:

(i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through October 31: Selective gear rules apply.

(iii) November 1 through January 31: Catch and release only.

(iv) Trout: Minimum length 14 inches.

(b) From the forks upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(176) **Shine Creek (Jefferson County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(177) **Shye Lake (Grays Harbor County):** Open the first Saturday in June through October 31.

(178) **Siebert Creek (Clallam County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(179) **Silent Lake (Jefferson County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than two over 14 inches in length.

(180) **Sitkum River (Clallam County) (Calawah River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(181) **Siwash Creek (Clallam County), outside of Olympic National Park:**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release all kokanee.

(182) **Skookumchuck River (Thurston County):**

(a) From the mouth to 100 feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through April 30:

(A) From the first Saturday in June through March 31, trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From April 1 through April 30: Trout minimum length 14 inches.

(ii) Salmon open October 1 through the last day in February:

(A) From October 1 through November 30:

(I) Limit 6; no more than 3 adults may be retained and only 2 may be wild adult coho.

(II) Release Chinook and chum.

(B) From December 1 through the last day in February:

(I) Limit 6; no more than 2 adults may be retained and only one may be a wild adult coho.

(II) Release Chinook and chum.

(b) From Skookumchuck Reservoir upstream, selective gear rules apply.

(183) **Smith Creek (near North River) (Pacific County):**

(a) From the mouth to the Highway 101 Bridge:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon open September 1 through December 31:

(A) From September 1 through November 30:

(I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be wild coho.

(II) Release wild Chinook and chum.

(B) From December 1 through December 31:

(I) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(II) Release wild Chinook and chum.

(iv) Sturgeon: It is unlawful to retain sturgeon (catch and release only).

(b) From the Highway 101 Bridge upstream:

(i) Selective gear rules apply.

(ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.

(184) Smith Creek (Pacific County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(185) Snahapish River (Jefferson County) (Clearwater River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(186) Sol Duc River (Clallam County):

(a) Open year-round from the mouth to the concrete pump station at the Sol Duc Hatchery:

(i) May 1 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) From the first Saturday in June through April 30:

(A) The first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) April 1 through April 30: Trout minimum length 14 inches.

(C) November 1 through the last day in February: Anglers may retain one additional hatchery steelhead as part of the trout limit.

(D) February 16 through April 30: It is permissible to retain wild steelhead.

(iii) Salmon open February 1 through November 30:

(A) From February 1 through August 31:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) From September 1 through November 30: Limit 6; two adult salmon, plus 2 additional adult hatchery coho may be retained as part of the limit.

(b) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:

(i) Open the first Saturday in June through April 30.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(c) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:

(i) Open the first Saturday in June through October 31.

(ii) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(iii) Selective gear rules apply.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(187) Solberg Creek (Clallam County) (Big River tributary):

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

(188) Solleks River (Jefferson County) (Clearwater River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(189) Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation:

(a) Open the first Saturday in June through the last day in February.

(b) From the first Saturday in June through October 31:

(i) Selective gear rules apply.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(c) Open November 1 through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(190) South Bend Mill Pond (Pacific County): Open to juvenile anglers only.

(191) South Creek (Clallam County), outside of Olympic National Park:

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release all kokanee.

(192) Stevens Creek (Grays Harbor County):

(a) From the mouth to the Highway 101 Bridge:

(i) Closed from the WDFW hatchery outlet downstream 400 feet.

(ii) Open the first Saturday in June through September 30 and December 1 through the last day in February.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(b) From the Highway 101 Bridge upstream to the Newbury Creek Road Bridge:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(193) Sutherland Lake (Clallam County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: Minimum length 6 inches and maximum length 18 inches.

(194) Sylvia Creek (Grays Harbor County) (Wynoochee River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(195) Sylvia Lake (Grays Harbor County): It is unlawful to retain more than 2 trout over 15 inches in length.

(196) Tarboo Creek (Jefferson County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(197) Tarboo Lake (Jefferson County):

- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Trout: It is unlawful to retain more than two over 14 inches in length.

(198) Teal Lake (Jefferson County):

- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) Selective gear rules apply.
- (c) Trout: Limit one.

(199) Thorndyke Creek (Jefferson County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(200) Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):

- (a) Open the first Saturday in June through April 30.
- (b) From D2400 Road upstream: Closed from November 1 through April 30.
- (c) Selective gear rules apply.
- (d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(201) Trap Creek (Pacific County) (Willapa River tributary):

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.

(202) Trout Creek (Clallam County) (Big River tributary):

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.
- (c) Trout:
 - (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Release all kokanee.

(203) Twin Lake (Jefferson County): Open the fourth Saturday in April through October 31.**(204) Umbrella Creek (Clallam County), outside Olympic National Park, including tributaries:**

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.
- (c) Trout:
 - (i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
 - (ii) Release all kokanee.

(205) Valley Creek (Clallam County): Open the first Saturday in June through October 31 to juvenile anglers only.**(206) Vance Creek (Grays Harbor County) (Chehalis River tributary):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(207) Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines):

- (a) Pond One/Bowers Lake is open only to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card.
- (b) Open the fourth Saturday in April through November 30:

- (i) Anglers may not retain more than 2 trout over 15 inches in length.
- (ii) Landlocked salmon rules apply.

(208) Van Winkle Creek (Grays Harbor County):

- (a) August 16 through November 30:

- (i) Night closure in effect.
- (ii) Anti-snagging rule applies.

(b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

- (i) Open the first Saturday in June through January 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.
- (ii) Salmon open September 1 through January 31:

(A) Limit 6; no more than 2 adults may be retained and only one adult may be a wild coho.**(B) Release chum and Chinook.****(c) From Lake Aberdeen upstream:**

- (i) Open the first Saturday in June through October 31.
- (ii) Selective gear rules apply.

(209) Vesta Creek and all forks (Grays Harbor County) (North River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(210) Ward Creek (Pacific County) (Willapa River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(211) Wentworth Lake (Clallam County): It is unlawful to fish from a floating device equipped with an internal combustion motor.**(212) West Twin River (Clallam County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

(213) Wildcat Creek (Grays Harbor County) (Cloquallum Creek tributary):

- (a) Open from the mouth to the confluence of the Middle and East Forks from the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(214) Wildcat Creek, East Fork (Grays Harbor County) (Cloquallum Creek tributary):

- (a) Open from the mouth to the Highway 108 Bridge (Simpson Avenue, in the town of McCleary) from the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(215) Willapa River (Pacific County):

- (a) From the mouth (city of South Bend boat launch) to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek:

- (i) From August 1 through November 30:

(A) It is unlawful to fish from a floating device from the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles).

(B) Night closure in effect.

(C) Single-point barbless hooks are required.

(D) Stationary gear restriction applies, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creeks.

(ii) Open the first Saturday in June through March 31; release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon open August 1 through January 31:

(A) From August 1 through November 30:

(I) Limit 6; no more than 3 adults may be retained and only 2 adults may be wild coho.

(II) Release wild Chinook and chum.

(B) From December 1 through January 31:

(I) Limit 6; no more than 2 adults may be retained and only one adult may be a wild coho.

(II) Release wild Chinook and chum.

(iv) Sturgeon: It is unlawful to retain sturgeon (catch and release only).

(b) From Highway 6 Bridge to Fork Creek:

(i) From October 1 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(C) Stationary gear restriction applies.

(ii) Open the first Saturday in June through July 15 and from October 1 through March 31: Release all fish, except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon open October 1 through January 31:

(A) From October 1 through November 30:

(I) Limit 6; no more than 3 adults may be retained and only 2 adults may be a wild coho.

(II) Release wild Chinook and chum.

(B) From December 1 through January 31:

(I) Limit 6; no more than 2 adults may be retained, and only one adult may be a wild coho.

(II) Release wild Chinook and chum.

(c) From Fork Creek upstream:

(i) From August 16 through October 31:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through October 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(216) Willapa River, South Fork (Pacific County):
From the mouth to the bridge on Pehl Road:

(a) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed.

(b) Selective gear rules apply from the first Saturday in June through July 31.

(c) August 1 through November 30:

(i) Night closure in effect.

(ii) Anti-snagging rule.

(iii) Barbless hooks are required.

(d) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.

(e) Salmon:

(i) Open August 1 through January 31.

(ii) Limit 6; no more than 3 adults may be retained.

(iii) Release wild Chinook, wild coho, and chum.

(f) From Pehl Road upstream:

(i) Open the first Saturday in June through the last day in February.

(ii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(217) Williams Creek (Pacific County) (Nemah River North Fork tributary):

(a) Open the first Saturday in June through October 15.

(b) Release all fish except anglers may retain up to two hatchery steelhead.

(218) Wilson Creek (Pacific County) (Willapa River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(219) Wilson Creek, North Fork (Pacific County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(220) Wishkah River (Grays Harbor County):

(a) From August 16 through November 30: Single-point barbless hooks are required.

(b) From the mouth to West Fork:

(i) Open the first Saturday in June through the last day in February.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon open October 1 through January 31:

(A) From October 1 through November 30:

(I) Limit 6; no more than 2 adults may be retained and only one adult may be a wild coho.

(II) Release Chinook and chum.

(B) From December 1 through January 31:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release Chinook, wild coho, and chum.

(c) From the mouth of West Fork to 200 feet below the weir at the Wishkah Rearing Ponds:

(i) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

(ii) Open the first Saturday in June through the last day in February.

(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iv) Salmon open October 1 through December 31:

(A) Limit 6; no more than 2 adults may be retained.

(B) Release chum, Chinook, and wild coho.

(d) From the weir upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(221) Wishkah River, East and West forks (Grays Harbor County):

(a) Open the first Saturday in June through the last day in October.

(b) Selective gear rules apply.

(222) Wynoochee River (Grays Harbor County):

(a) From the mouth to the WDFW White Bridge Access Site:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(iii) Salmon:

(A) Open September 16 through November 30.

(B) Limit 6; no more than 2 adults may be retained and only one adult may be a wild coho.

(C) Release Chinook.

(b) From the WDFW White Bridge Access Site to the 7400 line bridge:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) From September 16 through November 30: It is unlawful to use bait.

(iii) Open the first Saturday in June through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(c) From the 7400 line bridge to 400 feet below Wynoochee Dam, including the confluence of the reservoir upstream to Wynoochee Falls:

(i) Closed from 400 feet downstream of Wynoochee Dam and from the barrier dam near Grisdale.

(ii) Open the first Saturday in June through October 31 and from December 1 through March 31:

(A) From the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From December 1 through March 31:

(I) Selective gear rules apply.

(II) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(d) From Wynoochee Falls upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Eastern brook trout limit 5. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing.

(223) Wynoochee Reservoir (Grays Harbor County):

(a) Open the first Saturday in June through the last day in October.

(b) Trout: Minimum length 12 inches.

(c) Landlocked salmon rules apply.

NEW SECTION**WAC 220-310-185 Freshwater exceptions to state-wide rules--Southwest. (1) Abernathy Creek (Cowlitz County):**

(a) From the mouth to a point 500 feet downstream from the salmon hatchery:

(i) Barbless hooks are required for steelhead.

(ii) Open the first Saturday in June through August 31 and November 1 through March 15.

(iii) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) From Abernathy Falls to posted markers 500 feet downstream from salmon hatchery: Closed.

(2) **Alder Creek (Cowlitz County):** Closed.

(3) **Battle Ground Lake (Clark County):**

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than 2 fish twenty inches or greater in length.

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

(5) **Blue Creek (Lewis County), from the mouth to Spencer Road:**

(a) Closed from posted sign above rearing pond outlet to Spencer Road.

(b) Anti-snagging rule applies.

(c) Night closure in effect.

(d) Open June 1 through April 14 for trout only:

(i) Limit 5; minimum length 12 inches; it is unlawful to retain more than 2 trout over 20 inches.

(ii) Release wild cutthroat.

(iii) Barbless hooks are required for steelhead.

(6) **Blue Lake (Cowlitz County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(7) **Butter Creek (Lewis County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Minimum length 10 inches.

(8) **Camas Slough:**

(a) It is permissible for an angler licensed in Oregon or Washington to fish from a floating device.

(b) In the 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:

(i) From August 1 through December 31: It is permissible to fish with two poles so long as the angler possess a valid two-pole endorsement.

(ii) Open for salmon and game fish when the adjacent mainstem Columbia or Washougal rivers are open for salmon.

(iii) The limit for salmon and game fish is the same as the most liberal regulation of either area, except anglers may only retain hatchery Chinook and hatchery coho; release all other salmon.

(iv) Barbless hooks are required for salmon and steelhead.

(9) Canyon Creek (Clark County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(10) Carlisle Lake (Lewis County):

(a) Open the fourth Saturday in April through last day in February.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Landlocked salmon rules apply.

(11) Castle Lake (Cowlitz County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one; minimum length 16 inches.

(12) Cedar Creek (tributary of N.F. Lewis) (Clark County):

(a) From the mouth to Grist Mill Bridge:

(i) Open the first Saturday in June through August 31 and November 1 through March 15.

(ii) Barbless hooks are required for steelhead.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed.

(c) From 100 feet upstream of the falls upstream:

(i) Open the first Saturday in June through August 31.

(ii) Barbless hooks are required for steelhead.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(13) Cispus River (Lewis County):

(a) Barbless hooks are required for salmon and steelhead.

(b) From the mouth to the North Fork:

(i) Open the first Saturday in June through October 31; release cutthroat.

(ii) Open from November 1 through the Friday before the first Saturday in June. Release all trout except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon:

(A) Open year-round.

(B) Limit 6; minimum size 8 inches.

(C) Release wild coho and wild Chinook.

(D) From January 1 through July 31, anglers may retain up to 2 adults as part of the limit.

(E) From August 1 through December 31, up to 2 of the limit may be adult Chinook.

(14) Cispus River, North Fork (Lewis County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout:

(i) It is unlawful to retain more than one trout over twelve inches in length.

(ii) Release cutthroat.

(15) Coal Creek (Cowlitz County):

(a) From the mouth to 400 feet below the falls:

(b) Open the first Saturday in June through August 31 and November 1 through last day in February.

(c) Barbless hooks are required for steelhead.

(d) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.

(16) Coldwater Lake (Cowlitz County):

(a) The Coldwater Lake inlet and outlet streams are closed.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one; minimum length 16 inches.

(17) Connelly Creek and tributaries (Lewis County): Closed from 400 feet below the city of Morton Dam to the source.

(18) Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): Open the first Saturday in June through August 31.

(19) Coweeman River (Cowlitz County):

(a) From the mouth to Baird Creek:

(i) Open the first Saturday in June through August 31 and November 1 through March 15.

(ii) Release all trout, except anglers may retain up to 2 hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(b) From Baird Creek upstream to the source:

(i) Open the first Saturday in June through August 31.

(ii) Release all trout, except anglers may retain up to 2 hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(20) Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):

(a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted PUD sign on Peters Road.

(b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

(c) Barbless hooks are required for salmon and steelhead.

(d) Open June 1 through the last day in February.

(e) Trout:

(i) Minimum length 8 inches.

(ii) Release cutthroat.

(iii) Release rainbow trout, except those with a clipped adipose fin with a healed scar at the site of the clipped fin.

(iv) From September 1 through the last day in February: Limit 10.

(f) Salmon open year-round:

(i) Limit 6; minimum length 8 inches.

(ii) Release wild Chinook and wild coho.

(iii) From January 1 through July 31: No more than 2 adult salmon may be retained.

(iv) From August 1 through December 31: No more than 2 adult hatchery Chinook may be retained.

(21) Cowlitz River (Lewis County):

(a) From the boundary markers at the mouth to Mayfield Dam:

(i) The following areas are closed:

(A) 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.

(B) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam.

(C) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open.

(ii) Barbless hooks are required for salmon, steelhead, and cutthroat trout.

(iii) From Lexington Bridge Drive in Kelso upstream to the Highway 505 Bridge in Toledo, fishing 2 poles is permissible so long as the angler possesses a two-pole endorsement.

(iv) From the mouth of Mill Creek to the Cowlitz Salmon Hatchery barrier dam:

(A) April 1 through November 30:

(I) Anti-snagging rule applies. Anglers may only retain fish hooked in the mouth when the anti-snagging rule applies.

(II) Night closure in effect.

(B) It is unlawful to fish from a floating device.

(C) May 1 through June 15: It is unlawful to fish from the south side of the river.

(v) Open the first Saturday in June through March 31:

(A) Trout:

(I) Limit 5; minimum length 12 inches.

(II) Up to two trout over 20 inches may be retained.

(B) Release wild cutthroat.

(vi) Open April 1 through the Friday before the first Saturday in June: Release all fish, except anglers may retain up to 2 hatchery steelhead.

(vii) Salmon:

(A) Open January 1 through July 31:

(I) Limit 6; up to 2 hatchery adults may be retained.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Limit 6; up to 2 adult hatchery Chinook may be retained.

(II) Only hatchery Chinook and hatchery coho may be retained.

(viii) Sturgeon: Catch and release only.

(b) From the posted PUD sign on Peters Road to the mouth of Ohanapecosh River and the mouth of Muddy Fork:

(i) Barbless hooks are required for salmon and steelhead.

(ii) September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iii) Open the first Saturday in June through October 31: Release cutthroat.

(iv) Open November 1 through the Friday before the first Saturday in June: Release trout except anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) Open January 1 through July 31:

(I) Limit 6; up to 2 adult salmon may be retained.

(II) Release wild coho and wild Chinook.

(B) Open August 1 through December 31:

(I) Limit 6; up to 2 adult hatchery Chinook may be retained.

(II) Release wild coho and wild Chinook.

(22) **Cowlitz River, Clear and Muddy Forks (Lewis County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release cutthroat.

(23) **Davis Lake (Lewis County):** Open the fourth Saturday in April to last day in February.

(24) **Deep River (Wahkiakum County):**

(a) Game fish: Open year-round.

(b) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(c) Sturgeon: Catch and release only.

(d) Salmon:

(i) From the mouth to town bridge: Open year-round.

(ii) January 1 through July 31:

(A) Limit 6, of which no more than 2 may be adult salmon.

(B) Release wild Chinook and wild coho.

(iii) August 1 through December 31:

(A) Limit 6, of which no more than 2 may be adult Chinook.

(B) Release chum and wild coho.

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

(26) **Drano Lake:** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) Barbless hooks are required for salmon and steelhead.

(b) Closed on Wednesdays beginning the second Wednesday in April through June 30.

(c) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

(d) March 16 through June 30: Night closure in effect.

(e) August 1 through December 31: Anti-snagging rule applies.

(f) Two-pole fishing is permissible from May 12 through June 30 and from September 15 through December 31, so long as the angler possesses a two-pole endorsement.

(g) The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing from April 16 through June 30.

(h) Game fish other than trout: Open May 1 through March 31.

(i) Trout: Open August 1 through March 15; release trout, except anglers may retain up to 2 hatchery steelhead.

(j) Salmon and steelhead:

(i) Open March 16 through July 31.

(ii) Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each.

(iii) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; no more than 2 adult salmon may be retained.

(27) **Elochoman River (Wahkiakum County):**

(a) The following areas are closed:

(i) The waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack.

(ii) The 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.

(iii) From 200 feet above the department of fish and wildlife temporary weir downstream to Foster (Risk) Road Bridge while the weir is installed in the river.

(iv) The mainstem waters from the confluence of the West Fork to the source.

(b) From the mouth to West Fork:

(i) Open the first Saturday in June through March 15.

(ii) August 1 through October 31: Anti-snagging rule, night closure, and stationary gear restriction apply.

(iii) Barbless hooks are required for salmon and steelhead.

(iv) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) Open the first Saturday in June through December 31.

(B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(C) From August 1 through December 31:

(I) Limit 6 fish, of which no more than 2 may be adult Chinook.

(II) Release chum, wild coho, and wild Chinook.

(28) **Fort Borst Park Pond (Lewis County):** Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

(29) **Franz Lake (Skamania County):** Closed.

(30) **Germany Creek (Cowlitz County):** From the mouth to the end of Germany Creek Road (approximately five miles):

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Barbless hooks are required for steelhead.

(c) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.

(31) **Gobar Creek (tributary to Kalama River) (Cowlitz County):**

(a) Open the first Saturday in June through March 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(32) **Grays River (Wahkiakum County):** From the mouth to South Fork:

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the first Saturday in June through March 15, except closed from Highway 4 Bridge to mouth of South Fork from October 16 through November 30.

(c) Closed from 400 feet above to 200 feet above the temporary weir while the weir is installed in the river.

(d) Anti-snagging rule, night closure and stationary gear restriction apply:

(i) From the mouth to the Highway 4 Bridge August 1 through November 15.

(ii) From the Highway 4 Bridge to the mouth of South Fork August 1 through October 15.

(e) Release all fish except anglers may retain up to 2 hatchery steelhead.

(f) Salmon:

(i) From the mouth to the Highway 4 Bridge:

(A) Open the first Saturday in June through December 31.

(B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(C) From August 1 through December 31:

(I) Limit 6, of which no more than 2 may be adult Chinook.

(II) Release chum, wild coho, and unmarked Chinook.

(ii) From the Highway 4 Bridge to the South Fork:

(A) Open the first Saturday in June through October 15 and December 1 through December 31.

(B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(C) From August 1 through October 15 and December 1 through December 31:

(I) Limit 6 fish, of which no more than 2 may be adult Chinook.

(II) Release chum, wild coho, and unmarked Chinook.

(33) **Grays River, East Fork (Wahkiakum County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.

(34) **Grays River, West Fork (Wahkiakum County):** Downstream from the hatchery intake/footbridge:

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the first Saturday in June through March 15, except closed October 16 through November 30 from the posted markers approximately 300 yards below the hatchery road bridge downstream to the mouth.

(c) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction apply.

(d) October 16 through March 15: Release all fish except anglers may retain up to 2 hatchery steelhead.

(e) Salmon: Open from first Saturday in June through December 31.

(i) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(ii) From August 1 through December 31:

(A) Limit 6, of which not more than 2 may be adult Chinook.

(B) Release chum, wild coho, and unmarked Chinook.

(35) **Green River (Cowlitz County):**

(a) From the mouth to Miner's Creek:

(i) Barbless hooks are required for salmon and steelhead.

(ii) The following areas are closed:

- (A) All tributaries.
- (B) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river.
- (C) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30.
- (D) From the 2800 Bridge to Miner's Creek.
- (iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
- (iv) Open the last Saturday in May through November 30:
 - (A) From the last Saturday in May through the Friday before the first Saturday in June in the waters from the mouth to 400 feet below the Toutle Hatchery water intake:
 - (I) Selective gear rules apply.
 - (II) Release all trout, except anglers may retain up to 2 hatchery steelhead.
 - (B) From the first Saturday in June through November 30: Release all trout, except anglers may retain up to 2 hatchery steelhead.
 - (v) Salmon:
 - (A) Open August 1 through November 30.
 - (B) Limit 6, no more than 2 adult Chinook may be retained.
 - (C) Release chum, wild coho, and wild Chinook.
- (b) From Miner's Creek upstream to the source:
 - (i) Open from the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) Catch and release only.
- (36) **Grizzly Lake (Skamania County):** Closed.
- (37) **Hamilton Creek (Skamania County):**
 - (a) Barbless hooks are required for steelhead.
 - (b) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (c) All tributaries downstream from the Highway 14 Bridge: Closed.
- (38) **Hemlock Lake (Trout Creek Reservoir) (Skamania County):** Closed.
- (39) **Horseshoe Lake (Clark/Cowlitz counties):**
 - (a) Trout: It is unlawful to retain more than 2 trout 20 inches or more in length.
 - (b) Landlocked salmon rules apply.
- (40) **Horsethief Lake (Klickitat County):** Open the fourth Saturday in April through October 31.
- (41) **Icehouse Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or greater in length.
- (42) **Indian Heaven Wilderness Lakes (Skamania County):** Trout limit 3.
- (43) **Johnson Creek (Lewis County) (Cowlitz River tributary):**
 - (a) Selective gear rules apply.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Trout: Minimum length 10 inches.

- (44) **Kalama River (Cowlitz County):**
 - (a) From boundary markers at the mouth upstream to 1,000 feet above the fishway at the upper salmon hatchery:
 - (i) Open year-round, except the following areas are closed:
 - (A) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery.
 - (B) From Modrow Bridge downstream to the markers 1,500 feet below the temporary rack when the rack is installed below Modrow Bridge.
 - (ii) Barbless hooks are required for salmon and steelhead.
 - (iii) Release all fish, except anglers may retain up to 2 hatchery steelhead.
 - (iv) April 1 through October 31: Anti-snagging rule applies and night closure in effect from the railroad bridge below I-5 to the intake at the lower salmon hatchery. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
 - (v) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.
 - (vi) Open September 1 through October 31 for fly fishing only from the natural gas pipeline crossing to the posted deadline at the intake to the lower salmon hatchery.
 - (vii) Salmon:
 - (A) Open January 1 through April 30:
 - (I) Limit 6 hatchery Chinook.
 - (II) No more than one adult hatchery Chinook may be retained.
 - (B) Open August 1 through December 31:
 - (I) Limit 6; no more than 2 adult hatchery Chinook may be retained.
 - (II) Release all salmon other than hatchery Chinook and hatchery coho.
 - (b) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek:
 - (i) Open year-round.
 - (ii) It is unlawful to fish from a floating device equipped with a motor.
 - (iii) Selective gear rules apply.
 - (iv) Release all fish, except anglers may retain up to 2 hatchery steelhead.
 - (c) From Summers Creek upstream to Kalama Falls:
 - (i) Closed from the 6420 Road (approximately one mile above the gate at the end of the county road) to Kalama Falls.
 - (ii) Open the first Saturday in June through March 31 for fly fishing only.
 - (iii) It is unlawful to fish from a floating device equipped with a motor.
 - (iv) Release all fish, except anglers may retain up to 2 hatchery steelhead.
 - (45) **Kidney Lake (Skamania County):** Open the fourth Saturday in April through last day in February.
 - (46) **Klineline Ponds (Clark County):**
 - (a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.
 - (b) It is unlawful to retain more than 2 trout 20 inches or more in length.

(47) Kress Lake (Cowlitz County):

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to retain more than 2 trout 20 inches or more in length.

(d) Landlocked salmon rules apply.

(48) Lacamas Creek (Clark County):

(a) From the mouth to the footbridge at the lower falls: Open the first Saturday in June through August 31.

(b) From the footbridge at the lower falls upstream to the source: It is permissible to fish up to the base of Lacamas Lake Dam.

(49) Lacamas Creek, tributary of Cowlitz River (Lewis County):

(a) Barbless hooks are required for steelhead.

(b) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(50) Lewis River (Clark County):

(a) Open year-round from the mouth to the mouth of East Fork.

(b) Barbless hooks are required for salmon and steelhead.

(c) Fishing 2 poles is permissible from Railroad Bridge near Kuhns Road upstream to mouth of East Fork Lewis, so long as the angler possesses a two-pole endorsement.

(d) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(e) Salmon:

(i) Open January 1 through April 30: Limit 6 hatchery Chinook; no more than one may be an adult.

(ii) Open August 1 through September 30:

(A) Limit 6 hatchery salmon; no more than 2 may be adult hatchery Chinook.

(B) Release all salmon except hatchery Chinook and hatchery coho.

(iii) Open October 1 through December 31:

(A) Limit 6; no more than 2 may be adult Chinook.

(B) Release all salmon except Chinook and hatchery coho.

(f) Sturgeon: Catch and release only.

(51) Lewis River, East Fork (Clark/Skamania counties):

(a) The following areas are closed:

(i) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls.

(ii) From 400 feet below to 400 feet above Molton Falls.

(iii) From 400 feet below Horseshoe Falls upstream, including all tributaries above Horseshoe Falls.

(b) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the first Saturday in June through March 15.

(ii) Barbless hooks are required for steelhead.

(iii) Release all trout except anglers may retain up to 2 hatchery steelhead.

(c) From the mouth to the top boat ramp at Lewisville Park:

(i) Additional opening from April 16 through the Friday before the first Saturday in June.

(ii) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish except anglers may retain up to 2 hatchery steelhead.

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

(a) From the mouth to Colvin Creek:

(i) Open year-round except the following areas are closed:

(A) From Johnson Creek upstream May 1 through May 31.

(B) Those waters shoreward of the cable buoy and cork-line at the mouth of the Lewis River Salmon Hatchery fish ladder.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Fishing 2 poles is permissible from the mouth to Johnson Creek, so long as the angler possesses a two-pole endorsement.

(iv) Anti-snagging rule applies and night closure in effect June 1 through November 30 and April 1 through April 30 from Johnson Creek to Colvin Creek. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(v) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(vi) Salmon:

(A) Open August 1 through April 30.

(B) From August 1 through September 30: Limit 6 hatchery Chinook or hatchery coho, of which no more than 2 may be adult hatchery Chinook.

(C) From October 1 through December 31: Limit 6 hatchery Chinook or hatchery coho, of which no more than 2 adult hatchery Chinook may be retained.

(D) From January 1 through April 30: Limit 6 hatchery Chinook of which only 1 may be an adult salmon. Release all other salmon.

(vii) Sturgeon: Catch and release only.

(b) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open June 1 through October 15 and December 16 through April 30.

(iii) Anti-snagging rule applies and night closure in effect April 1 through April 30 and June 1 through October 15. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iv) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) Open August 1 through October 15 and December 16 through April 30.

(B) From January 1 through April 30: Limit 6 hatchery Chinook of which only one may be an adult salmon.

(C) From August 1 through September 30: Limit 6 hatchery salmon, of which no more than 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho.

(D) From October 1 through October 15 and December 16 through December 31: Limit 6 hatchery salmon, of which

no more than 2 may be adult Chinook. Release all salmon except Chinook and hatchery coho.

(vi) Sturgeon: Catch and release only.

(c) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed.

(d) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed.

(e) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse and Lewis River Power Canal upstream to fishing pier: Closed.

(f) Within Lewis River Power Canal from the fishing pier to the access road at Swift Dam:

(i) Open the fourth Saturday in April through October 31.

(ii) It is unlawful to fish from a floating device.

(iii) Trout: Limit 5; no minimum size.

(g) From Eagle Cliff Bridge to the lower falls, including all tributaries:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(53) **Little Ash Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or more in length.

(54) **Little Washougal River (Clark County):** Barbless hooks are required for steelhead.

(55) **Little White Salmon River (Skamania County):**

(a) Open the Saturday before Memorial Day through October 31, except closed from the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery.

(b) Trout: Limit 5.

(56) **Love Lake (Clark County):** Closed.

(57) **Mayfield Lake (Reservoir) (Lewis County):**

(a) Open from the Mayfield Dam to Mossyrock Dam.

(b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed.

(c) Trout:

(i) Minimum length 8 inches.

(ii) Release cutthroat and rainbow trout, except it is permissible to retain rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

(d) Salmon open September 1 through December 31:

(i) Minimum length 8 inches.

(ii) Limit 6, no more than 2 may be adult salmon.

(iii) Release wild coho and wild Chinook.

(58) **Merrill Lake (Cowlitz County):**

(a) Open for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(59) **Merwin Lake (Reservoir) (Clark/Cowlitz counties):**

(a) Landlocked salmon rules apply.

(b) Kokanee: Limit 10; kokanee do not count as part of the trout limit.

(60) **Mill Creek (Cowlitz County):**

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Barbless hooks are required for steelhead.

(c) Release all trout except anglers may retain up to 2 hatchery steelhead.

(61) **Mill Creek (Lewis County):**

(a) Barbless hooks are required for steelhead.

(b) Open the first Saturday in June through October 31.

(c) Open December 1 through December 31 from the mouth to hatchery road crossing culvert:

(i) Anti-snagging rule applies and night closure in effect.

(ii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(62) **Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

(63) **Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Minimum length 12 inches.

(64) **Olequa Creek (Lewis/Cowlitz counties):**

(a) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

(b) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(c) Barbless hooks are required for steelhead.

(65) **Packwood Lake (Lewis County):**

(a) Closed: All inlet streams and the outlet from the log boom to the dam.

(b) Open the fourth Saturday in April through October 31.

(c) Selective gear rules apply.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Trout: Minimum length 10 inches.

(66) **Panther Creek (tributary to Wind River) (Skamania County):** Closed.

(67) **Plummer Lake (Lewis County):** Open the fourth Saturday in April through the last day in February.

(68) **Rainey Creek (Lewis County):**

(a) Open from the mouth to Highway 12.

(b) Trout limit 5; release cutthroat and rainbow trout, except it is permissible to retain rainbow trout that have a clipped adipose fin and a healed scar at the location of the clipped fin.

(69) **Riffe Lake (Reservoir) (Lewis County):**

(a) Open from Mossyrock Dam to Cowlitz Falls Dam, except closed from Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam.

(b) It is permissible to fish up to the base of Swofford Pond Dam.

(c) Landlocked salmon rules apply.

(70) **Rock Creek (Skamania County):**

(a) Open from the mouth to the falls (at approximately river mile one).

(i) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(ii) Barbless hooks are required for steelhead.

(b) From the falls upstream to source/headwaters:

(i) Open November 1 through March 15.

(ii) Barbless hooks are required for steelhead.

(71) **Rowland Lakes (Klickitat County):** Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

(72) **Salmon Creek (Clark County):**

(a) From the mouth to 72nd Avenue N.E.:

(i) Open the first Saturday in June through March 15.

(ii) Trout: Release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(b) From 72nd Avenue N.E. Bridge upstream: Closed.

(73) **Salmon Creek (Lewis County):** Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

(74) **Silver Lake (Cowlitz County):** Crappie limit 10; minimum length 9 inches.

(75) **Silver Creek (tributary to Cowlitz River) (Lewis County):**

(a) Open from the mouth to USFS Road 4778.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Minimum length 14 inches.

(76) **Skamokawa Creek (Wahkiakum County):**

(a) Open June 1 through October 31 from the mouth to the forks just below Oatfield and Middle Valley Road.

(b) Release all trout except anglers may retain up to 2 hatchery steelhead.

(c) Barbless hooks are required for steelhead.

(77) **Skate Creek (tributary to Cowlitz River) (Lewis County):** Release all cutthroat.

(78) **South Lewis County Park Pond (Lewis County):** Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(79) **Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through last day in February.

(80) **Spirit Lake (Skamania County):** Closed.

(81) **Swift Reservoir (Skamania County):**

(a) Open the first Saturday in June through November 30.

(b) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge: Selective gear rules apply.

(c) From the dam to the markers approximately 3/8 mile below Eagle Cliff Bridge: Trout limit 10 from September 1 through November 30.

(d) Salmon:

(i) Open the first Saturday in June through November 30.

(ii) Landlocked salmon rules apply.

(iii) Maximum length 15 inches.

(82) **Swofford Pond (Lewis County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(83) **Tilton River (Lewis County):**

(a) Open the first Saturday in June through March 31 from the mouth to the West Fork.

(b) Barbless hooks are required for steelhead.

(c) September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging

rule is in effect, only fish hooked inside the mouth may be retained.

(d) Release all cutthroat.

(e) Salmon open August 1 through December 31:

(i) Minimum length 8 inches.

(ii) Limit 6; no more than 2 adult Chinook may be retained.

(iii) Release wild coho and wild Chinook.

(84) **Tilton River, East, North, South and West Forks (Lewis County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Minimum length 12 inches.

(85) **Toutle River (Cowlitz County):**

(a) From the mouth to the forks, and the North Fork from the mouth to the posted deadline below the fish collection facility:

(i) Open the first Saturday in June through November 30.

(ii) September 1 through October 15: Anti-snagging rule applies and night closure in effect on the North Fork from the confluence with the South Fork to the mouth of Green River.

(iii) Barbless hooks are required for salmon and steelhead.

(iv) Gamefish: Release all fish except anglers may retain up to 2 hatchery steelhead.

(v) Salmon open August 1 through November 30:

(A) Limit 6, no more than 2 may be adult Chinook.

(B) Release chum, wild coho, and wild Chinook.

(b) From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries except Castle and Coldwater lakes: Closed.

(86) **Toutle River, South Fork (Cowlitz County):**

(a) All tributaries are closed.

(b) During all open times, release all fish except anglers may retain up to 2 hatchery steelhead. Barbless hooks are required for steelhead.

(c) From the mouth to 4700 Road Bridge:

(i) Open the last Saturday in May to the Friday before the first Saturday in June.

(ii) Selective gear rules apply.

(d) From the mouth to the 4100 Road Bridge:

(i) Open the first Saturday in June through March 15.

(ii) December 1 through March 15:

(A) Selective gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) From 4100 Road Bridge upstream to source: Open the first Saturday in June through November 30.

(87) **Trout Creek (tributary to Wind River) (Skamania County):** Closed.

(88) **Trout Lake (tributary to Big White Salmon River) (Klickitat County):** Open the first Saturday in June through October 31.

(89) **Tunnel Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or more in length.

(90) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Trout: Limit 2; minimum length 12 inches.

(d) Sturgeon: Catch and release only.

(91) Walupt Lake (Lewis County):

(a) All inlet streams are closed.

(b) Open the fourth Saturday in April through October 31.

(c) Selective gear rules apply.

(d) Trout: Minimum length 10 inches.

(92) Washougal River (Clark County):

(a) From the mouth to the bridge at Salmon Falls:

(i) Closed from 200 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river.

(ii) Open the first Saturday in June through March 15.

(iii) Barbless hooks are required for salmon and steelhead.

(iv) Night closure in effect:

(A) Year-round from the mouth to Mount Norway Bridge.

(B) September 1 through October 31 from Mount Norway Bridge upstream.

(v) Anti-snagging rule applies:

(A) July 1 through October 31 from the mouth to Mount Norway Bridge; and

(B) September 1 through October 31 from Mount Norway Bridge upstream.

(C) When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(vi) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(vii) Open from the mouth to Mount Norway Bridge April 16 through the Friday before the first Saturday in June:

(A) Selective gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(C) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(viii) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; no more than 2 adults may be hatchery Chinook.

(C) Release chum, wild coho, and wild Chinook.

(b) From the bridge at Salmon Falls to the source, including tributaries: Closed.

(93) Washougal River, West (North) Fork (Clark/Skamania counties):

(a) From the mouth to the water intake at the department hatchery: Closed.

(b) From the intake at the department hatchery to the source:

(i) Open the first Saturday in June through March 15.

(ii) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(94) Willame Lake (Lewis County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit 2; minimum length 15 inches.

(95) Wind River (Skamania County):

(a) Barbless hooks are required for salmon and steelhead.

(b) From the mouth to 100 feet above Shipherd Falls:

(i) Closed from 400 feet below to 100 feet above Shipherd Falls fish ladder, including all tributaries.

(ii) March 16 through June 30: Night closure in effect.

(iii) August 1 through October 31: Anti-snagging rule applies. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iv) May 1 through June 30: Anti-snagging rule applies from Burlington Northern Railroad Bridge upstream. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(v) Open for game fish, except trout: July 1 through March 15.

(vi) Trout:

(A) Open August 1 through March 15.

(B) Minimum length 14 inches.

(vii) Salmon and steelhead:

(A) Open March 16 through July 31:

(I) Limit one salmon or one hatchery steelhead, or one of each.

(II) Release wild Chinook.

(B) Open August 1 through October 31 for salmon only:

(I) From the mouth to the Highway 14 Bridge, when the adjacent mainstem Columbia and the Wind rivers are open concurrently for salmon, the limit follows the most permissive regulations.

(II) Limit 6; up to 2 adults may be retained.

(III) Release wild coho and wild Chinook.

(c) From 100 feet above Shipherd Falls to Moore Bridge:

(i) The following areas are closed:

(A) All tributaries.

(B) From 400 feet below to 100 feet above the Coffey Dam.

(ii) Open September 16 through November 30:

(A) Catch and release only.

(B) Selective gear rules apply.

(C) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) From Moore Bridge upstream to the river source, including all tributaries: Closed.

(96) Winston Creek (tributary to Cowlitz River) (Lewis County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Minimum length 10 inches.

(97) Yale Reservoir (Cowlitz County):

(a) Kokanee: Limit 16; kokanee do not count toward the trout limit.

(b) Landlocked salmon rules apply.

(98) Yellowjacket Creek (tributary to Cispus River) (Lewis County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Minimum length 12 inches.

NEW SECTION

WAC 220-310-190 Freshwater exceptions to state-wide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) County-wide freshwater exceptions to statewide rules:

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

(i) Open the fourth Saturday in April through October 31.

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

(3) **Alder Lake (Thurston County):** Kokanee limit 10; kokanee do not count toward the trout daily limit.

(4) Aldrich Lake (Mason County):

(a) Open the fourth Saturday in April through October 31:

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(5) **Alexander Lake (Kitsap County):** Closed.

(6) All Creek (Skagit County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(7) Alma Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to two hatchery steelhead.

(8) American Lake (Pierce County):

(a) Chumming is permissible.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length except there are no size restrictions for kokanee.

(9) Anderson Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(10) Anderson Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(11) **Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(12) Bacon Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(13) Bacus Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(14) Bainbridge Island - All streams (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(15) Baker Lake (Whatcom County):

(a) Chumming is permissible.

(b) Closed waters within a two hundred foot radius around the pump discharge at the south end of the lake.

(c) Open the fourth Saturday in April through October 31:

(d) Trout: Minimum length 6 inches and maximum length 18 inches.

(e) Salmon: Open July 10 through September 2.

(i) Sockeye: Limit 2; minimum length 18 inches.

(ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.

(16) Baker River (Skagit County):

(a) From the mouth to Highway 20 Bridge:

(i) Open September 1 through October 31.

(ii) Night closure in effect.

(iii) Anti-snagging rule applies.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) From the Highway 20 Bridge to the Baker River fish barrier dam: Closed.

(c) From the Baker River fish barrier dam to the headwaters to Shannon and Baker lakes, including tributaries and their tributaries, except Channel Creek: Open the first Saturday in June through October 31.

(17) **Barnaby Slough (Skagit County):** Closed.

(18) **Bay Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(19) **Beaver Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.

(20) Beaver Creek (Thurston County) from the mouth to I-5:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(21) **Beaver Lake (King County):** Trout: No more than 2 over 15 inches in length.

(22) Benson Lake (Mason County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length.

(23) Bertrand Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(24) Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Open the first Saturday in June through August 31 to juvenile anglers only.

(25) Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(26) Big Beef Creek (Kitsap County):

(a) From Seabeck Highway Bridge to Lake Symington:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(v) August 1 through August 31: Closed within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(27) Big Creek (Skagit County) (Suitttle River tributary):

(a) From TeePee Falls to the source: Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(28) Big Lake (Skagit County):

(a) Crappie: Limit 10; minimum length 9 inches.

(b) Salmon: Landlocked salmon rules apply.

(29) Big Mission Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(30) Big Scandia Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(31) Bingham Creek (Mason County) (Satsop River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(32) Black Creek (Snohomish County) (South Fork Stillaguamish River tributary): Open the Saturday before Memorial Day through October 31 from the Bear Creek confluence upstream.

(33) Black Lake (Thurston County):

(a) Crappie: Limit 10; minimum length 9 inches.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(34) Black Lake Ditch (Thurston County):

(a) Open the first Saturday in June through October 31 from the confluence with Percival Creek upstream to Black Lake.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(35) Blackjack Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(36) Blackman's Lake (Snohomish County): Trout limit 3.

(37) Blooms Ditch (Thurston County) (Black River tributary): From the mouth to I-5:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(38) Boise Creek (King County) (White River tributary): Open the first Saturday in June through October 31 upstream of the Highway 410 crossing.

(39) Bosworth Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(40) Boulder Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(41) Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):

(a) From the mouth to Boulder Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) From Boulder Falls upstream: Open the Saturday before Memorial Day through October 31.

(42) Boxley Creek (North Bend, King County) (Tributary to the South Fork Snoqualmie River): Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.9.

(43) Boyle Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) The inlet and outlet streams to Boyle Lake are closed.

(44) Bradley Lake (Pierce County):

(a) Open May 15 through the last day of free fishing weekend, as defined in WAC 220-55-160, to juvenile anglers only.

(b) Salmon: Landlocked salmon rules apply.

(45) Bridges Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) The inlet and outlet streams to Bridges Lake are closed.

(46) Buck Creek (Skagit County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31 from the upstream boundary of Buck Creek campground to the source.

(b) Selective gear rules apply.

(47) Buck Lake (Kitsap County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(48) Burley Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(49) Cadet Creek (Snohomish County) (Sauk River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(50) Cady Lake (Mason County):

(a) Open to fly fishing only.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(51) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(52) California Creek (Whatcom County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(53) Calligan Lake (King County):

(a) Open June 1 through October 31.

(b) All tributary streams and the upper third of the outlet are closed.

(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(54) Camp Creek (Snohomish County) (Whitechuck River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(55) Campbell Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(56) **Campbell Lake (Skagit County):** Crappie limit ten; minimum length 9 inches.

(57) Canyon Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(58) Canyon Creek (Snohomish County) (S.F. Stillaguamish River):

(a) Open the first Saturday in June through January 31 from the mouth to the forks.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(59) Canyon Creek (Whatcom County) (North Fork Nooksack River):

(a) Open the Saturday before Memorial Day through October 31 from Canyon Creek Road Bridge upstream, including tributaries.

(b) Selective gear rules apply.

(60) **Capitol Lake (Thurston County):** Closed.

(61) Carbon River (Pierce County):

(a) From the mouth to Voight Creek:

(i) Open September 1 through January 15.

(ii) Night closure in effect.

(iii) Anti-snagging rule applies.

(iv) Trout:

(A) September 1 through November 30: Minimum length 14 inches.

(B) From December 1 through January 15:

(I) Selective gear rules apply.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) Open September 1 through November 30.

(B) Limit 6 fish of which no more than 4 may be adult salmon and, of the 4 adults, no more than 2 may be adult hatchery Chinook.

(C) Release chum and wild adult Chinook salmon.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from November 1 through January 15.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(62) Carney Lake (Pierce County):

(a) Open the fourth Saturday in April through June 30 and September 1 through November 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(d) Salmon: Landlocked salmon rules apply.

(63) **Carson Lake (Mason County):** Open the fourth Saturday in April through October 31.

(64) Cascade Creek (San Juan County):

(a) Open the first Saturday in June through October 31 from the mouth to Cascade Lake.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 10 eastern brook trout.

(65) **Cascade Lake (San Juan County):** Open the fourth Saturday in April through October 31.

(66) Cascade River (Skagit County):

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 and September 16 through February 15:

(A) Anti-snagging rule applies and night closure in effect June 1 through July 15 and September 16 through November 30.

(B) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(ii) Salmon:

- (A) Open June 1 through July 15:
 (I) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults.
 (II) Release all other salmon.
- (B) Open September 16 through November 30:
 (I) Up to 4 coho may be retained.
 (II) Release all other salmon.
- (b) From the Rockport-Cascade Road Bridge upstream:
 (i) Open the first Saturday in June through January 31.
 (ii) Selective gear rules apply.
 (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (67) **Cassidy Lake (Snohomish County):** Crappie limit 10; minimum length 9 inches.
- (68) **Cavanaugh Creek (Whatcom County) and all tributaries:** Open the Saturday before Memorial Day through October 31 upstream from where Cavanaugh Creek first flows into Whatcom County, 0.4 lineal miles from its confluence with the South Fork Nooksack River.
- (69) **Cavanaugh Lake (Skagit County):** Chumming is permissible.
- (70) **Cayada Creek (Pierce County) (Carbon River tributary):** Open the first Saturday in June through October 31.
- (71) **Cedar Creek (Mason County):** Open the first Saturday in June through October 31.
- (72) **Cedar River (King County):**
 (a) Open the first Saturday in June through August 31 from the mouth to Landsburg Road.
 (b) Selective gear rules apply and night closure.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Trout: Catch and release only.
- (73) **Chambers Creek (Pierce County):**
 (a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam (Pierce County):
 (i) Open July 1 through November 15.
 (ii) Night closure and anti-snagging rule.
 (iii) Trout: Minimum length 14 inches.
 (iv) Salmon:
 (A) Open July 1 through November 15.
 (B) Limit 6 fish of which no more than 2 may be adult salmon.
 (C) Release wild coho.
 (b) From Boise-Cascade Dam to Steilacoom Lake:
 (i) Open July 1 through October 31.
 (ii) Night closure in effect and selective gear rules apply.
 (iii) Trout: Minimum size 14 inches.
- (74) **Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):**
 (a) Selective gear rules apply.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Trout: Catch and release only.
- (75) **Channel Creek (Skagit County) (Baker River tributary):** Open the first Saturday in June through August 31.
- (76) **Chaplain Creek (Snohomish County) (Sultan River tributary):** Open the Saturday before Memorial Day

through October 31 above the falls near the mouth to the dam at Chapman Lake, including tributaries and beaver ponds.

(77) **Chaplain Lake (Snohomish County):** Closed.

(78) **Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River):** Open the Saturday before Memorial Day through October 31 above Cherry Creek Falls (located at river mile 9.3, approximately 1 mile upstream of Stossel/Kelly Rd), including all tributaries and beaver ponds.

(79) **Chiliwack River (Whatcom County):** Open the first Saturday in June through October 31, including all tributaries and their tributaries.

(80) **Church Creek (Mason County):** Open the first Saturday in June through October 31 upstream of the bridge on U.S. Forest Service Road #2361.

(81) **Clara Lake (also known as "Don Lake") (Mason County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length.

(82) **Clarks Creek (Pierce County):**

(a) Open the first Saturday in June through August 15 from the mouth to 12th Avenue S.E.

(b) Selective gear rules apply.

(c) Trout: Limit 2; minimum length 14 inches.

(83) **Clear Creek (Snohomish County) (Sauk River tributary):** Open the first Saturday in June through October 31 from Asbestos Creek Falls to the source.

(84) **Clear Lake (Pierce County):**

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(c) Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(d) Salmon: Landlocked salmon rules apply.

(85) **Clear Lake (Thurston County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.

(86) **Clearwater River (Pierce County):**

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(87) **Clover Creek (Pierce County):**

(a) Open July 1 through October 31 upstream of Steilacoom Lake, including all tributaries.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(88) **Coal Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 to juvenile anglers only.

(89) **Coal Creek (near Snoqualmie) (King County):**

(a) From the mouth to Highway I-90:

(i) Open the fourth Saturday in April through October 31 to juvenile anglers only.

(ii) Trout: No minimum length.

(b) From Highway I-90 upstream: Open the Saturday before Memorial Day through October 31.

(90) **Collins Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(91) **Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River)**: Open the first Saturday in June through October 31.

(92) **Cottage Lake (King County)**: Open the fourth Saturday in April through October 31.

(93) **Coulter Creek (Kitsap/Mason counties)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(94) **County Line Ponds (Skagit County)**: Closed.

(95) **Crabapple Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

(96) **Cranberry Creek (Mason County)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(97) **Crescent Creek (Kitsap County)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(98) **Crescent Lake (Pierce County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(99) **Cumberland Creek (Whatcom County)**: Open the Saturday before Memorial Day through October 31 upstream from the USFS 17 Road Bridge located 0.7 lineal miles from its confluence with the Skagit River, including all tributaries.

(100) **Dakota Creek (Whatcom County)**:

(a) Open the first Saturday in June through December 31 from the mouth to Giles Road Bridge.

(b) Selective gear rules apply.

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Limit 2 salmon.

(iii) Release wild Chinook.

(101) **Dan's Creek (Snohomish County) (Sauk River tributary)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(102) **De Coursey Pond (Pierce County)**:

(a) Open the fourth Saturday in April through November 30 to juvenile anglers only.

(b) Salmon: Landlocked salmon rules apply.

(103) **Decker Creek (Mason County) (Satsop River tributary)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(104) **Deep Lake (Thurston County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(105) **Deer Creek (Mason County)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(106) **Deer Lake (Island County)**: Open the fourth Saturday in April through October 31.

(107) **Deer Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(108) **Dempsey Creek (Thurston County) (Black River tributary)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(109) **Deschutes River (Thurston County)**:

(a) From Old Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park:

(i) Selective gear rules apply, except bait is allowed September 1 through October 15.

(ii) Trout: Open year-round; catch and release only.

(iii) All other game fish: Open the first Saturday in June through October 15.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

(b) From Henderson Boulevard Bridge upstream:

(i) Open year-round.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

(110) **Devereaux Lake (Mason County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(111) **Dewatto River (Mason County)**:

(a) From the mouth to Dewatto-Holly Road Bridge:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) October 1 through October 31: Night closure in effect.

(v) Game fish: Catch and release only.

(vi) Salmon:

(A) Open October 1 through October 31.

(B) Limit 2 coho.

(b) From Dewatto-Holly Road Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(112) Diobsud Creek (Skagit County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(113) Dogfish Creek (Kitsap County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.

(114) Downey Creek (Snohomish County) (Suiattle River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(115) Duckabush River (Jefferson County):

(a) From the mouth to Mason County PUD #1 overhead distribution line:

- (i) Open the first Saturday in June through August 31.
- (ii) Selective gear rules apply.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) Release all game fish.
- (v) Salmon:
- (A) Open November 1 through December 15.
- (B) Limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

- (i) Open the first Saturday in June through August 31.
- (ii) Selective gear rules apply.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (iv) Catch and release only.

(116) Dyes Inlet (Kitsap County):

(a) Open the first Saturday in June through October 31 for all streams.

- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.

(117) Eaton Creek (Thurston County) (Lake St. Clair tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(118) **Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(119) Eglon Creek (Kitsap County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.

(120) Elliot Creek (Snohomish County) (Sauk River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(121) **Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.

(122) **Evans Creek (Pierce County) (Carbon River tributary):** Open the first Saturday in June through October 31 from Carbon River Fairfax Road upstream.

(123) Falls Creek (Snohomish County) (Sauk River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(124) Fazon Lake (Whatcom County):

(a) It is unlawful to fish from any floating device from the first Friday in October through January 27.

- (b) Channel catfish: Limit 2.

(125) **Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodspout Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

(126) Fisher Slough (Snohomish County):

(a) Open the first Saturday in June through October 31 from the mouth to the I-5 Bridge.

- (b) Trout: Minimum length 14 inches.

(127) **Fishtrap Creek (Whatcom County):** Open from Koh Road to Bender Road from the first Saturday in June through October 31 for juvenile anglers only.

(128) **Fiske Creek (Pierce County) (Puyallup River tributary):** Open upstream from Fiske Road from the first Saturday in June through October 31.

(129) **Fortson Mill Pond #2 (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

(130) Found Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

- (b) Selective gear rules apply.
- (c) Catch and release only.

(131) **Fox Creek (Pierce County) (Puyallup River tributary):** Open upstream from Fiske Road from the first Saturday in June through October 31.

(132) Friday Creek (Whatcom County) (Samish River tributary):

(a) Open the first Saturday in June through October 31.

- (b) Selective gear rules apply.

(133) Fulton Creek (Mason County):

(a) From the mouth to falls at river mile 0.8:

- (i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From the falls at river mile 0.8 upstream: Open the first Saturday in June through October 31.

(134) **Gale Creek (Pierce County) (South Prairie Creek tributary):** Open upstream of the confluence with Wilkeson Creek from the first Saturday in June through October 31.

(135) Gamble Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

- (b) Selective gear rules apply.

(c) Catch and release only.

(136) **Geneva Lake (King County):** Open the fourth Saturday in April through October 31.

(137) **Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.

(138) **Gissberg Ponds (Snohomish County):** Channel catfish limit 2; no minimum size.

(139) Goldsborough Creek (Mason County):

(a) Open the first Saturday in June through October 31.

- (b) Selective gear rules apply.

(c) Trout: Catch and release only.

(140) **Goodell Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(141) **Goodwin Lake (Snohomish County):** Chumming is permissible.(142) **Goss Lake (Island County):** Open the fourth Saturday in April through October 31.(143) **Grade Creek (Snohomish County) (Suittle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(144) **Granite Lakes (near Marblemount) (Skagit County):** Grayling: Catch and release only.(145) **Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.(146) **Green (Duwamish) River (King County):**

(a) From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99:

(i) September 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 15: It is unlawful to fish from any floating device.

(iii) Open the first Saturday in June through July 31 and September 1 through January 15: Trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon August 23 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open August 23 through December 31.

(II) Limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 6; no more than 3 adults may be retained.

(III) Release Chinook.

(b) From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:

(i) September 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 15: It is unlawful to fish from any floating device.

(iii) Open the first Saturday in June through July 31 and September 1 through January 15; trout minimum length 14 inches.

(iv) Salmon open September 1 through December 31:

(A) In years ending in odd numbers:

(I) Limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

(II) Release Chinook.

(B) In years ending in even numbers:

(I) Limit 6 salmon; no more than 3 adults may be retained.

(II) Release Chinook.

(c) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn:

(i) October 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 15: It is unlawful to fish from any floating device.

(iii) Open the first Saturday in June through July 31 and October 1 through January 15: Trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon September 1 through September 30:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open September 1 through December 31.

(II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open October 1 through December 31.

(II) Limit 6; no more than 3 adults may be retained.

(III) Release Chinook.

(d) From the 277th Street Bridge to Auburn-Black Diamond Road Bridge:

(i) October 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 31: It is unlawful to fish from a floating device.

(iii) Open the first Saturday in June through August 15 and October 16 through January 31; trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon September 16 through October 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open September 16 through December 31.

(II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open October 16 through December 31.

(II) Limit 6; no more than 3 adults may be retained.

- (III) Release Chinook.
- (e) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek at Flaming Geyser State Park:
- (i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.
- (ii) August 1 through September 15 and November 1 through November 30:
- (A) Anti-snagging rule applies.
- (B) Night closure in effect.
- (iii) Open the first Saturday in June through September 15 and November 1 through January 31; trout minimum length 14 inches.
- (iv) Salmon open November 1 through December 31.
- (A) In years ending in odd numbers:
- (I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
- (II) Release Chinook.
- (B) In years ending in even numbers:
- (I) Limit 6; no more than 3 adults may be retained.
- (II) Release Chinook.
- (f) From the mouth of Cristy Creek at Flaming Geyser State Park to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):
- (i) Closed waters within 150 feet of the Palmer Pond outlet rack.
- (ii) August 1 through November 30:
- (A) Anti-snagging rule applies.
- (B) Night closure in effect.
- (iii) Open the first Saturday in June through January 31: Trout minimum length 14 inches.
- (iv) Salmon open November 1 through December 31:
- (A) In years ending in odd numbers:
- (I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.
- (II) Release Chinook.
- (B) In years ending in even numbers:
- (I) Limit 6; no more than 3 adults may be retained.
- (II) Release Chinook.
- (g) From Friday Creek upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.
- (147) Greenwater River (King County):**
- (a) From the mouth to Greenwater Lakes:
- (i) Open November 1 through January 31.
- (ii) Release all fish except whitefish.
- (iii) Whitefish gear rules apply.
- (b) From Greenwater Lakes upstream: Open the first Saturday in June through October 31.
- (148) Groves Creek (Kitsap County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.
- (149) Hamma Hamma River (Mason County):**
- (a) From the mouth to 400 feet below the falls:
- (i) Open the first Saturday in June through August 31.
- (ii) Selective gear rules apply.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) Catch and release only.
- (b) From the falls upstream: Open the first Saturday in June through October 31.
- (150) Hancock Lake (King County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) All tributary streams and the upper third of the outlet are closed.
- (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (151) Hansen Creek (Skagit County):** Including all tributaries and their tributaries:
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (152) Harrison Slough (Skagit County):** Open the first Saturday in June through October 31.
- (153) Hatchery Lake (Mason County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (154) Haven Lake (Mason County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Trout: It is unlawful to retain more than 2 over 14 inches in length.
- (155) Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.
- (156) Heins Lake (Kitsap County):** Closed.
- (157) Hicks Lake (Thurston County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.
- (158) Hilt Creek (Skagit County) (Sauk River tributary):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (159) Horseshoe Lake (Kitsap County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (c) Salmon: Landlocked salmon rules apply.
- (160) Howard Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from where Howard Creek flows into Section 13 of Township 36N, Range 6E, 0.3 lineal miles upstream from the South Fork Nooksack River, including all tributaries.
- (161) Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (162) Howell Lake (Mason County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (163) Hozomeen Lake (Whatcom County):**
- (a) Open July 1 through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(164) **Hylebos Creek (Pierce County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(165) **Illabot Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(166) **Illahsee Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(167) **Isabella Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(168) **Island Lake (Kitsap County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(169) **Island Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(170) **Issaquah Creek (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(171) **Jackman Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(172) **Jackson Lake (Pierce County):** Open the fourth Saturday in April through October 31.

(173) **Jefferson Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

(174) **Jennings Park Pond (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

(175) **Johns Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(176) **Johnson Creek (Thurston County) (Skookumchuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(177) **Johnson Creek (Whatcom County):** Open the first Saturday in June through October 31 from the Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas for juvenile anglers only.

(178) **Jones Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(179) **Jordan Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(180) **Jorsted Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(181) **Kapowsin Lake (Pierce County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(182) **Kelsey Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(183) **Kendall Creek (Whatcom County) (N.F. Nooksack tributary):**

(a) Open the first Saturday in June through October 31 above the hatchery grounds.

(b) Selective gear rules apply.

(184) **Kennedy Creek (Mason County):**

(a) From the mouth to 400 feet below the falls:

(i) Open the first Saturday in June through the last day in February.

(ii) From Highway 101 Bridge to 400 feet below the falls: Selective gear rules apply January 1 through September 30.

(iii) October 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iv) Trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 1 through November 30 from the mouth to the northbound Highway 101 Bridge.

(B) Limit 6; no more than 2 adults may be retained.

(C) Release wild coho.

(b) From the falls upstream, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply within the mainstem of Kennedy Creek.

(185) **Kennedy Creek Pond (Thurston County):** Open the fourth Saturday in April through October 31.

(186) **Ki Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(187) **Kimball Creek (near Snoqualmie) (King County):**

(a) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(b) Trout: No minimum length.

(188) **Kindy Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(189) **King's Creek (Pierce County) (Puyallup River tributary):** Open the first Saturday in June through October 31.

(190) **Kings Lake Bog (King County):** Closed.

(191) **Kitsap Lake (Kitsap County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(192) **Klaus Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) The inlet and outlet to first Weyerhaeuser spur are closed.

(193) **Koeneman Lake (Fern Lake) (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(194) **Kokanee Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(195) **Ladder Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(196) **LaGrande Powerhouse (Pierce County):**

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(d) From Alder Reservoir upstream including all tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(197) **Langlois Lake (King County):** Open the fourth Saturday in April through October 31.

(198) **Lawrence Lake (Thurston County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(199) **LeBar Creek (Mason County):** Open the first Saturday in June through October 31 from the falls at river mile one upstream.

(200) **Lena Creek (Mason County):** Open the first Saturday in June through October 31.

(201) **Lilliwaup River (Mason County):**

(a) From the mouth to 200 feet below the falls:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From the falls upstream: Open the first Saturday in June through October 31.

(202) **Lime Creek (Snohomish County) (Suittle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(203) **Limerick Lake (Mason County):** Open the fourth Saturday in April through October 31.

(204) **Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties):** Open the first Saturday in June through August 31 for juvenile anglers only.

(205) **Little Mission Creek (Mason County) from falls upstream:**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(206) **Little Nisqually River (Lewis County):**

(a) Open the first Saturday in June through October 31.

(b) Trout: Minimum length 14 inches.

(207) **Little Scandia Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(208) **Lone Lake (Island County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit 1; minimum length 18 inches.

(209) **Long Lake (Thurston County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(210) **Long's Pond (Thurston County):** Open for juvenile anglers only.

(211) **Lost Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(212) **Lyle Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.

(213) **Maggie Lake (Mason County):**

(a) Open the fourth Saturday in April through November 30.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(214) **Malaney Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(215) **Maple Creek (Whatcom County) (N.F. Nooksack tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(216) **Marble Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(217) **Margaret Lake (King County):** Open the fourth Saturday in April through October 31.

(218) **Marsh Creek (Snohomish County) (Sultan River tributary):** Open the Saturday before Memorial Day through October 31 above the falls, including tributaries and beaver ponds.

(219) **Martha Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(220) **May Creek (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(221) **McAllister Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) It is unlawful to use anything other than barbless hooks.

(c) Selective gear rules apply.

(d) Trout: Minimum length 14 inches.

(e) Salmon:

(i) Open July 1 through November 30.

(ii) Limit 6; of which no more than 2 may be adults.

(222) **McIntosh Lake (Thurston County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length.

(223) **McLane Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) August 1 through October 31: Night closure in effect.

(d) Trout: Minimum length 14 inches.

(224) **McLane Creek Ponds (Thurston County)**: Open the fourth Saturday in April through October 31.

(225) **McMurray Lake (Skagit County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Salmon: Landlocked salmon rules apply.

(226) **Melbourne Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(227) **Mercer Slough (tributary of Lake Washington) (King County)**: Open the first Saturday in June through August 31 for juvenile anglers only.

(228) **Milk Creek (Snohomish County) (Suiattle River tributary)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(229) **Mill Creek (Mason County)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(230) **Mill Pond (Auburn) (King County)**: Open the fourth Saturday in April through October 31 for juvenile anglers only, except open for all anglers during free fishing weekend, as defined in WAC 220-56-160.

(231) **Mima Creek (Thurston County) (Black River tributary)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(232) **Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County)**: Trout minimum length 14 inches.

(233) **Minter Creek (Pierce/Kitsap counties)**: From the mouth to the hatchery rack:

(a) Open for trout only the first Saturday in June through October 31:

(i) Selective gear rules apply.

(ii) Minimum length 14 inches.

(b) Open for salmon November 1 through December 31 from the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(i) Night closure in effect.

(ii) Limit 4 chum; release all other salmon.

(234) **Mission Lake (Kitsap County)**:

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(235) **Monte Cristo Lake (Snohomish County)**:

(a) Open the first Saturday in June through August 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(236) **Mountain Lake (San Juan County)**: It is unlawful to retain more than one trout over 18 inches in length.

(237) **Mud Lake (Mason County)**: Open the fourth Saturday in April through October 31.

(238) **Munn Lake (Thurston County)**:

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(239) **Nahwatzel Lake (Mason County)**: It is unlawful to retain more than 2 trout over 14 inches in length.

(240) **New Pond Creek (Pierce County) (South Prairie Creek tributary)**: Open the first Saturday in June through October 31.

(241) **Newhalem Ponds (Whatcom County)**: Closed.

(242) **Nisqually River (Pierce County)**:

(a) From the mouth to Military Tank Crossing Bridge:

(i) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use anything other than barbless hooks.

(ii) It is unlawful to fish from any floating device from July 28 through July 30, August 4 through August 6, August 11 through August 13, August 18 through August 20, and August 25 through August 27.

(iii) Open July 1 through January 31:

(A) From July 1 through November 30: Trout minimum length 14 inches.

(B) From December 1 through January 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon open July 1 through January 31.

(A) In years ending in even numbers, from July 1 through October 31:

(I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be any combination of chum and coho.

(II) Release wild Chinook.

(B) In years ending in odd numbers, from July 1 through October 31:

(I) Limit 6; no more than 4 adults may be retained of which only 2 adults may be any combination of Chinook, chum, and coho.

(II) Release wild Chinook.

(C) From November 1 through January 31:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open July 1 through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) From Alder Reservoir upstream including all tributaries:

(A) Open the Saturday before Memorial Day through October 31.

(B) Selective gear rules apply.

(C) Trout minimum length 14 inches.

(243) **Nookachamps Creek (Skagit County)**:

(a) Open the first Saturday in June through October 31, including all tributaries and their tributaries.

(b) Selective gear rules apply.

(244) **Nooksack River (Whatcom County)**:

(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:

(i) Open the first Saturday in June through January 31.

(ii) Anti-snagging rule applies.

(iii) Night closure in effect.

(iv) Trout: Minimum length 14 inches.

(v) From the first Saturday in June through November 30:

(A) Salmon open September 1 through December 31:

(I) Limit 2, plus 2 additional coho.

(II) Release wild Chinook September 1 through September 30.

(B) Salmon open July 16 through August 31 from Lummi Indian Reservation boundary to Highway 544 Bridge at Everson during odd-numbered years:

(I) Limit 4 pink salmon.

(II) It is unlawful to use bait.

(III) It is unlawful to use anything other than single-point hooks measuring 1/2 inch or less from point to shank.

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon open October 1 through December 31: Limit 2, plus anglers may retain 2 additional coho.

(245) Nooksack River, North Fork (Whatcom County):

(a) From the mouth to Maple Creek:

(i) Open the first Saturday in June through February 15.

(ii) From the first Saturday in June through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout minimum length 14 inches.

(v) Salmon open October 1 through November 30: Limit 2 salmon, plus anglers may retain 2 additional coho.

(b) From Maple Creek to Nooksack Falls:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout: Minimum length 14 inches.

(c) The waters above Nooksack Falls, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

(246) Nooksack River, Middle Fork (Whatcom County):

(a) From the mouth to the city of Bellingham diversion dam:

(i) November 1 through January 31: It is unlawful to use motors.

(ii) Open the first Saturday in June through January 31.

(iii) Selective gear rules apply.

(iv) Trout: Minimum size 14 inches.

(b) The waters above the diversion dam, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

(247) Nooksack River, South Fork (Skagit/Whatcom counties):

(a) From the mouth to Skookum Creek:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) From the first Saturday in June through November 30: Night closure in effect.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Release all fish except anglers may retain up to 2 hatchery steelhead.

(vi) Salmon open October 1 through December 31:

(A) Limit 2; plus anglers may retain 2 additional coho.

(B) Release chum.

(C) In years ending in odd numbers, release pink salmon.

(b) Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Catch and release only.

(248) North Creek (Snohomish/King counties) (tributary of Sammamish River): Open the first Saturday in June through August 31 for juvenile anglers only.

(249) North Lake (King County): Open the fourth Saturday in April through October 31.

(250) Northern State Hospital Pond (Skagit County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(251) Ohop Creek (Pierce County):

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(252) Ohop Lake (Pierce County): It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

(253) Olalla Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(254) Old Fishing Hole Pond (Kent, King County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

(255) Olney Creek (Snohomish County) (Wallace River tributary): The waters upstream of Olney Falls, including tributaries and beaver ponds are open the Saturday before Memorial Day through October 31.

(256) Olson Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(257) Osborne Lake (Mason County): Open the fourth Saturday in April through October 31.

(258) O'Toole (Marietta) Creek (Whatcom County): The waters upstream from Marietta Falls, located 0.3 lineal miles from the Skagit River, are open the Saturday before Memorial Day through October 31.

(259) Outlet Creek (Mason County) (Satsop River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(260) Owl Creek (Snohomish County) (Whitechuck River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

- (261) **Padden Lake (Whatcom County):**
 31. (a) Open the fourth Saturday in April through October
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (262) **Panhandle Lake (Mason County):**
 31. (a) Open the fourth Saturday in April through October
 (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (263) **Panther Lake (Kitsap/Mason counties):**
 31. (a) Open the fourth Saturday in April through October
 (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (264) **Pass Lake (Skagit County):**
 (a) Open to fly fishing only.
 (b) It is unlawful to fish from a floating device equipped with a motor.
 (c) Catch and release only.
- (265) **Pattison Lake (Thurston County):**
 31. (a) Open the fourth Saturday in April through October
 (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (266) **Percival Creek (Thurston County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum length 14 inches.
- (267) **Perry Creek (Thurston County):**
 (a) Open the first Saturday in June through October 31 from the mouth to the falls.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.
- (268) **Phillips Lake (Mason County):**
 31. (a) Open the fourth Saturday in April through October
 (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (269) **Pilchuck Creek (Snohomish County):**
 (a) From the mouth to the Highway 9 Bridge:
 (i) Open the first Saturday in June through January 31.
 (ii) From the first Saturday in June through November 30: Selective gear rules apply.
 (iii) Trout: Minimum length 14 inches.
 (b) From the Highway 9 Bridge to Pilchuck Falls:
 (i) Open the first Saturday in June through October 31.
 (ii) Selective gear rules apply.
 (iii) Trout: Minimum length 14 inches.
 (c) From Pilchuck Falls upstream, including all tributaries and their tributaries, and all tributaries to Lake Cavanaugh: Open the Saturday before Memorial Day through October 31.
- (270) **Pilchuck River (Snohomish County):**
 (a) Open from December 1 through January 31 from the mouth to 500 feet downstream from the Snohomish City diversion dam.
 (b) It is unlawful to fish from any floating device.
 (c) Trout: Minimum length 14 inches.
- (271) **Pine Creek (Mason County):** Open the first Saturday in June through October 31.
- (272) **Pine Lake (King County):** Open the fourth Saturday in April through October 31.
- (273) **Pine Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (274) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):** Closed.
- (275) **Plumbago Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the Sierra Pacific 140 road bridge located 0.5 lineal miles upstream from the South Fork Nooksack River, including all tributaries.
- (276) **Pratt River (tributary to Middle Fork Snoqualmie River) (King County):**
 (a) Open the Saturday before Memorial Day through October 31.
 (b) Selective gear rules apply.
 (c) Catch and release only.
- (277) **Pressentin Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the waterfall located 0.3 miles from the Skagit River, including all tributaries.
- (278) **Prices Lake (Mason County):**
 (a) Selective gear rules apply.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Catch and release only.
- (279) **Pugh Creek (Snohomish County) (Whitechuck River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
- (280) **Puyallup River (Pierce County):**
 (a) From the mouth to the mouth of the White River: Closed.
 (b) From the mouth of White River to Carbon River:
 (i) Game fish is open only when salmon fishing is open.
 (ii) August 1 through November 30:
 (A) Anti-snagging rule applies.
 (B) Night closure in effect.
 (C) It is unlawful to use anything other than barbless hooks.
 (iii) Trout: Minimum length 14 inches.
 (iv) Salmon: Open August 1 through December 31.
 (A) In years ending in even numbers:
 (I) Limit 6; of which no more than 2 may be adult salmon.
 (II) Release wild adult Chinook.
 (B) In years ending in odd numbers:
 (I) Limit 6; no more than 4 adult salmon may be retained with a limit of two adult salmon (Chinook, coho, or chum), plus two pink.
 (II) Release wild adult Chinook.
 (c) From Carbon River upstream:
 (i) Open September 1 through January 15.
 (ii) Selective gear rules apply.
 (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(281) **Pyramid Creek (King County) upstream of Forest Service Road 7000:** Open the first Saturday in June through October 31.

(282) **Racehorse Creek (Whatcom County) (N.F. Nooksack tributary):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

(283) **Radar Ponds (Pacific County):** Landlocked salmon rules apply.

(284) **Raging River (King County):**

- (a) From the mouth to the Highway 18 Bridge:

- (i) Open the first Saturday in June through January 31.
- (ii) Trout: Minimum length 14 inches.

(b) From Highway 18 Bridge upstream: Open the first Saturday in June through October 31.

(285) **Rapjohn Lake (Pierce County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(286) **Rattlesnake Lake (King County):**

(a) Selective gear rules apply.
(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(287) **Ravensdale Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit 2; minimum length 12 inches.

(288) **Red Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.

(289) **Rendsland Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(290) **Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(291) **Roaring Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the confluence with Deer Creek, including all tributaries.

(292) **Robbins Lake (Mason County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length.

(293) **Rocky Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(294) **Rocky Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(295) **Roesiger Lake (Snohomish County):** Crappie limit 10; minimum length 9 inches.

(296) **Rose Lake (Mason County):** Open the fourth Saturday in April through October 31.

(297) **Ross Lake (Reservoir) (Whatcom County):**

(a) Open July 1 through October 31:

(b) Selective gear rules apply.

(c) Trout: Limit 3; minimum length 13 inches.

(298) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):**

(a) From one mile above the mouths to the headwaters: Open July 1 through October 31.

(b) Tributaries to Ruby Creek: Open July 1 through October 31.

(299) **Saint Clair Lake (Thurston County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(300) **Salmon Creek (Thurston County) (Black River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(301) **Salmonberry Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(302) **Samish Lake (Whatcom County):** Cutthroat trout limit 2; minimum length 14 inches.

(303) **Samish River (Skagit County):**

(a) From the mouth to the I-5 Bridge:

(i) Open the first Saturday in June through September 8 and December 1 through December 31.

(ii) From the first Saturday in June through September 8 and December 1 through December 31: Trout minimum length 14 inches.

(iii) From August 1 through September 8:

(A) Night closure in effect.

(B) It is unlawful to use anything other than one single-point hook.

(iv) From December 1 through December 31:

(A) Selective gear rules apply.

(B) Release all fish except anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) Open August 1 through September 8.

(B) Limit 2; anglers may only retain fish hooked inside the mouth.

(b) From the I-5 Bridge to the Hickson Bridge:

(i) Closed from the Old Highway 99 Bridge to the WDFW salmon rack.

(ii) Closed from the I-5 Bridge to the Old Highway 99 Bridge September 1 through November 30.

(iii) Open the first Saturday in June through November 30:

(A) Selective gear rules apply.

(B) Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) From the Hickson Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(304) Sammamish Lake (King County):

(a) Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30.

(b) January 1 through April 30: It is unlawful to use anything other than single-point barbless hooks.

(c) Kokanee: Catch and release only.

(d) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.

(e) Salmon:

(i) Open August 16 through November 30.

(ii) Limit 4; anglers may only retain 2 Chinook.

(iii) Release all sockeye.

(305) Sammamish River (Slough) (King County):

From the 68th Avenue N.E. Bridge to Lake Sammamish:

(a) Open from January 1 through August 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Catch and release only.

(306) Sauk River (Skagit/Snohomish counties):

(a) Selective gear rules apply.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) From the mouth to the mouth of the White Chuck River:

(i) Open the first Saturday in June through January 31.

(ii) From the mouth to Darrington Bridge: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) From the mouth of the White Chuck River to the headwaters, including the North Fork and the South Fork upstream to Elliot Creek: Open the first Saturday in June through October 31.

(e) In the South Fork upstream from Elliot Creek: Open the first Saturday in June through August 31.

(307) Sawyer, Lake (King County):

(a) Chumming is permissible.

(b) Crappie: Limit 10; minimum length 9 inches.

(308) Scatter Creek (King County) (White River tributary): Open the first Saturday in June through October 31.

(309) Scatter Creek (Thurston County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(310) Schneider Creek (Thurston County): From the mouth to the falls:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(311) Serene Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(312) Shady Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than one trout over 14 inches in length.

(313) Shannon, Lake (Skagit County):

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(c) Trout: Minimum length 6 inches and maximum length 18 inches.

(314) Shelton Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(315) Sherman Creek (Thurston County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(316) Sherwood Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(317) Sherwood Creek Mill Pond (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Trout: Limit 2; minimum length 14 inches.

(318) Shoe Lake (Mason County): Open the fourth Saturday in April through October 31.

(319) Silesia Creek (Chilwack River tributary) (Whatcom County): Open the first Saturday in June through October 31.

(320) Silver Creek (Skagit County) (Samish River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(321) Silver Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(322) Silver Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(323) Silver Lake (Whatcom County): Open the fourth Saturday in April through October 31.

(324) Sixteen Lake (Skagit County): Open the fourth Saturday in April through October 31.

(325) Skagit River (Skagit/Whatcom counties):

(a) From the mouth to Cascade River Road: Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull Trout with a minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through May 31 for trout only; release all other fish.

(A) Selective gear rules apply.

(B) From March 1 through May 31, it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(ii) Open June 1 through January 31. From July 1 through July 31, it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iii) Salmon:

(A) Open September 1 through December 31 in years ending in even numbers.

(B) Open August 1 through December 31 in years ending in odd numbers.

(C) Limit 4; anglers may retain up to 2 wild coho as part of the limit.

(D) Release Chinook and chum.

(c) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(ii) July 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) July 1 through July 31: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Salmon:

(A) Open September 1 through December 31 in years ending in even numbers.

(B) Open August 1 through December 31 in years ending in odd numbers.

(C) Limit 4 salmon; anglers may retain up to 2 wild coho as part of the limit.

(D) Release Chinook and chum.

(d) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) July 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) From June 1 through August 15: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Salmon:

(A) Open September 16 through December 31 in years ending in even numbers.

(B) Open August 16 through December 31 in years ending in odd numbers.

(C) Limit 4 salmon; anglers may retain up to 2 wild coho as part of the limit.

(D) Release Chinook and chum.

(e) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through August 31: Closed between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) July 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iv) June 1 through August 31: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(v) Salmon:

(A) Open September 16 through December 31 in years ending in even numbers.

(B) Open September 1 through December 31 in years ending in odd numbers.

(C) Limit 4 salmon; anglers may retain up to 2 wild coho as part of the limit.

(D) Release Chinook and chum.

(f) From the Highway 530 Bridge at Rockport to the Cascade River Road:

(i) Open June 1 through February 15.

(ii) June 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) July 16 through August 31: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Salmon:

(A) Open June 1 through July 15:

(I) Limit 4 hatchery Chinook only.

(II) Only 2 adult hatchery Chinook may be retained as part of the limit.

(B) Open September 16 through December 31 in years ending in even numbers and September 1 through December 31 in years ending in odd numbers.

(I) Limit 4 salmon; anglers may retain up to 2 wild coho as part of the limit.

(II) Release Chinook and chum.

(g) From Cascade River Road to the Gorge Powerhouse:

(i) Open June 1 through January 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish except anglers may retain up to 2 hatchery steelhead.

(h) Gorge and Diablo lakes' tributary streams and their tributaries, except Stetattle Creek: Open the first Saturday in June through October 31.

(326) Skokomish River (Mason County):

(a) From the mouth to the Bonneville power lines (upstream of Highway 101, approximately 47°18.188'N, 123°11.26'W): Closed.

(b) From the Bonneville power lines (upstream of Highway 101, approximately 47°18.188'N, 123°11.26'W) to the forks:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(327) Skokomish River, North Fork (Mason County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(d) From the mouth to the lower dam: Open the first Saturday in June through October 31.

(e) Above Lake Cushman, from the mouth to Olympic National Park boundary: Open the first Saturday in June through August 31.

(328) Skokomish River, South Fork (Mason County):

(a) From the mouth to the mouth of LeBar Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From the mouth of Rule Creek to the headwaters:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Minimum length 12 inches.

(329) Skookum Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(330) Skookum Creek (Whatcom County): From the mouth of Arlecho Creek upstream, including Arlecho Creek and all other tributaries: Open the Saturday before Memorial Day through October 31.

(331) Skookumchuck Reservoir (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Trout: Daily limit 2; minimum length 12 inches.

(332) Skykomish River (Snohomish County):

(a) From the mouth to the mouth of Wallace River:

(i) Open June 1 through January 31.

(ii) Anti-snagging rule applies and night closure in effect:

(A) August 1 through November 30 from the mouth to Lewis Street Bridge in Monroe; and

(B) June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River.

(iii) November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of twenty inches as part of the trout limit.

(v) Salmon:

(A) Open June 1 through July 31: Limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit three; release Chinook and pink salmon.

(C) For years ending in odd numbers:

(I) Open August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.

(II) Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.

(III) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From the mouth of the Wallace River to the forks:

(i) Open June 1 through January 31.

(ii) From the Highway 2 Bridge at the Gold Bar/Big Eddy Access to the confluence of the North and South Forks: Open February 1 through February 15.

(iii) August 1 through November 30: Anti-snagging rule applies and night closure in effect.

(iv) June 1 through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

(v) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

(A) Open September 1 through December 31.

(B) For years ending in even numbers: Limit three; release Chinook and pink.

(C) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(333) Skykomish River, North Fork (Snohomish County):

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(ii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(b) From Deer Falls (about 1/4 mile upstream of Goblin Creek) upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

(334) Skykomish River, South Fork (King/Snohomish counties):

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From Sunset Falls to the source, including all tributaries and their tributaries:

(i) Open the first Saturday in June through November 30.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) December 1 through the last day in February:

(A) All tributaries of this river section are closed.

(B) Open for whitefish only; release all other fish.

(335) Sloan Creek (Snohomish County) (Sauk River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(336) Smith Creek (Whatcom County) (Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(337) Snohomish River (Snohomish County):

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon:

(A) For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 salmon; release Chinook and pink.

(B) For years ending in odd numbers:

(I) Open August 1 through December 31.

(II) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers (all channels):

- (i) Open the first Saturday in June through January 31.
- (ii) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
- (iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.
- (iv) Salmon:
 - (A) For years ending in even numbers:
 - (I) Open September 1 through December 31.
 - (II) Limit 3; release Chinook and pink.
 - (B) For years ending in odd numbers:
 - (I) Open August 16 through December 31.
 - (II) Limit 3 plus 1 additional pink; release Chinook and chum.

(338) Snoqualmie River (King County):

- (a) From the mouth to Snoqualmie Falls:
 - (i) Closed within the Puget Power tunnel at the falls and within 50 feet of any point on Puget Power's lower Plant #2 building (north bank).
 - (ii) From the first Saturday in June through November 30: Selective gear rules apply.
 - (iii) September 1 through November 30: Night closure in effect.
 - (iv) From the mouth to the boat ramp at the Plum access: Open the first Saturday in June through January 31.
 - (v) From the boat ramp at the Plum access to the falls: Open the first Saturday in June through February 15.
 - (vi) From November 1 through February 15: It is unlawful to fish from any floating device from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).
 - (vii) Trout: Minimum length 14 inches.
 - (viii) Salmon open September 1 through December 31.
 - (A) For years ending in even numbers: Limit 3 salmon; release all Chinook and pink.
 - (B) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.
- (b) From Snoqualmie Falls upstream, including the North and South Forks:
 - (i) Selective gear rules apply.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iii) Open the Saturday before Memorial Day through October 31: Trout minimum length 10 inches.
 - (iv) Open November 1 through the Friday before the first Saturday in June: Catch and release only.
 - (c) Snoqualmie River tributaries upstream of the falls, and the tributaries of the North and South Forks (except Tate, Sunday and Phillapa creeks): Open the Saturday before Memorial Day through October 31.
 - (d) In the Snoqualmie River Middle Fork from the mouth to the source, including all tributaries except Pratt and Taylor rivers:
 - (i) Open year-round.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Catch and release only.

(339) **Soos Creek (King County):** From the mouth to the hatchery rack:

- (a) Open the first Saturday in June through August 31.
 - (b) Trout: Minimum length 14 inches.
- (340) **South Prairie Creek (Pierce County):** Open the Saturday before Memorial Day through October 31 from the city of Buckley diversion dam upstream.
- (341) **Spada Lake (Reservoir) (Snohomish County):**
- (a) Open the fourth Saturday in April through October 31.
 - (b) Selective gear rules apply.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) Trout: Maximum length 12 inches.

(342) Spada Lake (Reservoir) tributaries (Snohomish County): Closed.

(343) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):

- (a) Open year-round.
 - (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (344) **Spencer Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(345) Squalicum Creek (Whatcom County):

- (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (346) Squalicum Lake (Whatcom County):**
- (a) Open for fly fishing only.
 - (b) It is unlawful to fish from a floating device equipped with a motor.
 - (c) Trout: Limit 2.

(347) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(348) Steel Lake (King County): Open the fourth Saturday in April through October 31.

(349) Steilacoom Lake (Pierce County): It is unlawful to retain more than 2 trout over 14 inches in length.

(350) Stetattle Creek (Whatcom County): Open the first Saturday in June through October 31 above the mouth of Bucket Creek (approximately 1.5 miles upstream).

(351) Stevens, Lake (Snohomish County):

- (a) Chumming is permissible.
- (b) Kokanee: Limit 10; kokanee do not count toward the trout limit.

(352) Steves Lake (Mason County): Open the fourth Saturday in April through October 31.

(353) Stickney Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(354) Stillaguamish River (Snohomish County):

- (a) From the mouth to Marine Drive, including all sloughs:
 - (i) Open year-round.
 - (ii) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.

- (iii) Trout: Minimum length 14 inches.
 - (iv) Salmon open September 1 through December 31.
 - (A) Release Chinook and chum
 - (B) For years ending in even numbers: Limit 2 coho only.
 - (C) For years ending in odd numbers: Limit 2 plus 2 additional pink.
 - (b) From Marine Drive to the forks:
 - (i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed.
 - (ii) Open the first Saturday in June through November 30.
 - (A) Selective gear rules apply.
 - (B) Night closure in effect from August 1 through November 30.
 - (C) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (iii) Open December 1 through January 31:
 - (A) Trout: Minimum length 14 inches.
 - (B) Salmon open September 1 through December 31.
 - (I) For years ending in even numbers: Limit 2 coho only.
 - (II) For years ending in odd numbers: Limit 2 plus 2 additional pink; release Chinook and chum.
- (355) Stillaguamish River, North Fork (Snohomish County):**
- (a) From the North Fork mouth to the mouth of French Creek:
 - (i) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (ii) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).
 - (iii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.
 - (iv) Open the first Saturday in June through January 31:
 - (A) From the first Saturday in June through November 30:
 - (I) Fly fishing only.
 - (II) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (B) From December 1 through January 31: Trout minimum length 14 inches.
 - (b) From the mouth of French Creek to Swede Heaven Bridge:
 - (i) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (ii) Open the first Saturday in June through February 15:
 - (A) From the first Saturday in June through November 30:
 - (I) Fly fishing only.
 - (II) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (B) December 1 through February 15: Trout minimum length 14 inches.
 - (c) From Swede Heaven Bridge to the falls approximately one mile upstream of Cascade Creek:
 - (i) Open the first Saturday in June through October 31.

- (ii) Selective gear rules apply.
 - (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (d) Upstream of the falls, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.
- (356) Stillaguamish River, South Fork (Snohomish County):**
- (a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:
 - (i) Open the first Saturday in June through January 31.
 - (ii) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (iii) Trout: Minimum length 14 inches.
 - (b) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:
 - (i) Open the first Saturday in June through November 30.
 - (ii) Selective gear rules apply.
 - (iii) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
- (357) Stimson Creek (Mason County):**
- (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply
 - (c) Catch and release only.
- (358) Storm Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
- (359) Straight Creek (Snohomish County) (Suiattle River tributary):**
- (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (360) Stump Lake (Mason County):**
- (a) Open the fourth Saturday in April through October 31.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion engine.
 - (c) Trout: It is unlawful to retain more than 2 trout over 15 inches in length.
- (361) Suiattle River (Skagit County):**
- (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of trout limit.
- (362) Sulphur Creek (Snohomish County) (Suiattle River tributary):**
- (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- (363) Sultan River (Snohomish County):**
- (a) From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:
 - (i) Open the first Saturday in June through January 31.
 - (ii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.
 - (b) Upstream of the diversion dam to Culmback Dam: Open the first Saturday in June through October 31.

(364) **Sumas River (Whatcom County):** Open the first Saturday in June through October 31, including all tributaries except Johnson Creek.

(365) **Summit Lake (Thurston County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.

(366) **Susan Lake (Thurston County):**

(a) Selective gear rules apply.

(b) Catch and release only.

(367) **Swamp Creek (tributary to Sammamish River) (Snohomish/King counties):** Open the first Saturday in June through August 31 for juvenile anglers only.

(368) **Swan's Mill Pond (Stossel Creek) (King County):** Open the first Saturday in June through October 31.

(369) **Symington Lake (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(370) **Tahuya River (Mason County):**

(a) From the mouth to the steel bridge approximately 1 mile upstream of North Shore Road Bridge:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) October 1 through October 31: Night closure in effect.

(v) Release all gamefish.

(vi) Salmon open October 1 through October 31: Limit 2 coho.

(b) From the steel bridge approximately one mile upstream of North Shore Road Bridge upstream:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) October 1 through October 31: Night closure in effect.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Catch and release only.

(371) **Tanwax Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(372) **Tanwax Lake (Pierce County):**

(a) Open the fourth Saturday in April through October 31.

(b) Crappie: Limit 10; minimum length 9 inches.

(c) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(373) **Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin:** Open year-round.

(374) **Taylor River (tributary to the Middle Fork Snoqualmie) (King County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(375) **Tee Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length.

(376) **Ten Mile Creek (Whatcom County) (Nooksack River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(377) **Tenas Creek (Skagit County) (Suiattle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(378) **Tenas Lake (Mason County):** Open the fourth Saturday in April through October 31.

(379) **Tennant Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

(380) **Terrell Creek (Whatcom County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(381) **Terrell, Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

(382) **Thomas Creek (Skagit County) (Samish River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(383) **Thompson Creek (Thurston County) (Skookumchuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(384) **Thornton Creek (tributary to Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(385) **Thornton Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead.

(386) **Tibbetts Creek (tributary to Lake Sammamish) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

(387) **Tiger Lake (Kitsap/Mason counties):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(388) **Toad Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

(389) **Tokul Creek (King County) (Snoqualmie River tributary):**

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted cable boundary marker located approximately 400 feet downstream of the hatchery intake:

(i) Open January 15 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(c) From Tokul Road S.E. upstream, including all tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

(390) Tolt River (King County):

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through November 30: Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(b) From the falls upstream, on the North Fork, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) On the South Fork, from the dam upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 10 inches.

(391) Trail's End Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length.

(392) Twin Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length.

(393) Tye River (King County):

(a) From Foss River to Alpine Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) Open November 1 through the last day in February for whitefish only; release all other fish.

(b) From Alpine falls upstream, and all tributaries to the Tye River, including their tributaries: Open the first Saturday in June through October 31.

(394) U Lake (Mason County): Open the fourth Saturday in April through October 31.

(395) Uncle John Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

(396) Union River (Mason County):

(a) From the mouth to the North Shore Road Bridge:

(i) Open the first Saturday in June through August 15.

(ii) Catch and release only.

(b) From the North Shore Road Bridge to the lower bridge on Old Belfair Highway:

(i) Open the first Saturday in June through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(c) From the lower bridge on Old Belfair Highway upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(397) Vogler Lake (Skagit County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) Catch and release only.

(398) Voight Creek (Pierce County): Open the Saturday before Memorial Day through October 31 from the falls under the power lines upstream.

(399) Waddell Creek (Thurston County) (Black River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(400) Wagners Lake (Snohomish County): Open the fourth Saturday in April through October 31.

(401) Walker Lake (King County): Open the fourth Saturday in April through October 31.

(402) Wallace River (Snohomish County):

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the first Saturday in June through February 15.

(ii) From June 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) In years ending in even numbers:

(I) Open September 16 through November 30.

(II) Limit 3 coho; release all other salmon.

(B) In years ending in odd numbers:

(I) Open September 16 through November 30.

(II) Limit 3 salmon plus 1 additional pink.

(III) Release Chinook and chum.

(b) From 363rd Avenue S.E./Reece Road to 200 feet upstream of the water intake of the salmon hatchery:

(i) Open September 16 through February 15.

(ii) September 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) In years ending in even numbers:

(I) Open September 16 through November 30.

(II) Limit 3 coho only.

(B) In years ending in odd numbers:

(I) Open September 16 through November 30.

- (II) Limit 3 salmon plus 1 additional pink.
- (III) Release Chinook and chum.
- (c) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:
 - (i) Open November 1 through January 31.
 - (ii) It is unlawful to fish from any floating device.
 - (iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.
- (d) From Wallace Falls upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.
- (403) **Wapato Lake (Pierce County):** Open to juvenile anglers only.
- (404) **Ward Lake (Thurston County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.
- (405) **Washington Creek (Mason County):** Open the first Saturday in June through October 31.
- (406) **Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County):**
 - (a) Open year-round.
 - (b) It is unlawful to fish from a floating device within 100 yards of either side of the floating bridges.
 - (c) Chumming is permissible.
 - (d) Trout:
 - (i) December 1 through the last day in February: Release steelhead and rainbow trout over 20 inches in length.
 - (ii) March 1 through June 30:
 - (A) Minimum length 12 inches.
 - (B) Release steelhead and rainbow trout over 20 inches in length.
 - (e) Salmon:
 - (i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.
 - (ii) Limit 4 coho only.
- (407) **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):**
 - (a) West of the Fremont Bridge: It is unlawful to fish from a floating device.
 - (b) East of the Fremont Bridge: Chumming is permissible.
 - (c) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed.
 - (d) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:
 - (i) Open year-round for game fish.
 - (ii) Trout:
 - (A) Open December 1 through the last day in February: No minimum length.
 - (B) Open March 1 through June 30: Minimum length 12 inches.

- (C) Open July 1 through November 30: No minimum length.
- (D) Release steelhead and rainbow trout over 20 inches in length.
- (408) **Waughop Lake (Pierce County):** Landlocked salmon rules apply.
- (409) **Whatcom Creek (Whatcom County):**
 - (a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:
 - (i) Open the first Saturday in June through the last day in February.
 - (ii) August 1 through December 31:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (iii) Trout: Minimum length 14 inches.
 - (iv) Salmon: Open August 1 through December 30.
 - (A) Limit 6; anglers may retain up to 2 adult salmon.
 - (B) 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.
 - (b) From the footbridge below Dupont Street in Bellingham to Woburn Street Bridge:
 - (i) Open the first Saturday in June through the last day in February.
 - (ii) August 1 through December 31:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (iii) Trout: Minimum length 14 inches.
 - (c) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom:
 - (i) Open the fourth Saturday in April through October 31 for juvenile anglers only.
 - (ii) August 1 through October 31:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (iii) Trout: No minimum length.
 - (410) **Whatcom, Lake (Whatcom County):**
 - (a) Open the fourth Saturday in April through October 31, except the waters between the Electric Avenue Bridge and the outlet dam are closed.
 - (b) Cutthroat trout: Catch and release only.
 - (411) **Whatcom, Lake, tributaries (Whatcom County):** Closed.
 - (412) **White Creek (Skagit County) (Sauk River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (413) **White (Stuck) River (Pierce County):**
 - (a) From the mouth to R Street Bridge in Auburn:
 - (i) Open October 1 through October 31:
 - (A) Fly fishing only.
 - (B) Catch and release only.
 - (ii) Open November 1 through January 15: Trout minimum length 14 inches.
 - (iii) October 1 through January 15:

- (A) Selective gear rules apply.
- (B) Night closure in effect.
- (b) From R Street Bridge to the Highway 410 Bridge at Buckley:
 - (i) Open October 1 through October 31, except closed in the Puget Power canal, including the screen bypass channel above the screen at Dingle Basin.
 - (ii) Selective gear rules apply.
 - (iii) Night closure in effect.
 - (iv) Trout: Minimum length 14 inches.
- (c) From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) upstream to the source:
 - (i) Open July 1 through October 31.
 - (A) October 1 through October 31: Night closure in effect.
 - (B) Selective gear rules apply.
 - (C) Catch and release only.
 - (ii) Open for whitefish only November 1 through January 31; whitefish gear rules apply.
- (414) **Whitechuck River (Snohomish County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.
- (415) **Wildberry Lake (Mason County):** Open the fourth Saturday in April through October 31.
- (416) **Wildcat Lake (Kitsap County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (417) **Wilderness Lake (King County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Landlocked salmon rules apply.
- (418) **Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Gale Creek:** Open the first Saturday in June through October 31.
- (419) **Woodard Creek (Thurston County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum length 14 inches.
- (420) **Wood Lake (Mason County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
- (421) **Woodland Creek (Thurston County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Trout: Minimum length 14 inches.
- (422) **Woods Creek, East Fork (Snohomish County) (Skykomish River tributary):** Open the first Saturday before Memorial Day through October 31 upstream of Old Pipeline Road above Woods Creek Falls, including tributaries and beaver ponds.
- (423) **Wooten Lake (Mason County):**
 - (a) Open the fourth Saturday in April through October 31.

- (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

(424) **Wye Lake (Kitsap County):**

- (a) Open the fourth Saturday in April through October 31.

- (b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

- (425) **Youngs Creek (Snohomish County) (Skykomish River tributary) (Elwell Creek tributary, Skykomish River tributary near town of Sultan):** Open the Saturday before Memorial Day through October 31 above Potson Road (299th Avenue S.E. Bridge) including all tributaries and beaver ponds.

NEW SECTION**WAC 220-310-195 Freshwater exceptions to statewide rules—Eastside. (1) County-wide 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) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

- (c) Ferry and Lincoln counties:

- (i) Unless otherwise provided in this section, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks are open the Saturday before Memorial Day through October 31.

- (ii) Trout: Limit 5, no minimum length.

(2) **Aeneas Lake (Okanogan County):**

- (a) Open the fourth Saturday in April through October 31 for fly fishing only.

- (b) It is unlawful to fish from a floating device equipped with a motor.

- (c) Trout: Limit one.

(3) **Ahtanum Creek, including North and Middle Forks (Yakima County):**

- (a) Selective gear rules apply.

- (b) In the North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek and the Middle Fork from the A2000 Road Bridge at Tree Phones Campground downstream to the A2000 Spur Road Bridge in NE Section 34: Closed.

(4) **Alkali Lake (Grant County):**

- (a) Bluegill: It is unlawful to retain more than five greater than six inches in length.

- (b) Crappie: It is unlawful to retain more than five greater than eight inches in length.

- (5) **Alta Lake (Okanogan County):** Open the fourth Saturday in April through September 30.

(6) **Amber Lake (Spokane County):**

- (a) Selective gear rules apply.

- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (c) Open March 1 through November 30.

(i) From March 1 through the Friday before fourth Saturday in April, and October 1 through November 30: Catch and release only.

(ii) From the fourth Saturday in April through September 30:

(A) Trout: Limit two; minimum length fourteen inches.

(B) Release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

(7) American River (Yakima County):

(a) Selective gear rules apply.

(b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8 from July 16 through September 15: Closed.

(8) Amon Wasteway Creek (Benton County): Selective gear rules apply.

(9) Asotin Creek, mainstem and forks (Asotin County):

(a) It is unlawful to fish for steelhead.

(b) From SR 129 Bridge upstream to the forks: It is permissible to fish up to the base of Headgate Dam.

(c) North Fork from the mouth upstream to the USFS boundary:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) North Fork from the USFS boundary upstream and all tributaries: Closed.

(e) South Fork and tributaries: Closed.

(10) B.C. Mill Pond (Stevens County): Open the fourth Saturday in April through October 31.

(11) Badger Lake (Spokane County): Open the fourth Saturday in April through September 30.

(12) Banks Lake (Grant County):

(a) Chumming is permissible.

(b) Crappie: Limit 10; minimum size 9 inches.

(c) Perch: Limit twenty-five.

(13) Bayley Lake (Stevens County):

(a) Inlet stream: Closed.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Open the fourth Saturday in April through October 31.

(i) From the fourth Saturday in April through July 4: Trout limit one; minimum length 14 inches.

(ii) From July 5 through October 31: Catch and release only.

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

(15) Bear Lake (Spokane County): Open to juvenile anglers, licensed adults accompanied by a juvenile, and anglers with a disability who possess a designated harvester companion card only.

(16) Bear River (Pacific County):

(a) Open the first Saturday in June through March 31:

(i) August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) It is unlawful to use anything other than barbless hooks.

(b) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately two river miles):

(i) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(ii) Salmon:

(A) Open September 1 through November 30.

(B) Limit six fish, of which no more than two may be adults and no more than one wild adult coho.

(C) Release chum and wild Chinook.

(c) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

(i) Selective gear rules apply.

(ii) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(17) Beaver Lake (Columbia County):

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(18) Beda Lake (Grant County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(19) Beehive (Lake) Reservoir (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) From July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(20) Bennington Lake (Mill Creek Reservoir) (Walla Walla County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(21) Big Four Lake (Columbia County):

(a) Open March 1 through October 31 for fly fishing only.

(b) It is unlawful to fish from any floating device.

(c) Trout: Limit two.

(22) Big Meadow Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(23) Big Tiffany Lake (Okanogan County):

(a) Eastern brook trout limit ten; eastern brook trout do not count toward the daily trout limit.

(b) Release all cutthroat.

(24) Big Twin Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(25) Bird Creek (Klickitat County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(26) Blackbird Island Pond (Chelan County): Open July 1 through September 30 for juvenile anglers only.

(27) Black Lake (Okanogan County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(28) Black Lake (Stevens County): Open the fourth Saturday in April through October 31.

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

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

(31) Blue Lake (Columbia County):

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(32) Blue Lake (Grant County): Open the fourth Saturday in April through September 30.

(33) Blue Lake (near Sinlahekin) (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(e) Trout: Limit one.

(34) Blue Lake (near Wannacut Lake) (Okanogan County):

(a) Open the Fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

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

(36) Bonaparte Creek (Okanogan County):

(a) From the mouth to the falls one mile upstream: Closed.

(b) From the falls upstream, including all tributaries not otherwise provided for in this section:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Bass: No limit and no size restrictions.

(iii) Channel catfish: No limit.

(iv) Walleye: No limit and no size restrictions.

(37) Bonaparte Lake (Okanogan County):

(a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(b) Trout: It is unlawful to retain more than one trout over twenty inches in length.

(38) Boulder Creek and tributaries (Okanogan County):

(a) Open the Saturday before Memorial Day through October 31, including tributaries not otherwise provided for in this section.

(b) Eastern brook trout: Limit 10; eastern brook trout do not count toward the trout limit.

(c) Release all cutthroat.

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

(40) Box Canyon Creek (Kittitas County):

(a) From the mouth to the waterfall approximately 2 miles upstream, including the portion flowing through the dry lakebed: Closed.

(b) From the waterfall approximately 2 miles upstream of the mouth to the USFS Road #4930 Bridge: Selective gear rules apply.

(41) Brookies Lake (Grant County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(42) Browns Creek (Pend Oreille County):

(a) Open the Saturday before Memorial Day until October 31.

(b) Fly fishing only.

(43) Browns Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Trout: It is unlawful to retain more than one trout greater than 11 inches in length.

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

(45) Bumping Lake (Reservoir) (Yakima County):

(a) Chumming is permissible.

(b) Kokanee: Limit sixteen; kokanee do not count towards the trout limit.

(46) Bumping River (Yakima County):

(a) It is permissible to fish up to the base of Bumping Dam.

(b) From the mouth to Bumping Reservoir:

(i) Selective gear rules apply.

(ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From Bumping Lake upstream: Open the Saturday before Memorial Day through October 31.

(47) Burbank Slough (Walla Walla County): It is unlawful to fish from any floating device in the area east and north of Highway 12, except for the channel east of Highway 12 up to the fish screen at the Number 3 Pumping Station.

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

(49) Buttermilk Creek (Okanogan County): Closed from the mouth to the confluence of East and West Forks.

- (50) **Buzzard Lake (Okanogan County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Limit one.
- (51) **Caldwell Lake (Pend Oreille County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (c) Trout: Limit two; minimum length twelve inches.
- (52) **Caliche Lakes, Lower, Upper, and West (Grant County):** Open March 1 through July 31.
- (53) **Calispell Creek (Calispell River) (Pend Oreille County):**
 (a) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
 (b) From the mouth to Calispell Lake: Open year-round.
 (c) From Calispell Lake upstream to the source:
 (i) Selective gear rules apply.
 (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iii) Open the Saturday before Memorial Day through October 31.
- (54) **Calispell Creek tributaries (Pend Oreille County):**
 (a) Open the Saturday before Memorial Day through October 31.
 (b) Selective gear rules apply.
 (c) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (55) **Campbell Lake (Okanogan County):**
 (a) Open year-round.
 (b) April 1 through August 31.
 (i) Selective gear rules apply.
 (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iii) Catch and release only.
- (56) **Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (57) **Cascade Lake (Grant County):** Open March 1 through July 31.
- (58) **Cattail Lake (Grant County):** Open April 1 through September 30.
- (59) **Cedar Creek (Okanogan County):** Closed from the mouth to Cedar Falls.
- (60) **Cedar Creek and tributaries (Pend Oreille County):**
 (a) Open the Saturday before Memorial Day through October 31.
 (b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (61) **Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (62) **Chain Lake (Pend Oreille County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Release all kokanee.
- (63) **Chapman Lake (Spokane County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Chumming is permissible.
 (c) Kokanee: Limit ten; kokanee do not count toward the trout limit.
- (64) **Chelan Hatchery Creek (Chelan County):** Closed.
- (65) **Chelan Lake (Chelan County):**
 (a) South of a line from Purple Point at Stehekin and Painted Rocks:
 (i) Within 400 feet of all tributaries: Closed.
 (ii) Trout:
 (A) Release wild cutthroat.
 (B) Kokanee and lake trout do not count toward the trout limit.
 (iii) Kokanee: Limit 10; no minimum size.
 (iv) Lake trout: No limit; no minimum size.
 (v) Salmon open year round: Daily limit 1; no minimum size.
 (b) North of a line between Purple Point at Stehekin and Painted Rocks:
 (i) Lake trout open year-round: No limit.
 (ii) Salmon open year-round: Limit 1; minimum length 15 inches.
 (iii) From August 1 through March 31:
 (A) Trout:
 (I) Release wild cutthroat.
 (II) Kokanee and lake trout do not count toward the trout limit.
 (B) Kokanee: Limit 10.
- (66) **Chelan Lake tributaries (Chelan County):**
 (a) Open August 1 through September 30 from the mouths upstream one mile, except Stehekin River.
 (b) Selective gear rules apply.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Trout: Release wild cutthroat.
- (67) **Chelan River (Chelan County):**
 (a) From the railroad bridge to the Chelan P.U.D. safety barrier below the power house:
 (i) Open May 15 through August 31.
 (ii) Barbless hooks are required for salmon and steelhead.
 (iii) September 1 through October 15: Anti-snagging rule and night closure in effect.
 (b) Trout: Catch and release only.
 (c) Salmon: Open September 1 through October 15:
 (i) Limit 6; no more than 2 adult hatchery Chinook.
 (ii) Release all wild salmon.
- (68) **Chewuch River (Chewack River) (Okanogan County):**
 (a) From the mouth to Eight Mile Creek:
 (i) Open the Saturday before Memorial Day through August 15.
 (ii) Selective gear rules apply.
 (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (iv) Catch and release only.

(b) From Eight Mile Creek to Pasayten Wilderness boundary: Closed the first Saturday in June through October 31.

(c) From the mouth to Pasayten Wilderness boundary: Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(69) Chikamin Creek (Chelan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(70) Chiwaukum Creek (Chelan County): Closed from the mouth to Fool Hen Creek.

(71) Chiwawa River (Chelan County): Closed from the mouth to Buck Creek.

(72) Chopaka Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: Limit one.

(73) Clear Creek (Chelan County): Closed.

(74) Clear Lake (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) From July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(75) Clear Lake (Spokane County): Open the fourth Saturday in April through October 31.

(76) Cle Elum Lake (Reservoir) (Kittitas County):

(a) Trout (except kokanee): Limit two; minimum length twelve inches.

(b) Kokanee: Limit sixteen, no minimum size; kokanee do not count toward the daily trout limit.

(77) Cle Elum River (Kittitas County):

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) December 1 through March 31: Whitefish gear rules apply.

(b) From above Cle Elum Lake to outlet of Hyas Lake (not including Tucquala Lake):

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(c) All tributaries to Cle Elum River above Cle Elum Lake to outlet of Hyas Lake not otherwise provided for in this section: Open the Saturday before Memorial Day through October 31.

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

(79) Coffee Pot Lake (Lincoln County):

(a) Open March 1 through September 30.

(b) Selective gear rules apply.

(c) Crappie: Limit ten; minimum length nine inches.

(d) Trout: Limit one; minimum length eighteen inches.

(80) Columbia Basin Hatchery Creek (Grant County):

(a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.

(b) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(c) Trout: Limit 3; no minimum size.

(81) Columbia Park Pond (Benton County):

(a) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) All species: Limit 5 fish combined.

(82) Colville River (Stevens County):

(a) From the mouth to the bridge at town of Valley:

(i) Open year-round.

(ii) Trout:

(A) Limit 5.

(B) From October 1 through November 30, no more than 2 brown trout may be retained.

(iii) Walleye: Daily limit 16 fish; no size restrictions.

(iv) Sturgeon: It is unlawful to fish for or retain sturgeon.

(b) All tributaries to Colville River, from the mouth to the bridge at the town of Valley, open the Saturday before Memorial Day through October 31.

(c) From the bridge at the town of Valley upstream, including tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(83) Conconully Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(84) Conconully Reservoir (Okanogan County): Open the fourth Saturday in April through October 31.

(85) Conger Pond (Pend Oreille County): Open the fourth Saturday in April through October 31.

(86) Conner Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(87) Cooper River (Kittitas County):

(a) Open the Saturday before Memorial Day through October 31 from the mouth to Cooper Lake.

(b) Selective gear rules apply.

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

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

(90) Cottonwood Creek (Lincoln County): Open year-round.

(91) Cottonwood Creek (Walla Walla County): Closed.

(92) Cougar Lake (Pasayten Wilderness) (Okanogan County):

(a) Selective gear rules apply.

(b) It is permissible to fish two poles so long as the angler possesses a two-pole endorsement.

(93) Cougar Lake (near Winthrop) (Okanogan County):

- (a) Open year-round.
- (b) From April 1 through August 31:
- (i) Catch and release only.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(94) Cowiche Creek (Yakima County): Selective gear rules apply.

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

(96) Crab Creek (Adams/Grant counties):

(a) From the mouth to Morgan Lake Road in Section 36: Open April 1 through September 30.

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

(97) Crab Creek (Lincoln/Grant counties) and tributaries:

- (a) Open year-round.

(b) From March 1 through May 31: It is unlawful to use terminal gear other than a single hook measuring 3/4 inch or less point to shank.

(c) From Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill: Limits and size restrictions are the same as Moses Lake.

(d) From Moses Lake downstream to the confluence of the outlet streams: Limit and size restrictions are the same as in the Potholes Reservoir.

(98) Crawfish Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(99) Crescent Lake (Pend Oreille County): Open the Fourth Saturday in April through October 31.

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

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

(102) Curl Lake (Columbia County):

(a) Open the fourth Saturday in April through October 31.

- (b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(103) Dalton Lake (Franklin County): Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(104) Davis Lake (Ferry County): Open the fourth Saturday in April through October 31.

(105) Davis Lake (Okanogan County):

- (a) Open year-round.
- (b) April 1 through August 31:
- (i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (iii) Catch and release only.

(106) Davis Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(107) Dayton Pond (Columbia County):

(a) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

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

(109) Deep Creek (tributary to Bumping Lake) (Yakima County):

(a) From the mouth to the second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed.

(b) From the second bridge crossing upstream: Open the Saturday before Memorial Day through October 31.

(110) Deep Lake (Grant County): Open the fourth Saturday in April through September 30.

(111) Deep Lake (Stevens County): Open the fourth Saturday in April through October 31.

(112) Deer Lake (Columbia County):

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(113) Deer (Deer Springs) Lake (Lincoln County): Open the fourth Saturday in April through September 30.

(114) Deer Lake (Stevens County):

(a) Open March 1 through October 31.

(b) Trout: It is unlawful to retain more than two trout over thirty inches in length.

(115) De Roux Creek (Kittitas County):

(a) From the mouth to the USFS Trail #1392 (De Roux Cr. Trail) stream crossing (approximately one river mile): Closed.

(b) Upstream of the USFS Trail #1392 stream crossing: Selective gear rules apply.

(116) Diamond Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

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

(118) Dog Lake (Yakima County): It is unlawful to retain more than 1 trout over 14 inches in length.

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

(120) Downs Lake (Lincoln/Spokane counties):

(a) Open March 1 through September 30.

(b) Crappie: Limit ten; minimum length nine inches.

(121) Dry Creek (Walla Walla County): Closed upstream from the middle Waitsburg Road.

(122) Dry Falls Lake (Grant County):

(a) Open April 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(123) Dune Lake (Grant County):

(a) Selective gear rules apply.

(b) Trout: Limit one.

(124) Dusty Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(125) **Early Winters Creek (Okanogan County):** Closed.

(126) **East Little Walla Walla River (Walla Walla County):** Closed.

(127) **Easton Lake (Kittitas County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: It is unlawful to retain more than 2 trout other than eastern brook trout as part of the limit.

(128) **Eightmile Lake (Chelan County):** It is unlawful to retain more than two mackinaw as part of the trout limit.

(129) **Elbow Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(130) **Ell Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(131) **Ellen Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Release all fish, except anglers may retain up to five rainbow trout.

(132) **Eloika Lake (Spokane County):** Crappie limit ten; minimum length nine inches.

(133) **Entiat River (Chelan County):**

(a) From the mouth (Highway 97 Bridge) to Entiat Falls:

(i) Open December 1 through March 31 for whitefish only.

(ii) Whitefish gear rules apply.

(b) Above Entiat Falls:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout:

(A) Limit 5; it is unlawful to retain more than one trout greater than 12 inches in length.

(B) Eastern brook trout: Limit 10. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(134) **Ephrata Lake (Grant County):** Closed.

(135) **Empire Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(136) **Fan Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(137) **Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(138) **Fio Rito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(139) **Fish Lake (Chelan County):**

(a) Perch: Daily limit 25.

(b) Trout: It is unlawful to retain more than 2 trout over 15 inches in length.

(140) **Fish Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(141) **Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(142) **Fish Lake (Spokane County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(143) **Fishhook Pond (Walla Walla County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from a floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(144) **Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.

(145) **Forde Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(146) **Fourth of July Lake (Adams/Lincoln counties):**

(a) Open December 1 through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than two trout over fourteen inches in length.

(147) **Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(148) **Frenchman Hills Lake (Grant County):** Open February 1 through September 30.

(149) **Gadwall Lake (Grant County):** Open April 1 through September 30.

(150) **Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.

(151) **George Lake (Grant County):** Open March 1 through July 31.

(152) **Gillette Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(153) **Goat Creek (Okanogan County):** Closed.

(154) **Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County):** Closed, including that portion of Gold Creek that flows through the dry lake bed.

(155) **Gold Creek (Okanogan County):** Closed from the mouth to the confluence with North Fork Gold Creek.

(156) **Golf Course Pond (Asotin County):** It is unlawful to retain more than 2 trout over 13 inches in length.

(157) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open year-round to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(158) **Goose Lake, Lower (Grant County):**

(a) Bluegill: It is unlawful to retain more than five fish over six inches in length.

(b) Crappie: Limit ten; minimum length nine inches.

- (159) **Grande Ronde River (Asotin County):**
- (a) General river rules:
- (i) For all portions of the Grande Ronde River and its tributaries that are open to game fish angling:
- (A) Bass: No limit and no size restrictions.
- (B) Channel catfish: No limit.
- (C) Walleye: No limit and no size restrictions.
- (ii) From September 15 through March 15: It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) Rules by river section:
- (i) From the mouth to County Road Bridge, about 2.5 miles upstream:
- (A) Open year-round.
- (B) September 1 through May 31: Selective gear rules apply.
- (C) Trout: Minimum length 10 inches, maximum length 20 inches.
- (ii) From County Road Bridge upstream to the Oregon state line and all tributaries, except Wenaha River tributaries:
- (A) Open the first Saturday in June through October 31: Anglers may retain up to 3 hatchery steelhead.
- (B) From the first Saturday in June through August 31: Selective gear rules apply.
- (C) September 1 through April 15: It is unlawful to use anything other than barbless hooks.
- (D) Open from November 1 through April 15, except the tributaries are closed. Release all fish except anglers may retain up to 15 whitefish and 3 hatchery steelhead.
- (160) **Granite Creek and tributaries (Pend Oreille County):** Closed.
- (161) **Green Lake (Okanogan County):**
- (a) Open year-round.
- (b) April 1 through November 30:
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Catch and release only.
- (162) **Green Lake (Lower) (Okanogan County):**
- (a) Open year-round.
- (b) April 1 through November 30:
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Catch and release only.
- (163) **Grimes Lake (Douglas County):**
- (a) Open June 1 through August 31:
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (164) **Halfmoon Lake (Adams County):** Open April 1 through September 30.
- (165) **Halfmoon Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (166) **Hampton Lakes, Lower and Upper (Grant County):**
- (a) Open April 1 through September 30.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (167) **Harris Lake (Grant County):**
- (a) Selective gear rules apply.
- (b) Trout: Limit one.
- (168) **Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):**
- (a) From the mouth to Bridge 4830 on county road (about 1 1/2 miles): Closed.
- (b) From Bridge 4830 upstream:
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (169) **Hatch Lake (Stevens County):**
- (a) Open December 1 through March 31.
- (b) Release all fish, except up to five rainbow trout may be retained.
- (170) **Hawk Creek and tributaries (Lincoln County):** Open year-round.
- (171) **Hays Creek and Ponds (Adams County):** Open April 1 through September 30.
- (172) **Headgate Pond (Asotin County):** Open the fourth Saturday in April through October 31 to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card only.
- (173) **Hen Lake (Grant County):** Open April 1 through September 30.
- (174) **Heritage Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (175) **Herman Lake (Adams County):** Open April 1 through September 30.
- (176) **Hog Canyon Creek (Spokane County):** Open year-round from the Hog Canyon Dam to Scroggie Road.
- (177) **Hog Canyon Lake (Spokane County):**
- (a) Open December 1 through March 31.
- (b) Trout: It is unlawful to retain more than two trout over fourteen inches in length.
- (178) **Homestead Lake (Grant County):**
- (a) Selective gear rules apply.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Trout: Limit one.
- (179) **Horseshoe Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Kokanee: Limit ten; kokanee do not count toward the trout limit.
- (180) **Hourglass Lake (Grant County):** Open April 1 through September 30.
- (181) **Huff Lake (Pend Oreille County):** Closed.
- (182) **Hutchinson Lake (Adams County):**
- (a) Open April 1 through September 30.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (183) **I-82 Ponds, 1 through 7 (Yakima County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (184) **Icicle River (Creek) (Chelan County):**
- (a) From the mouth to the Leavenworth National Fish Hatchery rack: Closed.
- (b) From the Leavenworth National Fish Hatchery rack upstream to Leland Creek:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(185) Indian Creek and tributaries (Pend Oreille County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10. Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

(186) Indian Creek (Yakima County):

(a) From the mouth to the waterfall approximately 6 miles upstream, including the portion of the creek that flows through the dry lakebed: Closed.

(b) Upstream of the waterfall approximately 6 miles upstream from the mouth:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Eastern brook trout:

(A) No limit and no length restrictions.

(B) Eastern brook trout do not count toward the trout limit.

(187) Ingall's Creek (Chelan County): Closed from the mouth to the Wilderness boundary.

(188) Jameson Lake (Douglas County): Open the fourth Saturday in April through July 4 and October 1 through October 31.

(189) Jasmine Creek (Okanogan County): Open year-round to juvenile anglers only.

(190) Jefferson Park Pond (Walla Walla County):

(a) Open to juvenile fishers only.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(191) Jewitt Creek (Klickitat County):

(a) Open to juvenile fishers only.

(b) Trout: Limit five; no minimum length.

(192) Jolanda, Lake (Chelan County): Closed.

(193) Jump-Off Joe Lake (Stevens County): Open the fourth Saturday in April through October 31.

(194) Kachess Lake (Reservoir) (Kittitas County):

(a) Chumming is permissible.

(b) Kokanee: Limit sixteen; kokanee do not count toward the daily trout limit.

(c) Trout: Limit two, minimum length twelve inches.

(195) Kachess River (Kittitas County):

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately one-half mile above Mineral Creek: Closed.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) Selective gear rules apply.

(196) Kalispell Creek and tributaries (Pend Oreille County):

(a) Open the last Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(197) Keechelus Lake (Kittitas County): Closed, including the portion of Gold Creek that flows through the dry lake bed.

(198) Keechelus Lake (Reservoir) (Kittitas County):

(a) Chumming is permissible.

(b) Trout: Limit two; minimum length twelve inches.

(c) Kokanee: Limit sixteen; kokanee do not count toward the daily trout limit.

(199) Kettle River (Stevens County):

(a) The tributaries from the mouth to Barstow Bridge: Open from the Saturday before Memorial Day through October 31.

(b) From Barstow Bridge upstream:

(i) Open the Saturday before Memorial Day until October 31.

(ii) Selective gear rules apply, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Sturgeon: It is unlawful to fish for or retain sturgeon.

(v) Trout: Minimum length 12 inches.

(vi) Open November 1 through May 31 for whitefish only. Whitefish gear rules apply.

(c) Tributaries to Kettle River, from Barstow Bridge upstream: Open from the Saturday before Memorial Day through October 31.

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

(201) Kiwanis Pond (Kittitas County): Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(202) Klickitat River (Klickitat County):

(a) From the mouth to Fisher Hill Bridge:

(i) Open April 1 through January 31.

(ii) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.

(iii) Anti-snagging rule in effect and night closure applies April 1 through May 31 and August 1 through January 31.

(iv) Game fish: Closed December 1 through January 31.

(v) April 1 through May 31: Release all fish except anglers may retain hatchery steelhead.

(vi) Salmon: Open June 1 through January 31.

(vii) Trout: Minimum length twelve inches.

(A) June 1 through July 31, daily limit 6 fish, of which no more than 2 may be adult salmon. Release wild Chinook.

(B) August 1 through January 31, daily limit 6 fish of which no more than 2 may be adult Chinook.

(viii) Steelhead and salmon:

(A) Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only.

(B) Limit 2 hatchery steelhead or 2 salmon, or 1 of each.

(C) Release wild Chinook.

(b) From Fisher Hill Bridge to 400 feet above #5 fishway: Closed.

(c) From 400 feet above #5 fishway to the Yakama Indian Reservation boundary:

(i) The waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery are closed.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Open June 1 through November 30: Trout minimum length twelve inches.

(iv) Open December 1 through March 31: Whitefish gear rules apply.

(v) Salmon:

(A) Open only June 1 through November 30 from 400 feet above #5 fishway to boundary markers below Klickitat Salmon Hatchery.

(B) June 1 through July 31: Limit 6 salmon; release adult salmon and release wild Chinook.

(C) August 1 through October 31: Limit 6 fish; no more than 2 may be adult Chinook.

(D) November 1 through November 30: Limit 6 fish; release Chinook.

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

(203) **Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed.

(b) From Black Lake to Three Prong Creek: Closed.

(204) **Latah (Hangman) Creek (Spokane County):** Open year-round.

(205) **Le Clerc Creek and tributaries (Pend Oreille County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10. Once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(206) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(207) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(208) **Leech Lake (Yakima County):**

(a) Open for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: It is unlawful to retain more than one trout over 14 inches in length.

(209) **Lemna Lake (Grant County):** Open April 1 through September 30.

(210) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(211) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device with an internal combustion motor.

(d) Open from March 1 through November 30:

(i) From March 1 through May 31: Catch and release only.

(ii) June 1 through November 30: Trout limit one.

(212) **Leo Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(213) **Liberty Lake (Spokane County):** Open March 1 through October 31.

(214) **Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(215) **Lions Park Pond (Walla Walla County):**

(a) Open to juvenile anglers only.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(216) **Little Klickitat River (Klickitat County):**

(a) Within Goldendale city limits:

(b) Open the fourth Saturday in April through October 31 to juvenile fishers only.

(c) Trout: Limit five; no minimum length.

(217) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(218) **Little Naches River (Yakima County), including tributaries:** Selective gear rules apply.

(219) **Little Pend Oreille River (Stevens County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) From the Little Pend Oreille wildlife refuge boundary approximately one mile downstream from the refuge headquarters office, to Crystal Falls:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Release all fish except anglers may retain up to 5 eastern brook trout.

(c) All tributaries to the Little Pend Oreille River are open the Saturday before Memorial Day through October 31.

(220) **Little Spokane River (Spokane County):**

(a) Open year-round from the mouth to the SR 291 Bridge.

(b) From the SR 291 Bridge upstream to the West Branch:

(i) Open the fourth Saturday in April through October 31.

(ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From the West Branch upstream:

(i) Closed from the inlet of Chain Lake upstream one-quarter mile to the railroad crossing culvert.

(ii) Open the Saturday before Memorial Day through October 31.

(iii) Kokanee: It is unlawful to retain kokanee taken upstream from the bridge at Fridegar Road, including Chain Lake.

(d) Unless otherwise provided in this section, all tributaries to the Little Spokane River are open the Saturday before Memorial Day through October 31.

(221) Little Twin Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(222) Little Twin Lake (Stevens County): Open the fourth Saturday in April through October 31.

(223) Little Washougal River (Clark County): Barbless hooks are required for steelhead.

(224) Little Wenatchee River (Chelan County): Closed from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground.

(225) Long Lake (Ferry County):

(a) Open the fourth Saturday in April through October 31

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

(d) It is unlawful to fish from a floating device equipped with a motor.

(226) Long Lake (Okanogan County): Open the fourth Saturday in April through September 30.

(227) Loon Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31.

(b) Kokanee: Limit ten; kokanee do not count toward the trout limit.

(c) Trout (except kokanee): Limit five, except it is unlawful to retain more than two trout over twenty inches in length.

(228) Lost Lake (Kittitas County): It is unlawful to retain more than one trout over 14 inches in length.

(229) Lost Lake (Okanogan County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(230) Lost River (Okanogan County):

(a) From the mouth to the mouth of Monument Creek: Closed.

(b) From the mouth of Monument Creek to the outlet of Cougar Lake:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Minimum length 14 inches; it is permissible to retain Dolly Varden/Bull Trout with a minimum length of 14 inches as part of the trout limit.

(231) Lucky Duck Pond (Stevens County): Open to juvenile anglers only.

(232) Lyle Lake (Adams County): Open April 1 through September 30.

(233) Mad River (Chelan County): Closed from the mouth upstream to Jimmy Creek.

(234) Manastash Creek (Kittitas County), including tributaries: Selective gear rules apply.

(235) Marshall Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

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

(237) Mattoon Lake (Kittitas County): It is unlawful to fish from a floating device equipped with an internal combustion motor.

(238) McCabe Pond (Kittitas County):

(a) It is unlawful to fish from any floating device.

(b) Five fish limit for all game fish species combined.

(239) McDowell Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Catch and release only.

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

(241) Medical Lake (Spokane County):

(a) Open March 1 through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Trout: Limit two; minimum length fourteen inches.

(242) Medical Lake, West (Spokane County): Open the fourth Saturday in April through September 30.

(243) Mercer Creek (Kittitas County): Open to juvenile anglers only within the Ellensburg city limits.

(244) Merritt Lake (Chelan County): Trout limit sixteen.

(245) Merry Lake (Grant County):

(a) Open March 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(246) Methow River (Okanogan County):

(a) From the mouth to County Road 1535 (Burma Road) Bridge: Closed.

(b) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(i) Open the Saturday before Memorial Day through September 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(c) From Gold Creek to Foghorn Dam:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(d) From Foghorn Dam to Weeman Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(e) From Weeman Bridge to the falls above Brush Creek: Closed from the first Saturday in June through October 31.

(f) From Gold Creek to the falls above Brush Creek:

(i) Open December 1 through March 31 for whitefish only.

(ii) Whitefish gear rules apply.

(g) Methow River tributaries not otherwise provided for in this section:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Maximum length 20 inches.

(247) **Mill Creek (Chelan County):** Closed.

(248) **Mill Creek and tributaries (Pend Oreille County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10.

(c) Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken.

(249) **Mill Creek (Walla Walla County):**

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream: All tributaries: Closed waters.

(c) Selective gear rules apply.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Release all steelhead.

(250) **Mill Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(251) **Mineral Creek (tributary to upper Kachess River) (Kittitas County):** From the mouth to Wilderness Boundary: Closed.

(252) **Mirror Lake (Grant County):** Open the fourth Saturday in April through September 30.

(253) **Molson Lake (Okanogan County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(254) **Monte Cristo Lake (Snohomish County):**

(a) Open the first Saturday in June through August 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(255) **Monument Creek (Okanogan County), including tributaries:** Selective gear rules apply.

(256) **Moran Slough (including inlet and outlet streams) (Grant County):** Closed.

(257) **Morgan Lake (Adams County):** Open April 1 through September 30.

(258) **Moses Lake (Grant County):**

(a) Bluegill: Limit five; minimum length eight inches.

(b) Crappie: Limit ten; minimum length nine inches.

(c) Walleye:

(i) Limit eight; minimum length twelve inches.

(ii) It is unlawful to retain more than one walleye over 22 inches in length.

(d) Yellow perch: Limit 25.

(259) **Mud Lake (Yakima County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(260) **Mudgett Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(261) **Muskegon Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit two.

(262) **Myron Lake (Yakima County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(263) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(264) **Naches River (Yakima/Kittitas counties):** From the mouth to Little Naches River:

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout:

(i) Minimum length twelve inches, maximum length twenty inches.

(ii) Release trout from the confluence with Tieton River to mouth of Rattlesnake Creek.

(d) December 1 through March 31:

(i) Only whitefish may be retained.

(ii) Whitefish gear rules apply.

(265) **Naneum Creek (Kittitas County):** Selective gear rules apply.

(266) **Naneum Pond (Kittitas County):** Open to juvenile anglers only.

(267) **Napeequa River (Chelan County):** Closed from the mouth to Twin Lakes Creek.

(268) **Nile Creek (Yakima County), including tributaries:** Selective gear rules apply.

(269) **Nason Creek (Chelan County):**

(a) From the mouth upstream to Smith Brook: Closed.

(b) From Smith Brook to Stevens Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(270) **Negro Creek (Lincoln County):** Open year-round from the mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

(271) **Negro Creek (Whitman County):** Open the fourth Saturday in April through July 15.

(272) **Nile Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(273) **No Name Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

(274) **North Creek (Okanogan County)**: Closed from the mouth to the falls at river mile 0.8.

(275) **North Elton Pond (Yakima County)**:

(a) Open December 1 through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit two.

(276) **North Potholes Reserve Ponds (Grant County)**:

(a) Open February 1 through the day before waterfowl season begins.

(b) It is unlawful to fish from any floating device, except it is permissible to fish using float tubes.

(277) **Okanogan River (Okanogan County)**:

(a) Within the mainstem or tributaries open for game fish angling:

(i) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.

(ii) Bass: No limit and no size restrictions.

(iii) Channel catfish: No limit.

(iv) Walleye: No limit and no size restrictions.

(b) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule applies and night closure in effect.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) It is permissible to fish two poles from July 1 through October 15 so long as the angler possesses a two-pole endorsement.

(C) Limit 6; no more than 2 adult hatchery Chinook.

(D) Release all wild salmon.

(c) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(i) Open year-round.

(ii) July 1 through September 15: Anti-snagging rule applies and night closure in effect.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through September 15.

(B) Limit 6; it is unlawful to retain more than 2 adult hatchery Chinook.

(C) Release all wild salmon.

(d) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed.

(ii) Open the Saturday before Memorial Day through September 15.

(iii) July 1 through September 15: Anti-snagging rule applies and night closure in effect.

(iv) Trout: Catch and release only.

(v) Salmon:

(A) Open July 1 through September 15.

(B) Limit 6; it is unlawful to retain more than 2 adult hatchery Chinook.

(C) Release all wild salmon.

(278) **Old Mill Stream (Chelan County)**: Closed.

(279) **Outlet Creek (Klickitat County)**:

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(280) **Owens Pond (Pacific County)**: Open the first Saturday in June through October 31.

(281) **Nunnally Lake (Grant County)**:

(a) The outlet stream of Nunnally Lake is closed.

(b) Open March 1 through November 30.

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Trout: Limit one.

(282) **Oak Creek (Yakima County), including tributaries**: Selective gear rules apply.

(283) **Palouse River (Whitman County)**:

(a) Open year-round from the mouth to the base of Palouse Falls.

(b) Bass: No limit.

(c) Channel catfish: No limit.

(d) Trout: Open June 16 through March 31 only.

(i) From June 16 through August 31:

(A) Limit 6; minimum length 10 inches.

(B) Release all steelhead.

(ii) From September 1 through March 31:

(A) Limit 6; minimum length 10 inches.

(B) Anglers may retain up to 3 hatchery steelhead.

(C) It is unlawful to fish for steelhead using anything other than barbless hooks.

(e) Walleye: No limit; no size restrictions.

(284) **Palouse River mainstem above Palouse Falls and tributaries, except Rock Creek**: Open year-round.

(285) **Panther Creek (Chelan County)**: Closed.

(286) **Pampa Pond (Whitman County)**:

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than two over 13 inches in length.

(287) **Para-Juvenile Lake (Adams/Grant counties)**: Open April 1 through September 30 to juvenile anglers only.

(288) **Park Lake (Grant County)**: Open the fourth Saturday in April through September 30.

(289) **Parker Lake (Pend Oreille County)**: Open the fourth Saturday in April through October 31.

(290) **Pataha Creek (Garfield County)**:

(a) Within the city limits of Pomeroy: Open to juvenile anglers only.

(b) From the city limits of Pomeroy upstream:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(291) **Pearrygin Lake (Okanogan County)**: Open the fourth Saturday in April through September 30.

(292) **Pend Oreille River (Pend Oreille County)**:

(a) In the mainstem:

(i) Open year-round.

(ii) All sloughs within the boundaries of the Kalispel Reservation, except Calispel Slough: Closed.

(iii) Two pole fishing is permissible so long as the angler possesses a two-pole endorsement.

(b) Pend Oreille River tributaries are open the Saturday before Memorial Day through October 31, unless otherwise provided for in this section.

(293) **Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

(294) **Peshastin Creek (Chelan County):** Closed from the mouth to Ruby Creek.

(295) **Petit Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(296) **Phalon Lake (Stevens County):** Closed.

(297) **Phelps Creek (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31 from the mouth to the falls at river mile one.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(298) **Phillips Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(299) **Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(300) **Pillar Lake (Grant County):** Open April 1 through September 30.

(301) **Ping Pond (Grant County):**

(a) Open the third Saturday in April through Labor Day to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) Limit 5 game fish; no minimum size restrictions.

(302) **Pit Lake (Douglas County):** Open to juvenile anglers only.

(303) **Poacher Lake (Grant County):** Open April 1 through September 30.

(304) **Potholes Reservoir (Grant County):**

(a) Crappie: Minimum length nine inches.

(b) Crappie and bluegill: Combined limit of twenty-five fish.

(c) Perch: Limit twenty-five fish.

(d) Walleye: Limit 8; minimum size 12 inches. It is unlawful to retain more than 1 walleye greater than 22 inches in length.

(305) **Potter's Pond (Stevens County):** Open the fourth Saturday in April through October 31.

(306) **Powerline Lake (Franklin County):** Trout limit 2.

(307) **Priest Lake tributaries (Pend Oreille County):** Open the Saturday before Memorial Day through October 31, including Upper Priest Lake tributaries, except as otherwise provided in this section.

(308) **Priest River tributaries (Pend Oreille County):** Open the Saturday before Memorial Day through October 31.

(309) **Quail Lake (Adams County):**

(a) Open for fly fishing only.

(b) It is unlawful to fish from any floating device equipped with a motor.

(c) Catch and release only.

(310) **Quarry Pond (Walla Walla County):**

(a) It is unlawful to fish from any floating device.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(311) **Quincy Lake (Grant County):** Open March 1 through July 31.

(312) **Rainbow Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(313) **Rat Lake (Okanogan County):**

(a) Open year-round.

(b) From April 1 to November 30:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(314) **Rattlesnake Creek (Yakima County), and tributaries:**

(a) Selective gear rules apply.

(b) Catch and release only in the mainstem.

(315) **Red Rock Creek (Grant County):** Open April 1 through September 30.

(316) **Reflection Pond (Okanogan County):** Open the fourth Saturday in April through October 31.

(317) **Renner Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(318) **Rigley Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit two, minimum length twelve inches.

(319) **Rimrock Lake (Reservoir) (Yakima County):**

(a) Chumming is permissible.

(b) Kokanee: Limit sixteen; kokanee do not count toward the trout daily limit.

(320) **Ringold Springs Creek (Hatchery Creek) (Franklin County):** Closed.

(321) **Rock Creek (Adams/Whitman counties):**

(a) From the mouth to Endicott Road: Open year-round.

(b) From Endicott Road to the bridge on George Knott Road at Revere:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(c) From the bridge on George Knott Road upstream: Open year-round.

(322) **Rock Creek (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(323) **Rock Creek (Klickitat County):** Open year-round from the mouth to the Army Corps of Engineers Park.

Limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.

(324) Rocky Ford Creek and Ponds (Grant County):

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Catch and release only.

(325) Rocky Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31.

(b) From June 1 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(326) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):

(a) The following areas are closed:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point, and from Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(ii) The Kettle arm upstream to Barstow Bridge from April 1 through the Friday before Memorial Day.

(b) Carp: It is unlawful to fish for carp with bow and arrow.

(c) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

(d) Salmon: Landlocked salmon rules apply.

(e) Sturgeon: It is unlawful to fish for or retain sturgeon in Roosevelt Lake and its tributaries.

(f) Trout (except kokanee): Limit 5; it is unlawful to retain more than 2 over 20 inches in length.

(g) Walleye: No size restrictions; limit 16 fish.

(327) Round Lake (Okanogan County): Open the fourth Saturday in April through September 30.

(328) Royal Lake (Adams County): Closed.

(329) Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed.

(330) Ruby Creek and tributaries (Pend Oreille County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

(331) Rufus Woods Lake (Douglas/Okanogan counties):

(a) Chumming is permissible.

(b) Grand Coulee Dam downstream to State Route 155 Bridge: Closed.

(c) It is unlawful to fish for or retain sturgeon from the lake or its tributaries.

(d) Trout: Limit 2; only uninjured trout caught using artificial lures or flies with single-point barbless hooks may be released.

(e) Tributaries to Rufus Woods Lake: Open the Saturday before Memorial Day through October 31.

(332) Sacheen Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(333) Saddle Mountain Lake (Grant County): Closed.

(334) Sago Lake (Grant County): Open April 1 through September 30.

(335) Salmon Creek, mainstem (Okanogan County): Closed.

(336) Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(337) San Poil River (Ferry County):

(a) 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:

(i) It is unlawful to fish for or retain sturgeon.

(ii) Open April 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(A) Kokanee: Limit 2 fish in addition to the trout limit; no minimum size requirement.

(B) Smallmouth bass: Limit 10; it is unlawful to retain more than one over 14 inches.

(C) Trout:

(I) Limit 5; it is unlawful to retain more than 2 trout over 20 inches.

(II) Release all rainbow trout with adipose fins intact.

(D) Walleye: Limit 16; no size restrictions.

(iii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(b) 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 to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) It is unlawful to fish for or retain sturgeon, kokanee, and all other trout.

(ii) Open April 1 through January 31 for walleye and smallmouth bass:

(A) Smallmouth bass: Limit 10; it is unlawful to retain more than one over 14 inches.

(B) Walleye: Limit 16; no size restrictions.

(iii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation are managed under the regulatory authority of the Colville Confederated Tribe of Indians.

(d) From above the Colville Confederated Tribe of Indians Reservation northern boundary, upstream to the headwaters, including tributaries: Open the Saturday before Memorial day through October 31.

(338) **Sarge Hubbard Park Pond (Yakima County):** Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(339) **Schaefer Lake (Chelan County):** Trout limit sixteen.

(340) **Scootney Reservoir (Franklin County):** Walleye limit 8; minimum size 12 inches. It is unlawful to retain more than one walleye over 22 inches in length.

(341) **Sedge Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

(342) **Shellneck Creek (Yakima County):** Closed.

(343) **Sherman Creek (Ferry County) and all tributaries:**

(a) From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed.

(b) Open the Saturday before Memorial Day through October 31.

(344) **Sherry Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(345) **Shiner Lake (Adams County):**

(a) Open April 1 through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(346) **Shoveler Lake (Grant County):** Open April 1 through September 30.

(347) **Sidley Lake (Okanogan County):** Trout limit two.

(348) **Silvas Creek (Klickitat County):** Trout: Catch and release only.

(349) **Silver Lake (Spokane County):** Crappie limit ten; minimum length nine inches.

(350) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers only.

(351) **Similkameen River (Okanogan County):**

(a) Barbless hooks required for salmon and steelhead.

(b) From the mouth to Enloe Dam:

(i) Closed from Enloe Dam downstream 400 feet.

(ii) July 1 through September 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Salmon:

(A) Open July 1 through September 15.

(B) Limit 6; it is unlawful to retain more than 2 adult hatchery Chinook.

(C) Release all wild salmon.

(iv) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From Enloe Dam to the Canadian border:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(352) **Sinlahekin Creek (Okanogan County):**

(a) From Palmer Lake to Cecile Creek Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(b) From Cecile Creek Bridge upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.

(353) **Skookum Lake, North (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(354) **Skookum Lake, South (Pend Oreille County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(355) **Skookumchuck Creek (Klickitat County):** Trout: Catch and release only.

(356) **Slate Creek and tributaries (Pend Oreille County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(357) **Snake River:**

(a) Open year-round, except the following areas are closed:

(i) Within 400 feet of the base of any dam;

(ii) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery;

(iii) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam; and

(iv) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank.

(b) Bass: No limit and no size restrictions.

(c) Channel catfish: No limit.

(d) Sturgeon:

(i) From the mouth to Ice Harbor Dam:

(A) Closed to fishing for sturgeon from May 1 through July 31 from the downstream end of Goose Island up to Ice Harbor Dam.

(B) Release all sturgeon from August 1 through January 31.

(ii) From Ice Harbor Dam to the Oregon border: Release all sturgeon in waters upstream from Lower Granite Dam, including all tributaries.

(e) Trout:

(i) Open June 16 through March 31

(ii) April 1 through June 15: Catch and release only.

(iii) Limit 6; minimum length 10 inches.

(iv) It is unlawful to retain more than 3 hatchery steelhead.

(v) Barbless hooks required for steelhead.

(f) Walleye: No limit and no size restrictions.

(358) **Snipe Lake (Grant County):** Open April 1 through September 30.

(359) **Snipes Creek (Benton County):** Selective gear rules apply.

(360) **Snyder Creek (Klickitat County):** Trout: Catch and release only.

(361) **South Salmo River (Pend Oreille County), including tributaries:** Open the Saturday before Memorial Day through October 31.

(362) **Spectacle Lake (Okanogan County):** Open April 1 through September 30.

(363) **Spokane River (Spokane County):**

(a) From SR 25 Bridge upstream to 400 feet below Little Falls Dam:

(i) It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(ii) Open year-round:

(A) Kokanee:

(I) Limit 6; no minimum size.

(II) It is unlawful to retain more than 2 with intact adipose fins.

(B) Salmon: Landlocked salmon rules apply.

(C) Sturgeon: It is unlawful to fish for or retain sturgeon.

(D) Trout:

(I) Limit 5; no minimum size.

(II) It is unlawful to retain more than 2 trout over 20 inches in length.

(E) Walleye: Limit 16; no size restrictions.

(b) From the 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: Open year-round.

(i) Landlocked salmon rules apply.

(ii) Sturgeon: It is unlawful to fish for or retain sturgeon.

(iii) Trout: Limit 5; no more than 2 trout over 20 inches in length may be retained.

(c) From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open June 1 through March 15:

(A) Salmon: Open June 1 through March 15; landlocked salmon rules apply.

(B) Sturgeon: It is unlawful to fish for or retain sturgeon.

(C) Trout: Limit one; release wild trout (adipose fin intact).

(d) From Monroe Street Dam upstream to Upriver Dam:

(i) Open year-round.

(ii) Landlocked salmon rules apply.

(e) From Upriver Dam upstream to the Idaho/Washington state line:

(i) Selective gear rules apply.

(ii) Open the first Saturday in June through March 15.

(iii) Catch and release only.

(f) Unless otherwise provided in this section, all tributaries to the Spokane River are open the Saturday before Memorial Day through October 31.

(364) **Sprague Lake (Adams/Lincoln counties):**

(a) The following waters are closed:

(i) Cow Creek;

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds to Danekas Road;

(iii) The small bay at the southeast end of the lake; and

(iv) Those waters within 50 feet of Harper Island.

(b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.

(c) Crappie: Minimum length nine inches.

(d) Crappie and bluegill: Combined daily limit of twenty-five fish.

(e) Trout: It is unlawful to retain more than two trout over twenty inches in length.

(365) **Spring Creek (Benton County):** Selective gear rules apply.

(366) **Spring Creek (Goldendale Hatchery) (Klickitat County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(367) **Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: Limit 5.

(368) **Spring Lake (Columbia County):**

(a) Open the fourth Saturday in April through October 31.

(b) July 5 through October 31: Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(369) **Spring Lakes (Grant County):** Open March 1 through July 31.

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(370) **Stan Coffin Lake (Grant County):** Bass: Catch and release only.

(371) **Starvation Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) From June 1 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(372) **Stehekin River (Chelan County):** From the mouth to Agnes Creek:

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Open July 1 through October 31: Trout minimum length fifteen inches; release cutthroat.

(d) Open March 1 through June 30: Catch and release only.

(373) **Stratford/Brook Lake (Grant County):** Open February 1 through September 30.

(374) **Sullivan Creek (Pend Oreille County):**

(a) From the mouth to Mill Pond: Open the Saturday before Memorial Day through October 31.

(b) From Mill Pond upstream and tributaries:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31.

(iv) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

(375) Sullivan Lake (Pend Oreille County):

(a) Kokanee: Limit ten; kokanee do not count toward the trout limit.

(b) Trout (except kokanee): Limit two trout.

(376) Sullivan Lake tributaries (Pend Oreille County), except as otherwise provided in this section: Open the Saturday before Memorial Day through October 31.

(377) Summit Lake (Stevens County): Open the fourth Saturday in April through October 31.

(378) Swale Creek (Klickitat County): Trout: Catch and release only.

(379) Swan Lake (Ferry County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(380) Swauk Creek (Kittitas County), including tributaries: Selective gear rules apply.

(381) Tacoma Creek and tributaries (Pend Oreille County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

(382) Taneum Creek (Kittitas County), including tributaries: Selective gear rules apply.

(383) Teal Lakes (North and South) (Grant/Adams counties): Open April 1 through September 30.

(384) Teanaway River (Kittitas County), and tributaries: Selective gear rules apply.

(385) Teanaway River, North Fork (Kittitas County):

(a) From the mouth to Beverly Creek, including all tributaries:

(i) Selective gear rules apply.

(ii) Trout: Catch and release only.

(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed.

(386) Tern Lake (Grant County):

(a) Selective gear rules apply.

(b) Trout: Limit one.

(387) Thomas Lake (Stevens County): Open the fourth Saturday in April through October 31.

(388) Thread Lake (Adams County): Open April 1 through September 30.

(389) Tieton River (Yakima County):

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

(c) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(390) Tieton River, North Fork (Yakima County):

(a) The following waters are closed:

(i) The Clear Lake spillway channel; and

(ii) Within 400 feet of Clear Lake Dam.

(b) For the mainstem, including that portion of the river that flows through the dry lakebed of Rimrock Reservoir:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply for the mainstem and tributaries.

(391) Tieton River, South Fork (Yakima County):

(a) From the bridge on USFS Road 1200 to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed.

(b) From the bridge on USFS Rd. 1070 upstream: Open the Saturday before Memorial Day through October 31.

(392) Touchet River (Columbia/Walla Walla counties):

(a) From the mouth to the confluence of North and South Forks, and all tributaries open to game fish angling:

(i) Bass: No limit and no size restrictions.

(ii) Channel catfish: No limit.

(iii) Walleye: No limit and no size restrictions.

(b) From the mouth to the confluence of the North and South Forks from November 1 through April 15:

(i) It is unlawful to use anything other than barbless hooks.

(ii) From November 1 through March 31: Release all fish except hatchery steelhead and brown trout; limit 3 combined.

(iii) From April 1 through April 15: Release all fish except anglers may retain up to 3 hatchery steelhead.

(c) From the confluence of the North and South Forks upstream, including South Fork, North Fork, Robinson and Wolf Forks:

(i) Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all steelhead.

(d) North Fork, upstream of Spangler Creek:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules and all tributaries are closed.

(e) South Fork, upstream from Griffin Creek: Open the first Saturday in June through August 31.

(f) Wolf Fork, upstream from Coates Creek:

(i) All tributaries are closed.

(ii) Open the first Saturday in June through August 31.

(iii) Selective gear rules apply.

(393) Trapper Lake (Chelan County): Trout: Limit two.

(394) Trout Lake (Ferry County): Open the fourth Saturday in April through October 31.

(395) Tucannon River (Columbia/Garfield counties):

(a) General River Rules:

(i) Unless otherwise provided in this section, all tributaries are closed, except Pataha Creek.

(ii) For all portions of the Tucannon River open to game fish angling:

(A) Bass: No limit and no size restrictions.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restrictions.

(b) Rules by river section:

(i) From the mouth upstream to Tucannon Hatchery Bridge:

(A) Selective gear rules apply upstream of Turner Road Bridge at Marengo.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Turner Road Bridge at Marengo.

(C) Anglers may retain up to 3 hatchery steelhead.

(D) Open November 1 through March 31:

(I) It is unlawful to use anything other than barbless hooks.

(II) Release all fish, except anglers may retain up to 3 hatchery steelhead and 15 whitefish.

(E) From the Tucannon Hatchery Bridge upstream:

(I) The following waters are closed:

(II) All tributaries and the mainstem from the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake.

(ii) From Cow Camp Bridge upstream.

(A) Selective gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(C) Steelhead: Catch and release only.

(396) Tucquala Lake (Kittitas County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: No limit; eastern brook trout do not count towards the trout limit.

(397) Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed.

(398) Twisp River (Okanogan County):

(a) From the mouth to War Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From War Creek to South Fork Twisp River: Closed.

(399) Umtanum Creek (Kittitas County): Selective gear rules apply.

(400) Union Creek (Yakima County): Closed from the mouth upstream to falls (approximately 1/4 mile).

(401) Upper Wheeler Reservoir (Chelan County): Closed.

(402) Vanes Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(403) Vic Meyers (Rainbow) Lake (Grant County): Open the fourth Saturday in April through September 30.

(404) Wahkiacus Creek (Klickitat County): Trout: Catch and release only.

(405) Waitts Lake (Stevens County): Open the fourth Saturday in April through last day in February.

(406) Walla Walla River (Walla Walla County):

(a) In the mainstem and tributaries open to game fish angling:

(i) Bass: No limit and no size restrictions.

(ii) Channel catfish: No limit.

(iii) Walleye: No limit and no size restrictions.

(b) From the mouth to the Touchet River:

(i) Open year-round, except all tributaries other than the Touchet River are closed.

(ii) Trout:

(A) Release trout April 1 through May 31.

(B) Limit 3 hatchery steelhead.

(C) It is unlawful to fish for steelhead using anything other than barbless hooks.

(c) From the Touchet River upstream to the state line:

(i) Open from the first Saturday in June through October 31: Limit 3 hatchery steelhead.

(ii) From November 1 through March 31:

(A) It is unlawful to fish for steelhead using anything other than barbless hooks.

(B) Release all fish, except anglers may retain up to 3 hatchery steelhead.

(iii) All tributaries are closed, except Mill Creek and the Touchet River are open as provided in this section.

(407) Wannacut Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(408) Wapato Lake (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) From August 1 through October 31: Selective gear rules apply.

(c) Trout: Catch and release only.

(409) Ward Lake (Ferry County): Open the fourth Saturday in April through October 31.

(410) Warden Lake (Grant County): Open the fourth Saturday in April through September 30.

(411) Warden Lake, South (Grant County): Open the fourth Saturday in April through September 30.

(412) Washburn Island Pond (Okanogan County):

(a) Open April 1 through September 30.

(b) It is unlawful to fish with use of an internal combustion motor. An internal combustion motor may be attached to a floating device, but must not be used.

(413) Washburn Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Trout: Limit two.

(414) Watson Lake (Columbia County):

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(415) Wenaha River tributaries within Washington:

(a) Open the first Saturday in June through August 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Release all steelhead.

(416) Wenatchee Lake (Chelan County):

(a) Selective gear rules apply.

(b) Trout:

(i) Limit two; minimum length twelve inches.

(ii) Release all kokanee.

(iii) Kokanee/sockeye under sixteen inches are considered kokanee while those fish sixteen inches and over are considered sockeye salmon.

- (417) **Wenatchee River (Chelan County):**
- (a) From the mouth to 400 feet below Dryden Dam:
 - (i) December 1 through March 31: Open for whitefish only; whitefish gear rules apply.
 - (ii) Salmon:
 - (A) Open August 1 through September 30.
 - (B) Selective gear rules apply.
 - (C) Night closure in effect.
 - (D) Limit 4; it is unlawful to retain more than 2 adult hatchery Chinook.
 - (E) Release all wild salmon.
 - (b) From the mouth of Peshastin Creek (above Dryden Dam) to Highway 2 Bridge at Leavenworth:
 - (i) Salmon:
 - (A) Open September 1 through September 30.
 - (B) Limit 4; it is unlawful to retain more than 2 adult hatchery Chinook.
 - (C) Release all wild salmon.
 - (D) Selective gear rules apply and night closure in effect.
 - (ii) Whitefish: Open December 1 through March 31; whitefish gear rules apply.
 - (c) Lake Jolanda is closed.
 - (418) **West Evans Pond (Asotin County):** It is unlawful to retain more than 2 trout over 13 inches in length.
 - (419) **White River (Chelan County), from mouth upstream to White River Falls:** Closed.
 - (420) **White Salmon River (Klickitat/Skamania counties):**
 - (a) From the mouth to the county road bridge below the powerhouse:
 - (i) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.
 - (ii) From the mouth to the Highway 14 Bridge, the limit follows the most liberal regulations of the adjacent mainstem Columbia River or White Salmon River, when both areas are open concurrently for salmon.
 - (iii) Bank fishing only downstream from the Highway 14 Bridge.
 - (iv) Open August 1 through March 31:
 - (A) August 1 through December 31: Anti-snagging rule applies.
 - (B) Trout: Minimum length 14 inches.
 - (v) Salmon and steelhead:
 - (A) From April 1 through July 31: Limit 2 salmon or 2 hatchery steelhead, or one of each; release wild Chinook.
 - (B) August 1 through March 31:
 - (I) Open for salmon only.
 - (II) Limit 6; no more than 2 adults may be retained.
 - (III) Release wild Chinook and wild coho.
 - (b) From the county road bridge below the powerhouse upstream to Big Brothers Falls (river mile 16):
 - (i) From Big Brothers Falls downstream 400 feet: Closed.
 - (ii) Open the first Saturday in June through October 31.
 - (iii) Selective gear rules apply.
 - (iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (v) Release all fish, except anglers may retain up to 2 hatchery steelhead.

- (421) **Wide Hollow Creek (Yakima County):** Open to juvenile anglers only.
- (422) **Widgeon Lake (Grant County):** Open April 1 through September 30.
- (423) **Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.
- (424) **Williams Lake (Stevens County):**
 - (a) Open December 1 through March 31.
 - (b) Release all fish except anglers may retain up to five rainbow trout.
- (425) **Wilson Creek (two branches within Ellensburg city limits) (Kittitas County):** Open to juvenile anglers only.
- (426) **Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open February 1 through September 30.
- (427) **Wolf Creek, mouth to mouth of south fork (Okanogan County):** Closed.
- (428) **Yakima River (Yakima County):**
 - (a) General river rules:
 - (i) Release all steelhead in the mainstem and tributaries.
 - (ii) Downstream of Highway 240 Bridge, Columbia River rules apply.
 - (iii) In the mainstem and tributaries:
 - (A) Bass: No limit and no size restrictions.
 - (B) Channel catfish: No limit.
 - (C) Walleye: No limit and no size restrictions.
 - (b) Rules by river section:
 - (i) From the mouth to 400 feet below Prosser Dam:
 - (A) 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: Closed September 1 through October 22.
 - (B) Open March 1 through October 22.
 - (C) Chumming is permissible.
 - (D) Trout: Catch and release only.
 - (E) Salmon:
 - (I) Open September 1 through October 22.
 - (II) Night closure in effect.
 - (III) It is unlawful to fish for salmon using anything other than barbless hooks.
 - (IV) Limit 6; it is unlawful to retain more than 2 adults.
 - (ii) From Prosser Dam to Highway 223 Bridge:
 - (A) Open May 1 through October 31.
 - (B) Trout: Catch and release only.
 - (iii) From Highway 223 Bridge to 400 feet below Sunnyside Dam:
 - (A) Trout: Minimum length is 12 inches, maximum length is 20 inches.
 - (B) Open December 1 through the last day in February for whitefish only; whitefish gear rules apply.
 - (iv) From Sunnyside Dam to 3,500 feet below Roza Dam:
 - (A) Closed from Yakima Avenue-Terrace Heights Bridge upstream 400 feet.
 - (B) Selective gear rules apply.
 - (C) It is unlawful to fish from a floating device equipped with an internal combustion motor from the I-82 Bridge at Selah Gap to 3,500 feet below Roza Dam.

(D) Trout: Minimum length 12 inches, maximum length 20 inches.

(E) Open December 1 through the last day in February for whitefish only; whitefish gear rules apply.

(v) From 3,500 feet below Roza Dam to 400 feet below Roza Dam:

(A) Open December 1 through the last day in February for whitefish only; whitefish gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(vi) From Roza Dam to 400 feet below Easton Dam and from Lake Easton to the base of Keechelus Dam:

(A) Open year-round.

(B) Lawful to fish from floating devices equipped with motors 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 0.5 mile).

(C) Selective gear rules apply.

(D) Trout:

(I) From Roza Dam to 400 feet below Easton Dam: Catch and release only.

(II) From Lake Easton to the base of Keechelus Dam: Catch and release only except anglers may retain eastern brook trout. There is no limit and no minimum size restriction for eastern brook trout.

(E) Whitefish: December 1 through the last day in February; whitefish gear rules apply.

(429) **Yakima Sportsmen's Park Ponds (Yakima County):** Open to juvenile anglers only.

(430) **Yellowhawk Creek (Walla Walla County):** Closed.

(431) **Yocum Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

NEW SECTION

WAC 220-310-200 Freshwater exceptions to state-wide rules—Columbia. The following exceptions to state-wide rules apply to the Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(1) **General Columbia River rules:**

(a) In the concurrent waters of the Columbia River between Washington and Oregon, the license of either state is valid when fishing from a vessel.

(i) Anglers must comply with the fishing regulations of the state in which they are fishing.

(ii) This subsection does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except as otherwise provided by department rule.

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

(b) It is unlawful to 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 and completed his or her daily angling.

(c) Salmon and trout handling rules provided in WAC 220-56-118 apply to the Columbia River, except from February 15 through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to the Washington-Oregon border where WAC 220-56-118 applies only to anglers fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).

(d) Open year-round unless otherwise provided.

(e) Barbless hooks are required for salmon and steelhead.

(2) **Rules by river section:**

(a) 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:

(i) Fishing from the north jetty is permissible when Marine Area 1 or Buoy 10 areas are open for salmon, and the limit and minimum size restrictions follow the most liberal regulations if both areas are open.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) Walleye:

(A) Limit 10; no minimum length.

(B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.

(iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.

(v) Channel catfish: No limit.

(vi) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon other than sockeye and hatchery Chinook.

(IV) From July 1 through July 31, release adult Chinook and sockeye.

(B) Open August 1 through September 1:

(I) Limit 2 salmon, or 2 hatchery steelhead, or one of each.

(II) Release all salmon except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches; only one Chinook may be retained as part of the limit.

(IV) Coho minimum length 16 inches.

(C) Open September 2 through September 30:

(I) Limit 2 hatchery coho, or 2 hatchery steelhead, or one of each.

(II) Release all salmon other than hatchery coho.

(III) Coho minimum length 16 inches.

(D) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Only one adult Chinook may be retained.

(III) Release all salmon except Chinook and hatchery coho.

(E) Open January 1 through March 31:

(I) Limit 6; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(vii) Sturgeon: It is unlawful to retain sturgeon (catch and release only).

(viii) Shad open May 16 through March 31.

(ix) Forage fish and bottomfish: Marine Area 1 general rules apply; eulachon closed.

(b) 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:

(i) Trout:

(A) Open May 16 through March 31.

(B) Release all trout except hatchery cutthroat and hatchery steelhead (the limit is as provided under (b)(v) of this subsection).

(I) Anglers may retain up to 2 hatchery cutthroat.

(II) Hatchery cutthroat minimum length 12 inches.

(III) Barbless hooks are required for cutthroat trout.

(ii) Walleye:

(A) Limit 10; no minimum length.

(B) No more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.

(iii) Bass: Limit 5 bass between 12 and 17 inches in length; it is unlawful to retain more than 3 longer than 15 inches.

(iv) Channel catfish: No limit.

(v) Salmon and steelhead:

(A) Open May 16 through July 31:

(I) Release all salmon except hatchery Chinook and sockeye.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release sockeye and adult Chinook May 16 through June 15 and July 1 through July 31.

(B) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Only one adult Chinook may be retained.

(III) Release all salmon except Chinook and hatchery coho.

(C) 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:

(I) Release wild Chinook from September 6 through September 12.

(II) Release all Chinook from September 13 through September 30.

(D) Open January 1 through March 31:

(I) Limit 6 fish; no more than 2 adult hatchery Chinook, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook.

(vi) Shad open May 16 through March 31.

(vii) Sturgeon: It is unlawful to retain sturgeon (catch and release only) in the following waters:

(A) Downstream from the Wauna power lines at river mile 40, near Cathlamet.

(B) From the Wauna power lines upstream to I-5 Bridge.

(c) From the I-5 Bridge to Bonneville Dam:

(i) The following waters are closed:

(A) From the upstream line of Bonneville Dam to boundary markers 600 feet below the fish ladder at the powerhouse.

(B) January 1 through April 30 from a line between the upstream end of Sand Island (near Rooster Rock) on the Columbia River, to the boundary marker on the Oregon shore, downstream to a line between the lower end of Sand Island and the boundary marker on the Oregon shore.

(C) Closed to angling from a floating device or 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 the westernmost tip of Robins Island.

(ii) Release all trout except hatchery steelhead.

(iii) Walleye:

(A) Limit 10; no minimum length.

(B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.

(iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.

(v) Channel catfish: No limit.

(vi) Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(III) Release adult Chinook and sockeye July 1 through July 31.

(B) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Only one adult Chinook may be retained.

(III) Release all salmon except Chinook and hatchery coho.

(IV) Closed November 1 through December 31 from Beacon Rock to Bonneville Dam.

(vii) Steelhead: Open January 1 through March 31.

(viii) Shad: Open May 16 through March 31.

(ix) Sturgeon:

(A) The following waters are closed to fishing for sturgeon:

(I) From Bonneville Dam downstream to a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line).

(II) From Bonneville Dam downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line), from May 1 through August 31.

(B) It is unlawful to retain sturgeon (catch and release only) in all other areas within this river section.

(d) From Bonneville Dam to The Dalles Dam:

- (i) Closed waters:
 - (A) Within one quarter mile of the USFWS Spring Creek Hatchery Grounds, between posted markers located one quarter mile on either side of the fish ladder entrance.
 - (B) At The Dalles between the upstream line of The Dalles Dam to the upstream side of the Interstate 197 Bridge, except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore.
- (ii) Release all trout, except anglers may retain hatchery steelhead.
- (iii) Walleye:
 - (A) Limit 10; no minimum length.
 - (B) No more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.
- (iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.
- (v) Channel catfish: No limit.
- (vi) Salmon and steelhead:
 - (A) Open June 16 through July 31:
 - (I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
 - (II) Release all salmon except sockeye and hatchery Chinook.
 - (B) Open August 1 through December 31:
 - (I) August 1 through October 15: Anti-snagging rule applies and night closure in effect.
 - (II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
 - (III) Release all salmon except Chinook and coho.
 - (IV) Release wild coho from Bonneville Dam to Hood River Bridge.
 - (vii) Steelhead: Open January 1 through March 31.
 - (viii) Sturgeon: Release sturgeon August 1 through December 31.
 - (e) From The Dalles Dam to McNary Dam:
 - (i) Closed waters:
 - (A) At John Day Dam between the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that bank fishing is permitted up to 400 feet below the fishway entrance on the Washington shore.
 - (B) At McNary Dam between the upstream line of 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.
 - (ii) Release all trout except hatchery steelhead.
 - (iii) Walleye:
 - (A) Limit 10; no minimum length.
 - (B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.
 - (iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.
 - (v) Channel catfish: No limit.
 - (vi) Salmon and steelhead:
 - (A) Open June 16 through July 31:
 - (I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
 - (II) Release all salmon except hatchery Chinook and sockeye.
 - (B) Open August 1 through December 31:
 - (I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
 - (II) Release all salmon except Chinook and coho.
 - (vii) Steelhead: Open January 1 through March 31.
 - (viii) Sturgeon: Catch and release only August 1 through January 31.
 - (g) From the Highway 395 Bridge at Pasco to the Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E:
 - (i) Barbless hooks are required for salmon and steelhead.
 - (ii) Closed waters:
 - (A) Within a 400 foot radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park.
 - (B) Ringold Springs Creek (Hatchery Creek).
 - (iii) Ringold Area Bank Fishery waters, from WDFW markers 1/4 mile downstream from the Ringold wasteway
- (I) August 1 through October 15: Anti-snagging rule applies and night closure in effect.
- (II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
- (III) Release all salmon except Chinook and coho.
- (vii) Steelhead: Open January 1 through March 31.
- (viii) Sturgeon:
 - (A) Minimum length 73 inches.
 - (B) Closed to fishing for sturgeon:
 - (I) May 1 through July 31 from John Day Dam downstream 2.4 miles 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.
 - (II) May 1 through July 31 from McNary Dam downstream to the Highway 82 (395) Bridge.
 - (C) August 1 through December 31: Catch and release only.
 - (f) From McNary Dam to Highway 395 Bridge at Pasco:
 - (i) Barbless hooks are required for salmon and steelhead.
 - (ii) The Snake River Confluence Protection Area includes waters of the Columbia River from the railroad bridge between Burbank and Kennewick, upstream approximately 2.1 miles to the first power line crossing the Columbia upstream of the navigation light on the point of Sacajawea State Park. For all species, limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River.
 - (iii) Release all trout except hatchery steelhead.
 - (iv) From McNary Dam upstream to Highway 730 at the Oregon/Washington border: Walleye limit 10; no minimum length. No more than 5 walleye longer than 18 inches may be retained, and only one may be longer than 24 inches.
 - (v) Upstream from Highway 730 at the Oregon/Washington border:
 - (A) Bass: No limit and no size restrictions.
 - (B) Walleye: No limit and no size restrictions.
 - (vi) Salmon and steelhead:
 - (A) Open June 16 through July 31:
 - (I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.
 - (II) Release all salmon except hatchery Chinook and sockeye.
 - (B) Open August 1 through December 31:
 - (I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

outlet, to WDFW markers 1/2 mile upstream from Spring Creek:

(A) Open April 1 through April 15 only.

(B) Fishing is allowed only from the bank and only on the hatchery side of the river.

(C) Release all trout, except anglers may retain up to 2 hatchery steelhead.

(iv) For all species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(v) Release all steelhead with a radio-tag wire protruding from the mouth, or with a disk or floy tag attached near the dorsal fin.

(vi) Trout:

(A) October 1 through October 31 release all trout, except 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) November 1 through March 31 release all trout, except anglers may retain up to 2 hatchery steelhead.

(vii) Bass: No limit and no size restrictions.

(viii) Channel catfish: No limit.

(ix) Walleye: No limit and no size restrictions.

(x) Salmon:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult hatchery Chinook may be retained.

(II) Release sockeye and wild Chinook.

(B) Open August 1 through October 22: Limit 6; no more than 2 adult salmon may be retained.

(xi) Sturgeon: Catch and release only from August 1 through January 31.

(h) From the Old Hanford townsite wooden power line towers, in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24):

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open February 1 through October 22.

(iii) June 16 through July 31, for all species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout: Catch and release only.

(v) Walleye: No limit and no size restrictions.

(vi) Bass: No limit and no size restrictions.

(vii) Channel catfish: No limit.

(viii) Salmon:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult hatchery Chinook may be retained.

(II) Release sockeye and wild Chinook.

(B) Open August 1 through October 22: Limit 6; no more than 2 adult salmon may be retained.

(ix) Sturgeon: Release sturgeon August 1 through October 22.

(i) From Vernita Bridge (Highway 24) to Priest Rapids Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Closed waters:

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek, or Priest Rapids Hatchery Outlet Creek; waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth.

(iii) June 16 through July 31, for all species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(iv) Trout: Catch and release only.

(v) Walleye: No limit and no size restrictions.

(vi) Bass: No limit and no size restrictions.

(vii) Channel catfish: No limit.

(viii) Salmon:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult hatchery Chinook may be retained.

(II) Release sockeye and wild Chinook.

(B) Open August 1 through October 22: Limit 6; no more than 2 adult salmon may be retained.

(ix) Sturgeon:

(A) Closed to fishing for sturgeon from May 1 through July 31 from Priest Rapids Dam downstream 2.5 miles to the boundary marker on the river bank 400 feet downstream from Priest Rapids Hatchery outlet channel (Jackson Creek).

(B) August 1 through January 31: Catch and release only.

(j) From Priest Rapids Dam to Wanapum Dam:

(i) Barbless hooks required for salmon and steelhead.

(ii) Closed waters at Wanapum Dam, between the upstream line of Wanapum Dam to the boundary markers 750 feet downstream of the east fish ladder and 500 feet downstream of the west fish ladder.

(iii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iv) Release all trout.

(v) Walleye: No limit and no size restrictions.

(vi) Bass: No limit and no size restrictions.

(vii) Channel catfish: No limit.

(viii) Salmon:

(A) Open July 1 through August 31:

(I) Limit 6; no more than 2 adult hatchery Chinook.

(II) Release all wild salmon.

(B) Open September 1 through October 22: Limit 6 Chinook; no more than 2 adults may be retained.

(ix) Sturgeon: Catch and release only.

(k) From Wanapum Dam to Wells Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Closed waters:

(A) At Rocky Reach Dam and Rock Island Dam, between the upstream line of the dam to boundary markers 400 feet downstream of the fish ladders.

(B) At Wells Dam, between the upstream line of Wells Dam to boundary markers 400 feet downstream of the spawning channel discharge (on Chelan County side) and fish ladder (on Douglas County side).

(iii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.

(iv) Trout: Catch and release only.

- (v) Walleye: No limit and no size restrictions.
- (vi) Bass: No limit and no size restrictions.
- (vii) Channel catfish: No limit.
- (viii) Salmon open July 1 through October 15:
 - (A) Limit 6; no more than 2 adult hatchery Chinook.
 - (B) Release all wild salmon.
- (ix) Sturgeon: Catch and release only.
 - (l) From Wells Dam to Highway 173 Bridge at Brewster:
 - (i) Barbless hooks are required for salmon and steelhead.
 - (ii) July 16 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.
 - (iii) Release all trout.
 - (iv) Walleye: No limit and no size restrictions.
 - (v) Bass: No limit and no size restrictions.
 - (vi) Channel catfish: No limit.
 - (vii) Salmon open July 16 through August 31:
 - (A) Limit 6; no more than 2 adult hatchery Chinook.
 - (B) Release all wild salmon.
 - (viii) Sturgeon: Catch and release only.
 - (m) From Highway 173 Bridge at Brewster to Chief Joseph Dam:
 - (i) Barbless hooks are required for salmon and steelhead.
 - (ii) Closed waters:
 - (A) From the Okanogan County shore between Chief Joseph Dam and the Highway 17 Bridge.
 - (B) From the Douglas County shore between Chief Joseph Dam and a point 400 feet downstream.
 - (iii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.
 - (iv) It is unlawful to fish from a floating device downstream of Chief Joseph Dam from the boundary marker to the Corps of Engineers safety zone marker.
 - (v) Trout: Catch and release only.
 - (vi) Walleye: No limit and no size restrictions.
 - (vii) Bass: No limit and no size restrictions.
 - (viii) Channel catfish: No limit.
 - (ix) Salmon: Open July 1 through October 15:
 - (A) Limit 6; no more than 2 adult hatchery Chinook.
 - (B) Release all wild salmon.
 - (x) Sturgeon: Catch and release only.
 - (n) Above Chief Joseph Dam: See Rufus Woods Lake in WAC 220-310-195.
 - (o) Above Grand Coulee Dam: See Lake Roosevelt in WAC 220-310-195.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 232-28-619 Washington food fish and game fish—
Freshwater exceptions to statewide
rules.

WSR 13-21-094
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION

[Filed October 18, 2013, 12:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-18-018.

Title of Rule and Other Identifying Information: Amending WAC 390-20-010 Forms for lobbyist registration and 390-20-020 Forms for lobbyist report of expenditures.

Hearing Location(s): 711 Capitol Way, Room 206, Olympia, WA 98504, on December 5, 2013, at 9:30 a.m.

Date of Intended Adoption: December 5, 2013.

Submit Written Comments to: Lori Anderson, 711 Capitol Way, Room 206, Olympia, WA 98504, e-mail lori.anderson@pdc.wa.gov, fax (360) 664-2737, by November 27, 2013.

Assistance for Persons with Disabilities: Contact Nancy Coverdell by e-mail nancy.coverdell@pdc.wa.gov, (360) 753-1980.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed amendment to WAC 390-20-0101 clarifies when lobbyist employer's funders or members must be disclosed on lobbyist registration form. Proposed amendment to WAC 390-20-020 provides guidance to lobbyists required to disclose entertainment expenses on the monthly expenditure report as required by RCW 42.17A.615 (2)(a).

Reasons Supporting Proposal: Proposed amendments are intended to incorporate instructions for proper disclosure into the forms and bring consistency to lobbying expenditure disclosure. Accurate disclosure of lobbying expenditures allows for public access to this information and promotes transparency in government.

Statutory Authority for Adoption: RCW 42.17A.110(1).

Statute Being Implemented: RCW 42.17A.600 and 42.17A.615.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No fiscal impact is expected to result from these amendments.

Name of Proponent: Public disclosure commission (PDC), governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Lori Anderson, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-2737; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-8853.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rule amendments has minimal impact on small business. The PDC is not subject to the requirement to prepare a school district fiscal impact statement, per RCW 28A.305.-135 and 34.05.320.

A cost-benefit analysis is not required under RCW 34.05.328. The PDC is not an agency listed in subsection (5)(1)[(a)](i) of RCW 34.05.328. Further, the PDC does not voluntarily make that section applicable to the adoption of

these rules pursuant to subsection [subsection] (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of these rules.

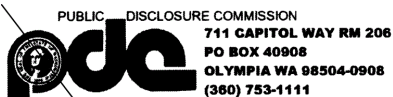
October 16, 2013
Lori Anderson
Communications and
Training Officer

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

WAC 390-20-0101 Forms for lobbyist registration.

The official form for lobbyist registration as required by RCW 42.17A.600 is designated "L-1," revised ((2/05)) 1/14. Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504. Any paper attachments shall be on 8-1/2" x 11" white paper.

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LOBBYIST REGISTRATION

THIS SPACE FOR OFFICE USE
L1

1. Lobbyist Name

Permanent Business Address

City State Zip

Business Telephone Numbers
Permanent ()
Temporary ()
Cell Phone () or Pager

2. Temporary Thurston County address during legislative session

E-Mail Address

3. Employer's name and address (person or group for which you lobby)

Employer's occupation, business or description of purpose of organization

4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports.

E-Mail Address

5. What is your pay (compensation) for lobbying?
\$ _____ per _____ (hour, day, month, year)
Other: Explain:

Description of employment (check one or more boxes)
 Full time employee
 Part time or temporary employee
 Contractor, retainer or similar agreement
 Unsalaries officer or member of group
 Sole duty is lobbying
 Lobbying is only a part of other duties

6. Are you reimbursed for lobbying expenses? Explain which expenses.
 Yes: \$ _____ per _____
 Yes: I am reimbursed for expenses.
 No: I am not reimbursed for expenses.

Does employer pay any of your lobbying expenses directly?
If yes, explain which ones.

7. How long do you expect to lobby for this organization?
 Permanent lobbyist
 Only during legislative session
 Other, Explain:

8. Is your employer a business or trade association or similar organization which lobbies on behalf of its members? If "yes," attach a list showing the name and address of each member who has paid the association fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year.
 No
 Yes. However, no member has paid, pays, or is expected to pay over \$500.
 Yes. The list is attached

9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If so, list the name of that political action committee.
 No
 Yes. Name of the committee is:

11. Areas of interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects:

CODE	SUBJECT	CODE	SUBJECT
01 <input type="checkbox"/>	Agriculture	08 <input type="checkbox"/>	Fiscal
02 <input type="checkbox"/>	Business and consumer affairs	09 <input type="checkbox"/>	Higher education
03 <input type="checkbox"/>	Constitutions and elections	10 <input type="checkbox"/>	Human services
04 <input type="checkbox"/>	Education	11 <input type="checkbox"/>	Labor
05 <input type="checkbox"/>	Energy and utilities	12 <input type="checkbox"/>	Law and justice
06 <input type="checkbox"/>	Environmental affairs - natural resources - parks	13 <input type="checkbox"/>	Local government
07 <input type="checkbox"/>	Financial institutions and insurance	14 <input type="checkbox"/>	State government
		15 <input type="checkbox"/>	Transportation
		16 <input type="checkbox"/>	Other - Specify:

Remarks:

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement.

EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement.

12. LOBBYIST'S SIGNATURE DATE

EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE DATE

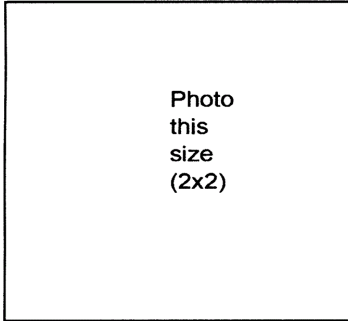
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 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2929		LOBBYIST REGISTRATION	L1 (1/14)	THIS SPACE FOR OFFICE USE
1. Lobbyist Name				
Permanent Business Address		Business Telephone Numbers		
City State Zip		Permanent () Temporary () Cell Phone () or Pager		
2. Temporary Thurston County address during legislative session		E-Mail Address		
3. Employer's name and address (person or group for which you lobby)		Employer's occupation, business or description of purpose of organization		
4. Name and address of person having custody of accounts, records, books or other documents which substantiate lobbyist reports. (Person responsible for producing the lobbyist employer's annual L-3 report.)		E-Mail Address		
5. What is your pay (compensation) for lobbying? \$ _____ per _____ (hour, day, month, year) Other: Explain: _____		Description of employment (check one or more boxes)		
6. Are you reimbursed for lobbying expenses? Explain which expenses. <input type="checkbox"/> Yes: \$ _____ per _____ <input type="checkbox"/> Yes: I am reimbursed for expenses. <input type="checkbox"/> No: I am not reimbursed for expenses.		<input type="checkbox"/> Full-time employee <input type="checkbox"/> Part-time or temporary employee <input type="checkbox"/> Contractor, retainer or similar agreement <input type="checkbox"/> Unalaried officer or member of group <input type="checkbox"/> Sole duty is lobbying <input type="checkbox"/> Lobbying is only a part of other duties		
7. How long do you expect to lobby for this organization? <input type="checkbox"/> Permanent lobbyist <input type="checkbox"/> Only during legislative session <input type="checkbox"/> Other: Explain: _____		Does employer pay any of your lobbying expenses directly? If yes, explain which ones.		
8. Is your employer a business or trade association or organization which lobbies on behalf of its members or a representative entity which lobbies on behalf of businesses, groups, associations, or organizations? If "yes," attach a list showing the name and address of each member or funder who has paid fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year. <input type="checkbox"/> No <input type="checkbox"/> Yes. However, no member or funder has paid, pays, or is expected to pay over \$500. <input type="checkbox"/> Yes. The list is attached.				
9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If no, list the name of that political action committee. <input type="checkbox"/> No <input type="checkbox"/> Yes. Name of the committee is: _____				
10. If lobbyist is a company, partnership or similar business entity which employs others to perform actual lobbying duties, list name of each person who will lobby. (See WAC 890.20-143 and 144 for instructions.)				
11. Areas of interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects:		Remarks:		
CODE SUBJECT 01 <input type="checkbox"/> Agriculture 02 <input type="checkbox"/> Business and consumer affairs 03 <input type="checkbox"/> Contributions and elections 04 <input type="checkbox"/> Education 05 <input type="checkbox"/> Energy and utilities 06 <input type="checkbox"/> Environmental affairs - natural resources - parks 07 <input type="checkbox"/> Financial institutions and insurance 08 <input type="checkbox"/> Fiscal 09 <input type="checkbox"/> Health Care 10 <input type="checkbox"/> Higher education 11 <input type="checkbox"/> Human services 12 <input type="checkbox"/> Labor 13 <input type="checkbox"/> Law and justice 14 <input type="checkbox"/> Local government 15 <input type="checkbox"/> State government 16 <input type="checkbox"/> Technology 17 <input type="checkbox"/> Transportation 18 <input type="checkbox"/> Other Specify: _____				
CERTIFICATION: I hereby certify that the above is a true, complete and correct statement.		EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement.		
12. LOBBYIST'S SIGNATURE _____ DATE _____		EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE _____ DATE _____		

PDC Form - (Rev. 8/16)

NOT VALID UNLESS SIGNED BY BOTH

LOBBYIST IDENTIFICATION FORM



NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

INSTRUCTIONS

- ATTACH THIS PAGE TO YOUR L-1 REGISTRATION.
- ATTACH 2" x 2" PASSPORT TYPE PHOTO. PHOTO SHOULD BE HEAD AND SHOULDERS, FULL FACE, AND TAKEN WITHIN LAST 12 MONTHS.
- PLEASE WRITE NAME, LIGHTLY IN PENCIL, ON BACK OF PHOTO BEFORE ATTACHING.
- PHOTOS WILL NOT BE RETURNED.
- PLEASE SEE INSTRUCTION BOOKLET FOR EXAMPLE OF BIOGRAPHY.
- LIST ALL EMPLOYERS ON THIS PAGE.

PDC FORM L-1, PAGE 2 (Rev. 2/05)

AMENDATORY SECTION (Amending WSR 02-03-018, filed 1/4/02, effective 2/4/02)

WAC 390-20-020 Forms for lobbyist report of expenditures. The official form for the lobbyist report of expenditures is designated "L-2," revised ((1/02)) 1/14 which includes the L-2 Memo Report, dated 1/02. Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

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PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

L2
1/02

PDC OFFICE USE

Lobbyist Monthly Expense Report
 (as required by Chapter 397, 1995 Session Laws)

1. Lobbyist Name _____
 Mailing Address _____
 City _____ State _____ Zip + 4 _____
 New Address? Yes No

2. This report is for the period _____ (Month) _____ (Year)
 This report corrects or amends the report for _____ (Month) _____ (Year)
 Business Telephone () - _____

ALL COMPLETE THIS PART **COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER**

Include all reportable expenditures by lobbyist and lobbyist's employer for or on behalf of the lobbyist incurred during the reporting period

Expense Category	TOTAL AMOUNT THIS MONTH All employers plus own expense (Columns a + b + c + d and attached pages)	Amounts paid from lobbyist's own funds, not reimbursed or attributed to an employer. Column A	Amount attributed to each employer		
			Employer No. ____ Column B	Employer No. ____ Column C	Employer No. ____ Column D
3. COMPENSATION earned from employer for lobbying this period (salary, wages, retainer)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
4. PERSONAL EXPENSES for travel, food and refreshments	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
5. ENTERTAINMENT, GRATUITIES, TRAVEL, SEMINARS for state officials, employees, their families (See #15)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
6. CONTRIBUTIONS to elected officials, candidates and political committees (See #16)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
7. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
8. POLITICAL ADS, PUBLIC RELATIONS, POLLING, TELEMARKETING, ETC. (See #17)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
9. OTHER EXPENSES AND SERVICES (See #18)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
10. TOTAL COMPENSATION AND EXPENSES INCURRED THIS MONTH	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

(Attach additional page(s) if you lobby for more than three employers.)

11. EMPLOYERS' NAMES
 No. ____ (B)
 No. ____ (C)
 No. ____ (D)

12. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing.
 Subject Matter, Issue or Bill No. _____ Legislative Committee or State Agency Considering Matter _____ Employer Represented _____

Continued on attached pages

13. Of the time spent lobbying, what percentage was devoted to lobbying: _____ the Legislature _____% State Agencies _____%.

14. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)

Date registration ends: _____ Employer's name: _____

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

I certify that this report is true and complete to the best of my knowledge. **CERTIFICATION**
 LOBBYIST SIGNATURE _____ DATE _____

CONTINUE ON REVERSE

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L2
1/14

PDC OFFICE USE

Lobbyist Monthly Expense Report
(as required by Chapter 397, 1995 Session Laws)

1. Lobbyist Name _____
 Mailing Address _____
 City _____ State _____ Zip + 4 _____
 New Address? Yes No

2. This report is for the period _____ (Month) _____ (Year). This report corrects or amends the report for _____ (Month) _____ (Year).
 Business Termination () -

ALL COMPLETE THIS PART		COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER			
Include all reportable expenditures by lobbyist and lobbyist's employer for or on behalf of the lobbyist incurred during the reporting period		Amount attributed to each employer			
Expense Category	TOTAL AMOUNT THIS MONTH All employers plus own expense (Columns a + b + c + d and attached pages)	Amounts paid from lobbyist's own funds, not reimbursed or attributed to an employer. Column A	Employer No. ____ Column B	Employer No. ____ Column C	Employer No. ____ Column D
3. COMPENSATION earned from employer for lobbying this period (salary, wages, retainer)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
4. PERSONAL EXPENSES for travel, food and refreshments		\$ _____			
5. ENTERTAINMENT, GRATUITIES, TRAVEL SEMINARS for state officials, employees, their families (See #15)					
6. CONTRIBUTIONS to elected officials, candidates and political committees (See #15)					
7. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE					
8. POLITICAL ADS, PUBLIC RELATIONS, POLLING, TELEMARKETING, ETC. (See #17)					
9. OTHER EXPENSES AND SERVICES (See #18)					
10. TOTAL COMPENSATION AND EXPENSES INCURRED THIS MONTH	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

(Attach additional page(s) if you lobby for more than three employers.)

11. EMPLOYERS NAMES
 No. ____ (B)
 No. ____ (C)
 No. ____ (D)

12. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing.
 Subject Matter, Issue or Bill No. _____ Legislative Committee or State Agency Considering Matter _____ Employer Represented _____

Continued on attached pages

13. Of the time spent lobbying, what percentage was devoted to lobbying the Legislature _____% State Agencies _____%

14. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)

Date registration ends: _____ Employer's name: _____

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

CERTIFICATION

I certify that this report is true and complete to the best of my knowledge.

LOBBYIST SIGNATURE _____ DATE _____

CONTINUE ON REVERSE

((

Lobbyist Name _____
Reporting Period _____ (Month) _____ (Year)

15. Itemize all of the following expenditures that were incurred by lobbyist or lobbyist employer(s) for legislators, state officials, state employees and members of their immediate families. Show the actual amount incurred for each individual or the amount fairly attributed to each.
• Entertainment expenditures exceeding \$25 per occasion (including lobbyist's expense) for meals, beverages, tickets, passes, or for other forms of entertainment.
• Travel, lodging and subsistence expenses in connection with a speech, presentation, appearance, trade mission, seminar or educational program.
• Enrollment and course fees in connection with a seminar or educational program.
Lobbyists must provide an elected official with a copy of the L-2 or Memo Report if the lobbyist reports: 1) spending on one occasion over \$50 for food or beverages for the official and/or his or her family member(s); or 2) providing travel, lodging, subsistence expenses or enrollment or course fees for the official and, if permitted, the official's family.

Date	Names of all Persons Entertained or Provided Travel, etc.	Description, Place, etc.	Sponsoring Employer	Amount
				\$
N/A Total expenses itemized on attached Memo Reports				

Continued on attached pages.

16. If a monetary or in-kind contribution exceeding \$25 was given or transmitted by the lobbyist to any of the following, itemize the contribution below or on a Memo Report: local and state candidates or elected officials, local and state officers or employees, political committees supporting or opposing any candidate, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a caucus political committee, a political party, or a grass roots lobbying campaign.

Date	Name of Individual or Committee Receiving Contribution	Source of Contribution	Amount
			\$
N/A Total contributions itemized on attached Memo Reports			

If contributions were made directly by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages. PAC Name: _____

17. Expenditures for: a) political advertising supporting or opposing a state or local candidate or ballot measure; or b) public relations, telemarketing, polling or similar activities that directly or indirectly are lobbying-related must be itemized by amount, vendor or person receiving payment, and a brief description of the activity. Itemize each expenditure on an attached page that also shows lobbyist name and report date. Put the aggregate total of these expenditures on line 6.

18. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in Item 7).

Date	Recipient's Name and Address	Employer for Whom Expense was Incurred	Amount
			\$

Continued on attached page.

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Lobbyist Name _____

Reporting Period _____ (Month) _____ (Year)

15. Itemize all of the following expenditures that were incurred by lobbyist or lobbyist employer(s) for legislators, state officials, state employees and members of their immediate families. In the total amount column, show the total amount spent for each occasion including any staging costs, tax, and gratuity. Also show the actual amount spent entertaining each individual, as shown in the example. When reporting a reception or similar event, show the amount fairly attributed to each individual.

- Entertainment expenditures exceeding \$25 per occasion (including lobbyist's expense) for meals, beverages, tickets, passes, or for other forms of entertainment.
- Travel, lodging and subsistence expenses in connection with a speech, presentation, appearance, trade mission, seminar or educational program.
- Enrollment and course fees in connection with a seminar or educational program.

Lobbyists must provide an elected official with a copy of the L-2 or Memo Report if the lobbyist reports: 1) spending on one occasion over \$60 for food or beverages for the official and/or his or her family members; or 2) providing travel, lodging, subsistence expenses or enrollment or course fees for the official and, if permitted, the official's family.

Date month/year	Name of all Persons Entertained or Provided Travel, etc. (include actual amounts spent for entertainment)	Description, Place, etc.	Sponsoring Employer	Total Amount
	Forward: See Rule (32) - See Annex (26), and L-2 Lobbyist (33) tax & gratuity (\$20.47)	Dinner at Anthony's, Olympia	XYZ Corporation	\$221.41
N/A Total expenses itemized on attached Memo Reports				

Continued on attached page

16. If a monetary or in-kind contribution exceeding \$25 was given or transmitted by the lobbyist to any of the following, itemize the contribution below or on a Memo Report: local and state candidates or elected officials, local and state officers or employees, political committees supporting or opposing any candidates, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a caucus political committee, a political party, or a grass roots lobbying campaign.

Date	Name of Individual or Committee Receiving Contribution	Source of Contribution	Amount
			\$
N/A Total contributions itemized on attached Memo Reports			

If contributions were made directly by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-1 report need not be again included in this L-2 report.)

Continued on attached page

PAC Name _____

17. Expenditures for: a) political advertising supporting or opposing a state or local candidate or ballot measure, or b) public relations, telemarketing, polling or similar activities that directly or indirectly are lobbying-related must be itemized by amount, vendor or person receiving payment, and a brief description of the activity. Itemize each expenditure on an attached page that also shows lobbyist name and report date. Put the aggregate total of these expenditures on line 8.

18. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in item 7).

Date	Recipient's Name and Address	Employer for Whom Expense was Incurred	Amount
			\$

Continued on attached page

INFORMATION CONTINUED

L2

(Use this page if you need additional space for Items 12, 15 or 16)

Lobbyist Name		Reporting Period	(Month)	(Year)
12.	Subject Matter, Issue or Bill No.	Legislative Committee or State Agency Considering Matter		Employer Represented

15. Date	Names of all Persons Entertained or Provided Travel, etc.	Description, Place, etc.	Sponsoring Employer	Amount
				\$

16. Date	Name of Individual or Committee Receiving Contribution	Source of Contribution	Amount
			\$

INFORMATION CONTINUED

L2

(Use this page if you need additional space for Items 17 or 18)

Lobbyist Name

Reporting
Period (Month) (Year)

17. Date	Names of Vendor or Person Receiving Payment	Description, Place, etc.	Sponsoring Employer	Amount
				\$

18. Date	Recipient's Name and Address	Employer for Whom Expense was Incurred	Amount
			\$

PUBLIC DISCLOSURE COMMISSION
 **711 CAPITOL WAY RM 206**
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

L-2 Memo Report
1/02

Instructions: This Memo Report may be used by a lobbyist to notify a state elected official or other recipient of contributions, meals, travel expenses or educational benefits that have been provided during the preceding calendar month. The specific list of persons to whom a copy of this report must be delivered is shown below in the "Contributions" and "Meals, Travel, Seminars" sections. If the expenditures disclosed on this Memo Report do not also appear on the lobbyist's L-2 Report, a copy of this Memo Report must accompany the L-2 filing. See L-2 instruction manual for further details.

	PDC OFFICE USE
TO:	
Recipient's Name*	
FROM:	
Lobbyist's Name	
Mailing Address	
City State Zip + 4	

This report is for the period _____	This report corrects or amends the report for _____	Business Telephone () - _____
(Month) (Year)	(Month) (Year)	

CONTRIBUTIONS to state or local candidate, elected official, or employee, legislative staff person or ballot issue committee.

Date Made	Amount or Value	Description (if in-kind)	Source of Contribution (Employer's Name or Own Funds)
	\$		

MEALS, TRAVEL, SEMINARS to a state elected official, including a legislator, or members of the official's immediate family. Disclose: a) expenditures totaling over \$50 on one occasion for food or beverages for the official and/or the official's family; or b) expenditures for providing permissible travel, lodging, subsistence expenses or enrollment or course fees for the official and the official's family.

Date Given	Amount or Value	Description	Source of Gift (Employer's Name or Own Funds)	Recipient (if family member)
	\$			

Lobbyist's Signature	Date	<p><small>*Recipients of Contributions will report receipt of a cash donation on a C-3 report or in-kind on a Schedule B to the C-4 report; recipients of meals, travel and seminars will report receipt of these items on their annual F-1 statement.</small></p>
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WSR 13-21-101
PROPOSED RULES
WASHINGTON STATE LOTTERY

[Filed October 21, 2013, 1:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-18-020.

Title of Rule and Other Identifying Information: Title 315 WAC, the lottery commission has identified technical corrections and updates to WAC 315-30-010. The lottery wishes to update this rule to include language referencing the Mega Millions draw game and Mega Millions multistate agreement.

Hearing Location(s): Washington's Lottery, 814 4th Avenue, Olympia, WA 98506, on November 26, 2013, at 0900.

Date of Intended Adoption: November 26, 2013.

Submit Written Comments to: Jana Jones, P.O. Box 43000, Olympia, WA 98506, e-mail jjones@walottery.com, fax (360) 586-1039, by November 22, 2013.

Assistance for Persons with Disabilities: Contact Debbie Robinson by November 26, 2013, TTY (360) 586-0933 or (360) 664-4815.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The lottery commission has identified technical corrections and updates to WAC 315-30-010. The lottery wishes to update WAC 315-30-010 to include language to add reference to the Mega Millions draw game rules and Mega Millions multistate agreement including them in the directors' authority to operate this game under current applicable draw game statutes and WAC.

Statutory Authority for Adoption: RCW 67.70.040 (1), (3).

Statute Being Implemented: RCW 67.70.040.

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

Name of Proponent: Washington state lottery commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jana Jones, Washington's Lottery, (360) 664-4833; and Enforcement: Len Brudvik, Washington's Lottery, (360) 664-4742.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The only business allowed by law to sell lottery products are existing licensed lottery retailers.

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

October 21, 2013

Jana L. Jones

Director of Legal Services

AMENDATORY SECTION (Amending WSR 09-19-095, filed 9/18/09, effective 10/19/09)

WAC 315-30-010 Draw games—Authorized—Director's authority. The commission hereby authorizes the director to operate draw games which meet the criteria set

forth in this chapter. New draw games shall not be made available for sale without approval of the commission.

(1) The director may contract for the development and operation of draw games, and may operate said games subject to the approval of the commission.

(2) Before approving the final draw game specifications, the director shall provide the commission with a description of the proposal, and obtain approval of the proposed game concept by the commission.

(3) The director shall establish and approve the final draw game specifications, as executed in working papers or software requirement specifications, including the determination of winning tickets, after presentation and approval of any new draw game proposal to the commission for a vote of the commission.

(4) All draw game procedures and play criteria shall be made available to the public on the agency internet web site and upon request.

(5) Mega Millions draw game shall be conducted consistent with chapter 67.70 RCW and Title 315 WAC and pursuant to the requirements of the multistate agreement, Mega Millions official game rules, Mega Millions finance and operations procedures, and Mega Millions line drawing procedures in effect at the time of this rule amendment, all of which are incorporated by this rule. A copy of the multistate agreement, Mega Millions official game rules, Mega Millions finance and operations procedures, and Mega Millions line drawing procedures can be obtained from the Lottery Commission, P.O. Box 43000, Olympia, WA 98504-3000.

WSR 13-21-102
PROPOSED RULES
WASHINGTON STATE PATROL

[Filed October 21, 2013, 1:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-18-059.

Title of Rule and Other Identifying Information: Chapter 204-76 WAC, Standards for brake systems.

Hearing Location(s): General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504, on November 26, 2013, at 8:30 a.m.

Date of Intended Adoption: November 27, 2013.

Submit Written Comments to: CVEO 4 William Balcom, 210 11th Avenue S.W., Room G21, Olympia, WA 98504-2614, e-mail William.balcom@wsp.wa.gov, fax (360) 596-3829, by November 25, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by November 25, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed changes include but may not be limited to adding two sections addressing new braking systems and providing clean-up to existing language.

Statutory Authority for Adoption: RCW 46.37.005.

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

Name of Proponent: Federal Motor Carrier Administration, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: William Balcom, GA Building, P.O. Box 42614, Olympia, WA 98504, (360) 596-3807; and Enforcement: Washington State Patrol, GA Building, P.O. Box 42614, Olympia, WA 98504, (360) 596-3807.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change will not impact a small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not a significant rule change as defined in the RCW.

October 21, 2013
John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 80-10-006, filed 7/25/80)

WAC 204-76-010 Promulgation. By authority of RCW 46.37.005, the state (~~(commission on equipment)~~) patrol hereby adopts the following rules relating to brake systems.

AMENDATORY SECTION (Amending WSR 80-10-006, filed 7/25/80)

WAC 204-76-020 Scope. These rules (~~(shall)~~) apply only to brake systems on vehicles with a gross vehicle weight rating of 10,000 pounds or more.

AMENDATORY SECTION (Amending WSR 83-21-080, filed 10/19/83)

WAC 204-76-030 Definitions. (1) "Air brake hose" means any flexible hose used as an integral part of a service or auxiliary (emergency stopping) air brake system, where flexibility in a connection is mandatory due to vehicle design and includes the service and emergency air hoses between vehicles in a combination of vehicles.

(2) "Air brake reservoir" means a storage container for compressed air.

(3) "Air compressor" means a device which compresses air used for actuation of the brakes and/or other components of the vehicle.

(4) "Air gauge" means a gauge usually mounted on the instrument panel which indicates the air pressure in the air reservoir tanks, brake application pressure, or other air system pressures.

(5) "Air governor" means a regulator which controls the supply of air pressure for the brake system, generally by controlling the air compressor cut-in and cut-out pressure within a preset range.

(6) "Air over hydraulic brake system" means a hydraulic type brake system actuated by an air-powered master cylinder.

(7) "Air pressure protection valve" means a unit through which air flow is prevented except when a preselected input pressure is exceeded.

(8) "Brake" means an energy conversion mechanism used to retard, stop, or hold a vehicle.

(9) "Brake assembly" means an assembly of brake parts, the components of which are determined according to the type or design of the brake system.

(10) "Brake cam" means a cam mounted on the camshaft and located between the ends of the brakeshoes. When rotated by the brake camshaft, the cam expands the brakeshoes against the brakedrum.

(11) "Brake camshaft" means the camshaft which is held to the vehicle axle housing or backing plate by bosses containing bronze or nylon bushings. Air pressure is converted into mechanical force by the brake chamber which is attached by a push rod to the slack adjuster. The slack adjuster multiplies the force by the lever principle and applies the force to the brakeshoes.

(12) "Brake chamber or actuator" means a unit in which a diaphragm converts pressure to mechanical force for actuation of the brakes.

(13) "Brake cylinder" means a unit in which a piston converts pressure to mechanical force for actuation of the brakes.

(14) "Brake master cylinder" means the primary unit for displacing hydraulic fluid under pressure in the brake system.

(15) "Brake pedal" means a foot-operated lever which, when actuated, causes the brake(s) to be applied.

(16) "Brakeshoe" means a rigid half-moon shaped device with friction material affixed to the outer surface. The brakeshoes are generally mounted on a backing plate and are located inside the brakedrum. When expanded by the brake mechanism, the brakeshoes press the brake lining against the brakedrum, which creates friction to stop the rotation of the wheels, which in turn stops the vehicle.

(17) "Brakeshoe anchor pin" means a pin which holds the brakeshoe in its proper place within the brakedrum and serves as a pivot for the brakeshoes. One end of each brakeshoe is generally connected to the backing plate or spider by anchor pins.

(18) "Brake system" means a combination of one or more brakes and the related means of operation and control.

(19) "Brake wheel cylinder" means a unit for converting hydraulic fluid pressure to mechanical force for actuation of a brake.

(20) "Contamination" means any grease, oil, or brake fluid on the brake lining, pad friction surface, or braking surface of the brake drum or rotor.

(21) "Diaphragm" means a rubber partition placed between the two halves of the brake chamber. When air pressure is introduced into the chamber on one side of the diaphragm, the pressure flexes the diaphragm and exerts force on the pushplate attached to the push rod. The pushplate is held up against the diaphragm by a light duty return spring.

(22) "Disc brake" means a brake in which the friction forces act on the faces of a disc.

(23) "Disc brake caliper assembly" means the nonrotational components of a disc brake, including its actuating mechanism for development of friction forces at the disc.

(24) "Disc (rotor)" means the parallel-faced circular rotational member of a disc brake assembly acted upon by the friction material.

(25) "Drum" means the cylindrical rotational member of a drum brake assembly acted upon by the friction material.

(26) "Drum brake" means a brake in which the friction forces act on the cylindrical surfaces of the drum.

(27) "Foot valve" means a brake application and release valve located on the floor or firewall of the motor vehicle between the throttle and the clutch. It may be either a treadle or a pedal and is operated by foot pressure applied by the driver to apply air pressure to the service brake system. The valve may be either attached to the treadle or may be remotely mounted under the floor and connected to the pedal by means of a rod. This valve generally applies air pressure to all braking axles on all vehicles in the combination.

(28) "Hydraulic brake system" means a brake system in which brake operation and control utilizes hydraulic brake fluid.

(29) "Pedal reserve" means the amount of total pedal travel left in reserve when the brake pedal is depressed to the "brake applied" position.

(30) "Push rod" means the sliding rod projecting from a brake chamber and connected to the slack adjuster by which the force of compressed air in the brake chamber is transmitted to the brakeshoes through connecting linkage during a brake application.

(31) "Safety valve" means a pressure release unit used to protect the air system against excessive pressure.

(32) "Service brake system" means the primary brake system used for (~~retarding~~) slowing and stopping a vehicle.

(33) "Slack" means the sum of all clearances in the braking system and total system elasticity.

(34) "Slack adjuster" means a lever attached to the brake camshaft and connected to the brake chamber push rod. The slack adjuster provides a means of adjusting the brakes to compensate for brake lining wear.

(35) "Straight air brake system" means a mechanical type brake system actuated by air pressure in brake cylinders or brake chambers.

(36) "Supply air" means the air that is under pressure in the air supply system of a vehicle. It consists of those lines or tanks, except protected air tanks, which are under pressure when the system is fully charged and when all valves are in the normal position with the brakes unapplied.

(37) "Vacuum assisted hydraulic brake system" means a hydraulic type brake system which utilizes vacuum to assist the driver's effort to apply the brakes.

(38) "Vacuum brake reservoir" means a storage container for vacuum.

(39) "Wedge brake" means a wheel brake which uses air or hydraulic pressure to force wedges instead of cams between the brakeshoes to apply the shoes against the brakedrums. In air applied wedge brake systems, the brake actuator axis is parallel to the axle and pushes directly on the wedge in this direction instead of being mounted at right angles to push a slack adjuster and rotate a cam as in the conventional type of air brake system.

AMENDATORY SECTION (Amending WSR 83-21-080, filed 10/19/83)

WAC 204-76-040 Straight air brakes. Straight air brake systems (~~shall be~~) are subject to the following requirements and limitations:

(1) Supply system.

(a) The air compressor for a straight air brake system (~~shall~~) must cut in at not less than 85 pounds per square inch and (~~shall~~) must cut out at not more than 130 pounds per square inch.

(b) Air compressor buildup time (~~shall~~) must not be more than two minutes to increase the air pressure from 60 pounds per square inch to 90 pounds per square inch. Engine speed (~~shall~~) will not exceed 1500 RPM to meet this requirement.

(c) Air loss from the air system (~~shall~~) must not exceed:

(i) 3 pounds per square inch per minute for a single vehicle.

(ii) 4 pounds per square inch per minute for a two vehicle combination.

(iii) 5 pounds per square inch per minute for a three or more vehicle combination. Air losses (~~shall~~) will be measured by the air gauge in the vehicle.

(d) The air system (~~shall~~) must contain no more than one quart of contaminants. Water and oil (~~shall~~) must be considered contaminants.

(2) Brake assembly.

(a) Adjustment of all brakes (~~shall~~) must comply with the manufacturer's recommended specifications as set forth in WAC 204-76-99001, 204-76-99002, 204-76-99003, and 204-76-99004.

(b) Brake system components (~~shall~~) must meet all the requirements of RCW 46.37.360.

(i) Brake hoses and their attachments (~~shall~~) must:

(A) Meet the requirements of RCW 46.37.360; and (~~shall~~)

(B) Comply with Part 393.45 of Title 49 C.F.R.

(ii) Brake hose splices (~~shall~~) must consist of only those unions specifically manufactured for that purpose and (~~shall~~) be properly installed.

(iii) Brakedrums (~~shall~~) will not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(iv) Brake lining, pad friction surface, or braking surface of the brake drum or rotor (~~shall~~) must not be contaminated with grease, oil, or brake fluid.

AMENDATORY SECTION (Amending WSR 83-21-080, filed 10/19/83)

WAC 204-76-050 Air over hydraulic brakes. Air over hydraulic brake systems (~~shall be~~) are subject to the following requirements and limitations:

(1) Supply system.

(a) The air compressor for an air over hydraulic brake system (~~shall~~) must cut in at not less than 85 pounds per square inch and (~~shall~~) must cut out at not more than 105 pounds per square inch.

(b) Air compressor buildup time (~~shall~~) must not be more than one minute to increase the air pressure from 60

pounds per square inch to 90 pounds per square inch. Engine speed ~~((shall))~~ will not exceed 1500 RPM to meet this requirement.

(c) Air loss from the air system ~~((shall))~~ must not exceed:

(i) 3 pounds per square inch per minute for a single vehicle.

(ii) 4 pounds per square inch per minute for a two vehicle combination.

(iii) 5 pounds per square inch per minute for a three or more vehicle combination. Air losses ~~((shall))~~ will be measured by the air gauge in the vehicle.

(d) The air system ~~((shall))~~ must contain no more than one quart of contaminants. Water and oil ~~((shall))~~ must be considered contaminants.

(e) Hydraulic fluid ~~((shall))~~ must be maintained in excess of 50 percent of the brake master cylinder capacity.

(2) Brake assembly.

(a) Adjustment of all brakes ~~((shall))~~ must comply with the manufacturer's recommended specifications.

(b) Brake system components ~~((shall))~~ must meet all the requirements of RCW 46.37.360, and brake drums ~~((shall))~~ will not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor ~~((shall))~~ must not be contaminated with grease, oil, or brake fluid.

AMENDATORY SECTION (Amending WSR 83-21-080, filed 10/19/83)

WAC 204-76-060 Vacuum assisted hydraulic brakes.

Vacuum assisted hydraulic brake systems ~~((shall be))~~ are subject to the following requirements and limitations:

(1) Supply system.

(a) When equipped with a protected vacuum reservoir, there ~~((shall))~~ must be no more than three inches drop in vacuum in one minute after turning off the engine.

(b) When not equipped with a protected vacuum reservoir, a slight drop of the brake pedal should be felt after starting the engine when moderate pressure is applied to the pedal. If a slight drop of the pedal does not occur, the vacuum system ~~((shall))~~ must be deemed to be defective.

(c) Hydraulic fluid ~~((shall))~~ must be maintained in excess of 50 percent of the brake master cylinder capacity.

(d) The hydraulic portion of the system ~~((shall))~~ must pass the following test procedures~~((:))~~:

(i) With the engine off, a hard brake pedal application ~~((shall))~~ must be made.

AMENDATORY SECTION (Amending WSR 89-12-019, filed 5/30/89)

WAC 204-76-99001 Bolt type brake chamber data.

(ii) Pedal pressure ~~((shall))~~ must be reduced but not released.

(iii) Pedal pressure ~~((shall))~~ must be gradually reapplied and pedal reserve ~~((shall))~~ must be checked.

(iv) No pedal reserve drop should occur. Any such drop in pedal reserve ~~((shall))~~ must cause the system to be deemed defective.

(2) Brake assembly.

(a) Adjustment of all brakes ~~((shall))~~ must comply with the manufacturer's recommended specifications.

(b) Brake system components ~~((shall))~~ must meet all the requirements of RCW 46.37.360, and brake drums ~~((shall))~~ will not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor ~~((shall))~~ must not be contaminated with grease, oil, or brake fluid.

AMENDATORY SECTION (Amending WSR 83-21-080, filed 10/19/83)

WAC 204-76-070 Hydraulic brakes. Hydraulic brake systems ~~((shall be))~~ are subject to the following requirements and limitations:

(1) Supply system.

(a) Hydraulic fluid ~~((shall))~~ must be maintained in excess of 50 percent of the brake master cylinder capacity.

(b) The hydraulic system ~~((shall))~~ must pass the following test procedures~~((:))~~:

(i) With the engine off, a hard brake pedal application ~~((shall))~~ must be made.

(ii) Pedal pressure ~~((shall))~~ must be reduced but not released.

(iii) Pedal pressure ~~((shall))~~ must be gradually reapplied and pedal reserve ~~((shall))~~ must be checked.

(iv) No pedal reserve drop should occur. Any such drop in pedal reserve ~~((shall))~~ must cause the system to be deemed defective.

(2) Brake assembly.

(a) Adjustment of all brakes ~~((shall))~~ must comply with the manufacturer's recommended specifications.

(b) Brake system components ~~((shall))~~ must meet all the requirements of RCW 46.37.360, and brake drums ~~((shall))~~ will not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor ~~((shall))~~ must not be contaminated with grease, oil, or brake fluid.

BOLT TYPE BRAKE CHAMBER DATA

Type	Effective Area (Square Inches)	Outside Diameter	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes ((shall)) <u>Must</u> Be Readjusted
A	6	5 1/4	Should be	1 1/4
B	9	6 3/16	as short as	1 3/8

BOLT TYPE BRAKE CHAMBER DATA

Type	Effective Area (Square Inches)	Outside Diameter	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which Brakes ((Shall)) <u>Must Be Readjusted</u>
C	12	6 15/16	possible	1 3/8
D	16	8 1/16	without	1 3/4
E	24	9 3/16	brakes	1 3/4
*F	30	9 7/8	dragging	2
G	36	11		2 1/4

* Most common types.

AMENDATORY SECTION (Amending WSR 89-12-019, filed 5/30/89)

WAC 204-76-99002 Clamp type brake chamber data.

CLAMP TYPE BRAKE CHAMBER DATA

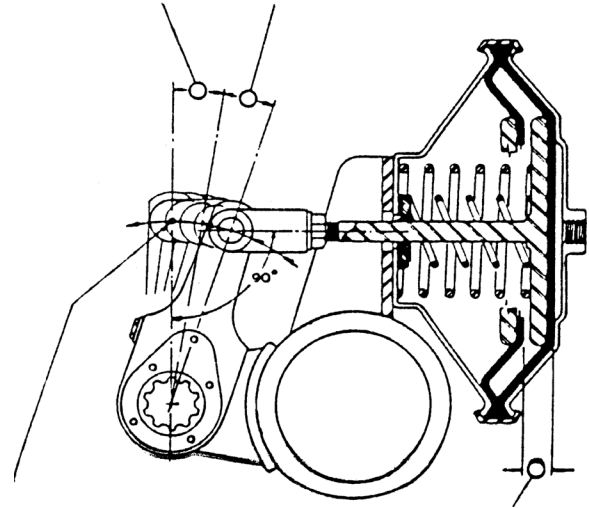
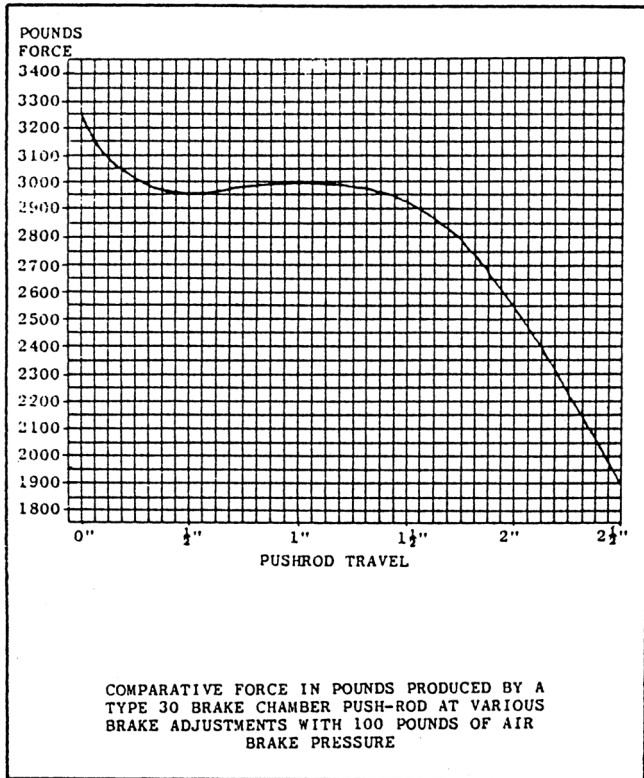
Type	Effective Area (Square Inches)	* Outside Diameter	Maximum Stroke With Brakes Adjusted	Maximum Stroke At Which <u>Clamp Type Brakes</u> ((Shall)) <u>Must Be Readjusted</u>	<u>Maximum Stroke At Which Long Stroke Clamp Type Brakes Must Be Readjusted</u>
6	6	4 1/2	Should be	1 1/4	
9	9	5 1/4	as short as	1 3/8	
12	12	5 11/16	possible	1 3/8	1 3/4
16	16	6 3/8	without	1 3/4	2
20	20	6 25/32	brakes	1 3/4	2 (2.5" rated stroke) OR 2 1/2 (3" rated stroke)
24	24	7 7/32	dragging	1 3/4	2 (2.5" rated stroke) OR 2 1/2 (3" rated stroke)
((**24 LS	24	7 7/32		2))	
30	30	8 3/32		2	2 1/2
36	36	9		2 1/4	

* Dimensions listed do not include capscrew head projections for bolt clamp projections for clamp type brake chambers.

((** Long stroke.))

AMENDATORY SECTION (Amending WSR 80-10-006, filed 7/25/80)

WAC 204-76-99003 Push rod force vs. travel. The following chart outlines push rod force vs. travel:



POINT OF GREATEST LEVERAGE
MOVEMENT PAST THIS POINT RESULTS IN LESS LEVERAGE, REDUCED INPUT AND LOWER BRAKE EFFICIENCY.

FIRST HALF OF RATED TRAVEL
BRAKE CHAMBER IS AT THE MAXIMUM EFFICIENCY.

AMENDATORY SECTION (Amending WSR 88-01-018, filed 12/8/87)

WAC 204-76-99005 Air operated wedge brake adjustment. Wedge brake shoe travel (~~shall~~) must not exceed 1/16 inch, nor shall the gap between the brake shoe lining and the brake drum exceed .06225 inch when the brake is released.

AMENDATORY SECTION (Amending WSR 80-10-006, filed 7/25/80)

WAC 204-76-99004 Relationship of push rod and slack adjuster angle to brake force. The following diagram shows the relationship of push rod and slack adjuster angle to brake force:

RESULT
EVEN TORQUE (BRAKE INPUT)
BETWEEN BRAKE ADJUSTMENTS

LAST HALF OF CAM ROTATION
LEVERAGE INCREASING TO THE MAXIMUM AND BRAKE CHAMBER EFFICIENCY DECREASING WITH LENGTH OF STROKE.

FIRST HALF OF CAM ROTATION
BRAKE CHAMBER EFFICIENCY IS MAXIMUM AND LEVERAGE IS MINIMUM AT BEGINNING OF STROKE. LEVERAGE INCREASES WITH THE INCREASED MOVEMENT.

WSR 13-21-103

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed October 21, 2013, 1:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-18-060.

Title of Rule and Other Identifying Information: Chapter 204-32 WAC, Regulations for private carrier buses.

Hearing Location(s): General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504, on November 26, 2013, at 8:00 a.m.

Date of Intended Adoption: November 27, 2013.

Submit Written Comments to: CVEO 4 William Balcom, 210 11th Avenue S.W., Room G21, Olympia, WA 98504-2614, e-mail william.balcom@wsp.wa.gov, fax (360) 596-3829, by November 25, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by November 25, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed changes include but may not be limited to amending the definition for

a private carrier bus to coincide with the federal definition under 49 C.F.R. 390.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.290.

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

Name of Agency Personnel Responsible for Drafting and Implementation: William Balcom, GA Building, P.O. Box 42614, Olympia, WA 98504, (360) 596-3807; and Enforcement: Washington State Patrol, GA Building, P.O. Box 42614, Olympia, WA 98504, (360) 596-3807.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change will not impact a small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not a significant rule as defined in the RCW.

October 21, 2013
John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 08-19-078, filed 9/16/08, effective 10/17/08)

WAC 204-32-010 Definitions. (1) "Chief" means the chief of the Washington state patrol or their designee.

(2) "Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (~~((having a seating capacity for eleven or more persons)))~~ used regularly to transport persons in furtherance of any organized agricultural, religious, or charitable purpose, and having a seating capacity for:

(a) Eight passengers if the transportation is provided for compensation; or

(b) Fifteen passengers if the transportation is provided not for compensation.

Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission.

(3) "Stop signal" means a sign bearing the word "STOP" which is actuated by the driver of the bus.

(4) "Signal lamps" means red lamps mounted on the vehicle to be used in conjunction with the "stop signal" when the bus is loading or unloading passengers under certain conditions.

(5) "Warning sign" means a sign to be attached to the rear of the bus to inform following motorists of their duty to stop when the "signal lamps" are activated.

WSR 13-21-108
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed October 21, 2013, 2:31 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district.

Hearing Location(s): 2901 Third Avenue, 5th Floor, Alki Conference Room, Seattle, WA 98121, on December 13, 2013, at 9:30 a.m.

Date of Intended Adoption: December 13, 2013.

Submit Written Comments to: Captain Harry Dudley, Chairman, 2901 Third Avenue, Suite 500, Seattle, WA 98121, e-mail l Larsonp@wsdot.wa.gov, fax (206) 515-3906, by December 2, 2013.

Assistance for Persons with Disabilities: Contact Shawna Erickson by December 10, 2013, (206) 515-3647.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to set a Puget Sound pilotage (PSP) district annual tariff for the calendar year 2014.

The proposed rule reflects (1) a new tariff category coupled with an across-the-board tariff decrease and (2) a range of across-the-board tariff adjustments excluding the *training surcharge* category and the *transportation to vessels on Puget Sound* category. Both methods of establishing a tariff are detailed below in order to depict what options the board will be considering.

(1) The board will consider a new tariff category proposed by PSP called the *variable expense component* (VEC). PSP is proposing a VEC charge to be levied as a flat fee on all assignments other than Zone I jobs which include all harbor shifts, cancellations and second pilot jobs in the waterways. This charge of \$692.00 per assignment is projected to generate \$4,510,000.00 in new revenue to cover VEC expenses. If a VEC is adopted, it would be coupled with an across-the-board tariff decrease of up to 4.5 percent.

The Pacific Merchant Shipping Association (PMSA) is opposed to the addition of this new VEC tariff category. The board will consider the proposed addition of a VEC charge ranging from \$0.00 (thus not creating this new category) up to the proposed amount of \$692.00 coupled with an across-the-board tariff decrease.

(2) The board will consider an overall range of across-the-board tariff adjustments between a decrease of eight percent and an increase of eight percent excluding the *training surcharge* category and the *transportation to vessels on Puget Sound* category to which no change is applied and the transportation charge portions of the *British Columbia direct transit charge* category to which an increase of five percent is proposed. The low end of the range is proposed by the PMSA and the high end of the range is proposed by the PSP.

In addition the board will be considering possible design changes within the tariff structure.

Reasons Supporting Proposal: Major stakeholders have contributed to the development of this proposal.

Statutory Authority for Adoption: Chapter 88.16 RCW.

Statute Being Implemented: RCW 88.16.035.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the PSP district expire on December 31, 2013. New rates must be set annually.

The board may adopt a rule that varies from the proposed rule upon consideration of written and oral testimony including but not limited to the adoption of a rule reflecting no changes to the current tariff.

Name of Proponent: Puget Sound Pilots and PMSA, private.

Name of Agency Personnel Responsible for Drafting: Peggy Larson, 2901 Third Avenue, Seattle, WA 98121, (206) 515-3904; Implementation and Enforcement: Board of Pilotage Commissioners, 2901 Third Avenue, Seattle, WA 98121, (206) 515-3904.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is

being considered in the context of the required annual review of the rates charged for pilotage services.

The application of the proposed revisions is clear in the description of the proposal and its anticipated effects as well as the proposed tariff shown below.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to the adoption of these rules. The Washington state board of pilotage commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

October 21, 2013
 Peggy Larson
 Executive Director

AMENDATORY SECTION (Amending WSR 12-24-055, filed 11/30/12, effective 1/1/13)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours January 1, (~~2013~~) 2014, through 2400 hours December 31, (~~2013~~) 2014.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	
Per LOA rate schedule in this section.	
Boarding charge:	\$(49.00) <u>45.00 to 53.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Towing charge - Dead ship:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	
Compass Adjustment	\$(359.00) <u>330.00 to 388.00</u>
Radio Direction Finder Calibration	\$(359.00) <u>330.00 to 388.00</u>
Launching Vessels	\$(540.00) <u>497.00 to 583.00</u>
Trial Trips, 6 hours or less (minimum \$(1,014.00))	\$(169.00) <u>155.00 to 183.00</u> per hour
Trial Trips, over 6 hours (two pilots)	\$(338.00) <u>311.00 to 365.00</u> per hour
Shilshole Bay – Salmon Bay	\$(211.00) <u>194.00 to 228.00</u>
Salmon Bay – Lake Union	\$(164.00) <u>151.00 to 177.00</u>
Lake Union – Lake Washington (plus LOA zone from Webster Point)	\$(211.00) <u>194.00 to 228.00</u>
Cancellation Charge	LOA Zone I
Cancellation Charge – Port Angeles:	LOA Zone II
(When a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for a pilot or when a pilot order is canceled less than twelve hours prior to the original ETA.)	

Waterway and Bridge Charges:

Ships up to 90' beam:

A charge of \$((~~266.00~~)) 245.00 to 287.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$((~~127.00~~)) 117.00 to 137.00 per bridge.

Ships 90' beam and/or over:

A charge of \$((~~361.00~~)) 332.00 to 390.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((~~251.00~~)) 231.00 to 271.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Docking Delay After Anchoring:

Applicable harbor shift rate to apply, plus \$((~~274.00~~)) 252.00 to 296.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((~~274.00~~)) 252.00 to 296.00 for every hour or fraction thereof.

Sailing Delay:

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((~~274.00~~)) 252.00 to 296.00 for every hour or fraction thereof. The assessment of the standby charge shall not exceed a period of twelve hours in any twenty-four-hour period.

Slowdown:

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$((~~274.00~~)) 252.00 to 296.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Delayed Arrival – Port Angeles:

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$((~~274.00~~)) 252.00 to 296.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Tonnage Charges:

0 to 20,000 gross tons:

Additional charge to LOA zone mileage of \$((~~0.0084~~)) 0.0077 to 0.0091 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:

Additional charge to LOA zone mileage of \$((~~0.0871~~)) 0.0801 to 0.0941 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be \$((~~0.1042~~)) 0.0959 to 0.1125 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Transportation to Vessels on Puget Sound:

March Point or Anacortes	\$195.00
Bangor	190.00
Bellingham	225.00
Bremerton	167.50
Cherry Point	260.00
Dupont	120.00
Edmonds	42.50
Everett	72.50
Ferndale	247.50
Manchester	162.50
Mukilteo	65.00
Olympia	155.00
Point Wells	42.50
Port Gamble	230.00
Port Townsend (Indian Island)	277.50
Seattle	18.75
Tacoma	87.50

(a) Intraharbor transportation for the Port Angeles port area: Transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is canceled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per mile.

Delinquent Payment Charge:

1 1/2% per month after 30 days from first billing.

Nonuse of Pilots:

Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage charges on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

British Columbia Direct Transit Charge:

In the event that a pilot consents to board or disembark a vessel at a British Columbia port, which consent shall not unreasonably be withheld, the following additional charges shall apply in addition to the normal LOA, tonnage and other charges provided in this tariff that apply to the portion of the transit in U.S. waters:

- Direct Transit Charge** ~~\$(2,107.00)~~ 1,938.00 to 2,276.00
- Sailing Delay Charge.** Shall be levied for each hour or fraction thereof that the vessel departure is delayed beyond its scheduled departure from a British Columbia port, provided that no charge will be levied for delays of one hour or less and further provided that the charge shall not exceed a period of 12 hours in any 24 hour period. ~~\$(283.00)~~ 260.00 to 306.00 per hour
- Slow Down Charge.** Shall be levied for each hour or fraction thereof that a vessel's arrival at a U.S. or BC port is delayed when a vessel chooses not to maintain its normal safe speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater from the arrival time had the vessel maintained its normal safe speed capabilities. ~~\$(283.00)~~ 260.00 to 306.00 per hour
- Cancellation Charge.** Shall be levied when a pilot arrives at a vessel for departure from a British Columbia port and the job is canceled. The charge is in addition to the applicable direct transit charge, standby, transportation and expenses. ~~\$(525.00)~~ 483.00 to 567.00
- Transportation Charge Vancouver Area.** Vessels departing or arriving at ports in the Vancouver-Victoria-New Westminster Range of British Columbia. ~~\$(514.00)~~ 473.00 to 555.00
- Transportation Charge Outports.** Vessels departing or arriving at British Columbia ports other than those in the Vancouver-Victoria-New Westminster Range. ~~\$(649.00)~~ 597.00 to 701.00

Variable Expense Component:

A per assignment charge of \$0.00 to \$692.00 except Zone 1 jobs which include all harbor shifts, cancellations and second pilot jobs in the waterways.

Training Surcharge:

On January 1, 2011, a surcharge of \$15.00 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each pilotage assignment.

LOA Rate Schedule:

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

(LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
(Length	I	II	III	IV	V	VI
Overall)	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
UP to 449	263	408	695	1,036	1,395	1,810
450-459	274	415	699	1,052	1,417	1,819
460-469	276	419	711	1,069	1,437	1,827
470-479	285	432	719	1,091	1,441	1,830
480-489	294	439	722	1,110	1,450	1,839
490-499	298	445	733	1,131	1,467	1,848
500-509	313	453	744	1,143	1,479	1,859
510-519	315	461	751	1,161	1,495	1,866
520-529	319	478	762	1,166	1,508	1,881
530-539	329	484	771	1,179	1,532	1,902
540-549	334	490	789	1,192	1,555	1,920
550-559	341	507	794	1,209	1,568	1,938

(LOA (Length Overall)	ZONE I Intra-Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
560-569	353	527	810	1,221	1,582	1,956
570-579	361	528	813	1,226	1,599	1,969
580-589	376	540	832	1,235	1,608	1,989
590-599	393	552	837	1,241	1,632	2,013
600-609	408	538	849	1,245	1,652	2,022
610-619	431	574	863	1,250	1,668	2,040
620-629	447	581	871	1,266	1,687	2,064
630-639	468	591	881	1,269	1,702	2,082
640-649	486	605	890	1,271	1,716	2,097
650-659	520	615	906	1,281	1,737	2,119
660-669	530	623	914	1,289	1,756	2,135
670-679	550	639	923	1,312	1,776	2,149
680-689	557	649	935	1,323	1,791	2,169
690-699	574	659	950	1,346	1,810	2,215
700-719	599	681	967	1,364	1,845	2,239
720-739	634	699	992	1,382	1,881	2,276
740-759	659	733	1,011	1,395	1,920	2,318
760-779	685	756	1,036	1,417	1,956	2,347
780-799	719	790	1,052	1,437	1,989	2,390
800-819	748	813	1,072	1,444	2,022	2,426
820-839	771	843	1,097	1,467	2,064	2,453
840-859	804	877	1,119	1,484	2,095	2,496
860-879	834	906	1,138	1,522	2,135	2,532
880-899	863	932	1,161	1,557	2,169	2,569
900-919	889	963	1,180	1,598	2,215	2,604
920-939	917	992	1,209	1,632	2,237	2,640
940-959	950	1,018	1,227	1,668	2,276	2,672
960-979	971	1,048	1,248	1,702	2,318	2,712
980-999	1,003	1,072	1,270	1,737	2,347	2,747
1000-1019	1,065	1,141	1,327	1,829	2,459	2,865
1020-1039	1,094	1,175	1,368	1,881	2,533	2,949
1040-1059	1,127	1,204	1,408	1,938	2,605	3,036
1060-1079	1,161	1,246	1,449	1,996	2,686	3,126
1080-1099	1,196	1,281	1,491	2,054	2,765	3,221
1100-1119	1,230	1,320	1,537	2,118	2,848	3,318
1120-1139	1,268	1,363	1,584	2,179	2,933	3,417
1140-1159	1,304	1,401	1,629	2,244	3,022	3,521
1160-1179	1,343	1,441	1,681	2,312	3,112	3,624
1180-1199	1,384	1,485	1,729	2,381	3,206	3,734
1200-1219	1,427	1,530	1,780	2,453	3,302	3,844

(LOA Length Overall)	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
1220-1239	1,467	1,576	1,832	2,527	3,399	3,959
1240-1259	1,511	1,622	1,886	2,602	3,502	4,077
1260-1279	1,555	1,670	1,944	2,680	3,608	4,199
1280-1299	1,602	1,721	2,003	2,760	3,713	4,326
1300-1319	1,651	1,770	2,061	2,842	3,825	4,454
1320-1339	1,701	1,824	2,125	2,927	3,939	4,589
1340-1359	1,749	1,879	2,188	3,014	4,057	4,727
1360-1379	1,803	1,933	2,253	3,106	4,177	4,866
1380-1399	1,855	1,991	2,322	3,197	4,303	5,014
1400-1419	1,912	2,052	2,389	3,292	4,431	5,163
1420-1439	1,968	2,114	2,461	3,392	4,566	5,318
1440-1459	2,029	2,177	2,536	3,493	4,702	5,477
1460-1479	2,086	2,240	2,610	3,597	4,843	5,638
1480-1499	2,150	2,307	2,687	3,704	4,986	5,808
1500-Over	2,215	2,377	2,767	3,817	5,135	5,981))

(Length Overall)	ZONE I Intra Harbor		ZONE II 0-30 Miles		ZONE III 31-50 Miles		ZONE IV 51-75 Miles		ZONE V 76-100 Miles		ZONE VI 101 Miles & Over	
	Proposed		Proposed		Proposed		Proposed		Proposed		Proposed	
	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
<u>UP to 449</u>	<u>242</u>	<u>284</u>	<u>375</u>	<u>441</u>	<u>639</u>	<u>751</u>	<u>953</u>	<u>1,119</u>	<u>1,283</u>	<u>1,507</u>	<u>1,665</u>	<u>1,955</u>
<u>450 - 459</u>	<u>252</u>	<u>296</u>	<u>382</u>	<u>448</u>	<u>643</u>	<u>755</u>	<u>968</u>	<u>1,136</u>	<u>1,304</u>	<u>1,530</u>	<u>1,673</u>	<u>1,965</u>
<u>460 - 469</u>	<u>254</u>	<u>298</u>	<u>385</u>	<u>453</u>	<u>654</u>	<u>768</u>	<u>983</u>	<u>1,155</u>	<u>1,322</u>	<u>1,552</u>	<u>1,681</u>	<u>1,973</u>
<u>470 - 479</u>	<u>262</u>	<u>308</u>	<u>397</u>	<u>467</u>	<u>661</u>	<u>777</u>	<u>1,004</u>	<u>1,178</u>	<u>1,326</u>	<u>1,556</u>	<u>1,684</u>	<u>1,976</u>
<u>480 - 489</u>	<u>270</u>	<u>318</u>	<u>404</u>	<u>474</u>	<u>664</u>	<u>780</u>	<u>1,021</u>	<u>1,199</u>	<u>1,334</u>	<u>1,566</u>	<u>1,692</u>	<u>1,986</u>
<u>490 - 499</u>	<u>274</u>	<u>322</u>	<u>409</u>	<u>481</u>	<u>674</u>	<u>792</u>	<u>1,041</u>	<u>1,221</u>	<u>1,350</u>	<u>1,584</u>	<u>1,700</u>	<u>1,996</u>
<u>500 - 509</u>	<u>288</u>	<u>338</u>	<u>417</u>	<u>489</u>	<u>684</u>	<u>804</u>	<u>1,052</u>	<u>1,234</u>	<u>1,361</u>	<u>1,597</u>	<u>1,710</u>	<u>2,008</u>
<u>510 - 519</u>	<u>290</u>	<u>340</u>	<u>424</u>	<u>498</u>	<u>691</u>	<u>811</u>	<u>1,068</u>	<u>1,254</u>	<u>1,375</u>	<u>1,615</u>	<u>1,717</u>	<u>2,015</u>
<u>520 - 529</u>	<u>293</u>	<u>345</u>	<u>440</u>	<u>516</u>	<u>701</u>	<u>823</u>	<u>1,073</u>	<u>1,259</u>	<u>1,387</u>	<u>1,629</u>	<u>1,731</u>	<u>2,031</u>
<u>530 - 539</u>	<u>303</u>	<u>355</u>	<u>445</u>	<u>523</u>	<u>709</u>	<u>833</u>	<u>1,085</u>	<u>1,273</u>	<u>1,409</u>	<u>1,655</u>	<u>1,750</u>	<u>2,054</u>
<u>540 - 549</u>	<u>307</u>	<u>361</u>	<u>451</u>	<u>529</u>	<u>726</u>	<u>852</u>	<u>1,097</u>	<u>1,287</u>	<u>1,431</u>	<u>1,679</u>	<u>1,766</u>	<u>2,074</u>
<u>550 - 559</u>	<u>314</u>	<u>368</u>	<u>466</u>	<u>548</u>	<u>730</u>	<u>858</u>	<u>1,112</u>	<u>1,306</u>	<u>1,443</u>	<u>1,693</u>	<u>1,783</u>	<u>2,093</u>
<u>560 - 569</u>	<u>325</u>	<u>381</u>	<u>485</u>	<u>569</u>	<u>745</u>	<u>875</u>	<u>1,123</u>	<u>1,319</u>	<u>1,455</u>	<u>1,709</u>	<u>1,800</u>	<u>2,112</u>
<u>570 - 579</u>	<u>332</u>	<u>390</u>	<u>489</u>	<u>573</u>	<u>748</u>	<u>878</u>	<u>1,128</u>	<u>1,324</u>	<u>1,471</u>	<u>1,727</u>	<u>1,811</u>	<u>2,127</u>
<u>580 - 589</u>	<u>346</u>	<u>406</u>	<u>497</u>	<u>583</u>	<u>765</u>	<u>899</u>	<u>1,136</u>	<u>1,334</u>	<u>1,479</u>	<u>1,737</u>	<u>1,830</u>	<u>2,148</u>
<u>590 - 599</u>	<u>362</u>	<u>424</u>	<u>508</u>	<u>596</u>	<u>770</u>	<u>904</u>	<u>1,142</u>	<u>1,340</u>	<u>1,501</u>	<u>1,763</u>	<u>1,852</u>	<u>2,174</u>
<u>600 - 609</u>	<u>375</u>	<u>441</u>	<u>523</u>	<u>615</u>	<u>781</u>	<u>917</u>	<u>1,145</u>	<u>1,345</u>	<u>1,520</u>	<u>1,784</u>	<u>1,860</u>	<u>2,184</u>
<u>610 - 619</u>	<u>397</u>	<u>465</u>	<u>528</u>	<u>620</u>	<u>794</u>	<u>932</u>	<u>1,150</u>	<u>1,350</u>	<u>1,535</u>	<u>1,801</u>	<u>1,877</u>	<u>2,203</u>
<u>620 - 629</u>	<u>411</u>	<u>483</u>	<u>535</u>	<u>627</u>	<u>801</u>	<u>941</u>	<u>1,165</u>	<u>1,367</u>	<u>1,552</u>	<u>1,822</u>	<u>1,899</u>	<u>2,229</u>

LOA (Length Overall)	ZONE I Intra Harbor		ZONE II 0-30 Miles		ZONE III 31-50 Miles		ZONE IV 51-75 Miles		ZONE V 76-100 Miles		ZONE VI 101 Miles & Over	
	Proposed		Proposed		Proposed		Proposed		Proposed		Proposed	
	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
<u>630 - 639</u>	<u>431</u>	<u>505</u>	<u>544</u>	<u>638</u>	<u>811</u>	<u>951</u>	<u>1,167</u>	<u>1,371</u>	<u>1,566</u>	<u>1,838</u>	<u>1,915</u>	<u>2,249</u>
<u>640 - 649</u>	<u>447</u>	<u>525</u>	<u>557</u>	<u>653</u>	<u>819</u>	<u>961</u>	<u>1,169</u>	<u>1,373</u>	<u>1,579</u>	<u>1,853</u>	<u>1,929</u>	<u>2,265</u>
<u>650 - 659</u>	<u>478</u>	<u>562</u>	<u>566</u>	<u>664</u>	<u>834</u>	<u>978</u>	<u>1,179</u>	<u>1,383</u>	<u>1,598</u>	<u>1,876</u>	<u>1,949</u>	<u>2,289</u>
<u>660 - 669</u>	<u>488</u>	<u>572</u>	<u>573</u>	<u>673</u>	<u>841</u>	<u>987</u>	<u>1,186</u>	<u>1,392</u>	<u>1,616</u>	<u>1,896</u>	<u>1,964</u>	<u>2,306</u>
<u>670 - 679</u>	<u>506</u>	<u>594</u>	<u>588</u>	<u>690</u>	<u>849</u>	<u>997</u>	<u>1,207</u>	<u>1,417</u>	<u>1,634</u>	<u>1,918</u>	<u>1,977</u>	<u>2,321</u>
<u>680 - 689</u>	<u>512</u>	<u>602</u>	<u>597</u>	<u>701</u>	<u>860</u>	<u>1,010</u>	<u>1,217</u>	<u>1,429</u>	<u>1,648</u>	<u>1,934</u>	<u>1,995</u>	<u>2,343</u>
<u>690 - 699</u>	<u>528</u>	<u>620</u>	<u>606</u>	<u>712</u>	<u>874</u>	<u>1,026</u>	<u>1,238</u>	<u>1,454</u>	<u>1,665</u>	<u>1,955</u>	<u>2,038</u>	<u>2,392</u>
<u>700 - 719</u>	<u>551</u>	<u>647</u>	<u>627</u>	<u>735</u>	<u>890</u>	<u>1,044</u>	<u>1,255</u>	<u>1,473</u>	<u>1,697</u>	<u>1,993</u>	<u>2,060</u>	<u>2,418</u>
<u>720 - 739</u>	<u>583</u>	<u>685</u>	<u>643</u>	<u>755</u>	<u>913</u>	<u>1,071</u>	<u>1,271</u>	<u>1,493</u>	<u>1,731</u>	<u>2,031</u>	<u>2,094</u>	<u>2,458</u>
<u>740 - 759</u>	<u>606</u>	<u>712</u>	<u>674</u>	<u>792</u>	<u>930</u>	<u>1,092</u>	<u>1,283</u>	<u>1,507</u>	<u>1,766</u>	<u>2,074</u>	<u>2,133</u>	<u>2,503</u>
<u>760 - 779</u>	<u>630</u>	<u>740</u>	<u>696</u>	<u>816</u>	<u>953</u>	<u>1,119</u>	<u>1,304</u>	<u>1,530</u>	<u>1,800</u>	<u>2,112</u>	<u>2,159</u>	<u>2,535</u>
<u>780 - 799</u>	<u>661</u>	<u>777</u>	<u>727</u>	<u>853</u>	<u>968</u>	<u>1,136</u>	<u>1,322</u>	<u>1,552</u>	<u>1,830</u>	<u>2,148</u>	<u>2,199</u>	<u>2,581</u>
<u>800 - 819</u>	<u>688</u>	<u>808</u>	<u>748</u>	<u>878</u>	<u>986</u>	<u>1,158</u>	<u>1,328</u>	<u>1,560</u>	<u>1,860</u>	<u>2,184</u>	<u>2,232</u>	<u>2,620</u>
<u>820 - 839</u>	<u>709</u>	<u>833</u>	<u>776</u>	<u>910</u>	<u>1,009</u>	<u>1,185</u>	<u>1,350</u>	<u>1,584</u>	<u>1,899</u>	<u>2,229</u>	<u>2,257</u>	<u>2,649</u>
<u>840 - 859</u>	<u>740</u>	<u>868</u>	<u>807</u>	<u>947</u>	<u>1,029</u>	<u>1,209</u>	<u>1,365</u>	<u>1,603</u>	<u>1,927</u>	<u>2,263</u>	<u>2,296</u>	<u>2,696</u>
<u>860 - 879</u>	<u>767</u>	<u>901</u>	<u>834</u>	<u>978</u>	<u>1,047</u>	<u>1,229</u>	<u>1,400</u>	<u>1,644</u>	<u>1,964</u>	<u>2,306</u>	<u>2,329</u>	<u>2,735</u>
<u>880 - 899</u>	<u>794</u>	<u>932</u>	<u>857</u>	<u>1,007</u>	<u>1,068</u>	<u>1,254</u>	<u>1,432</u>	<u>1,682</u>	<u>1,995</u>	<u>2,343</u>	<u>2,363</u>	<u>2,775</u>
<u>900 - 919</u>	<u>818</u>	<u>960</u>	<u>886</u>	<u>1,040</u>	<u>1,086</u>	<u>1,274</u>	<u>1,470</u>	<u>1,726</u>	<u>2,038</u>	<u>2,392</u>	<u>2,396</u>	<u>2,812</u>
<u>920 - 939</u>	<u>844</u>	<u>990</u>	<u>913</u>	<u>1,071</u>	<u>1,112</u>	<u>1,306</u>	<u>1,501</u>	<u>1,763</u>	<u>2,058</u>	<u>2,416</u>	<u>2,429</u>	<u>2,851</u>
<u>940 - 959</u>	<u>874</u>	<u>1,026</u>	<u>937</u>	<u>1,099</u>	<u>1,129</u>	<u>1,325</u>	<u>1,535</u>	<u>1,801</u>	<u>2,094</u>	<u>2,458</u>	<u>2,458</u>	<u>2,886</u>
<u>960 - 979</u>	<u>893</u>	<u>1,049</u>	<u>964</u>	<u>1,132</u>	<u>1,148</u>	<u>1,348</u>	<u>1,566</u>	<u>1,838</u>	<u>2,133</u>	<u>2,503</u>	<u>2,495</u>	<u>2,929</u>
<u>980 - 999</u>	<u>923</u>	<u>1,083</u>	<u>986</u>	<u>1,158</u>	<u>1,168</u>	<u>1,372</u>	<u>1,598</u>	<u>1,876</u>	<u>2,159</u>	<u>2,535</u>	<u>2,527</u>	<u>2,967</u>
<u>1000 - 1019</u>	<u>980</u>	<u>1,150</u>	<u>1,050</u>	<u>1,232</u>	<u>1,221</u>	<u>1,433</u>	<u>1,683</u>	<u>1,975</u>	<u>2,262</u>	<u>2,656</u>	<u>2,636</u>	<u>3,094</u>
<u>1020 - 1039</u>	<u>1,006</u>	<u>1,182</u>	<u>1,081</u>	<u>1,269</u>	<u>1,259</u>	<u>1,477</u>	<u>1,731</u>	<u>2,031</u>	<u>2,330</u>	<u>2,736</u>	<u>2,713</u>	<u>3,185</u>
<u>1040 - 1059</u>	<u>1,037</u>	<u>1,217</u>	<u>1,108</u>	<u>1,300</u>	<u>1,295</u>	<u>1,521</u>	<u>1,783</u>	<u>2,093</u>	<u>2,397</u>	<u>2,813</u>	<u>2,793</u>	<u>3,279</u>
<u>1060 - 1079</u>	<u>1,068</u>	<u>1,254</u>	<u>1,146</u>	<u>1,346</u>	<u>1,333</u>	<u>1,565</u>	<u>1,836</u>	<u>2,156</u>	<u>2,471</u>	<u>2,901</u>	<u>2,876</u>	<u>3,376</u>
<u>1080 - 1099</u>	<u>1,100</u>	<u>1,292</u>	<u>1,179</u>	<u>1,383</u>	<u>1,372</u>	<u>1,610</u>	<u>1,890</u>	<u>2,218</u>	<u>2,544</u>	<u>2,986</u>	<u>2,963</u>	<u>3,479</u>
<u>1100 - 1119</u>	<u>1,132</u>	<u>1,328</u>	<u>1,214</u>	<u>1,426</u>	<u>1,414</u>	<u>1,660</u>	<u>1,949</u>	<u>2,287</u>	<u>2,620</u>	<u>3,076</u>	<u>3,053</u>	<u>3,583</u>
<u>1120 - 1139</u>	<u>1,167</u>	<u>1,369</u>	<u>1,254</u>	<u>1,472</u>	<u>1,457</u>	<u>1,711</u>	<u>2,005</u>	<u>2,353</u>	<u>2,698</u>	<u>3,168</u>	<u>3,144</u>	<u>3,690</u>
<u>1140 - 1159</u>	<u>1,200</u>	<u>1,408</u>	<u>1,289</u>	<u>1,513</u>	<u>1,499</u>	<u>1,759</u>	<u>2,064</u>	<u>2,424</u>	<u>2,780</u>	<u>3,264</u>	<u>3,239</u>	<u>3,803</u>
<u>1160 - 1179</u>	<u>1,236</u>	<u>1,450</u>	<u>1,326</u>	<u>1,556</u>	<u>1,547</u>	<u>1,815</u>	<u>2,127</u>	<u>2,497</u>	<u>2,863</u>	<u>3,361</u>	<u>3,334</u>	<u>3,914</u>
<u>1180 - 1199</u>	<u>1,273</u>	<u>1,495</u>	<u>1,366</u>	<u>1,604</u>	<u>1,591</u>	<u>1,867</u>	<u>2,191</u>	<u>2,571</u>	<u>2,950</u>	<u>3,462</u>	<u>3,435</u>	<u>4,033</u>
<u>1200 - 1219</u>	<u>1,313</u>	<u>1,541</u>	<u>1,408</u>	<u>1,652</u>	<u>1,638</u>	<u>1,922</u>	<u>2,257</u>	<u>2,649</u>	<u>3,038</u>	<u>3,566</u>	<u>3,536</u>	<u>4,152</u>
<u>1220 - 1239</u>	<u>1,350</u>	<u>1,584</u>	<u>1,450</u>	<u>1,702</u>	<u>1,685</u>	<u>1,979</u>	<u>2,325</u>	<u>2,729</u>	<u>3,127</u>	<u>3,671</u>	<u>3,642</u>	<u>4,276</u>
<u>1240 - 1259</u>	<u>1,390</u>	<u>1,632</u>	<u>1,492</u>	<u>1,752</u>	<u>1,735</u>	<u>2,037</u>	<u>2,394</u>	<u>2,810</u>	<u>3,222</u>	<u>3,782</u>	<u>3,751</u>	<u>4,403</u>
<u>1260 - 1279</u>	<u>1,431</u>	<u>1,679</u>	<u>1,536</u>	<u>1,804</u>	<u>1,788</u>	<u>2,100</u>	<u>2,466</u>	<u>2,894</u>	<u>3,319</u>	<u>3,897</u>	<u>3,863</u>	<u>4,535</u>
<u>1280 - 1299</u>	<u>1,474</u>	<u>1,730</u>	<u>1,583</u>	<u>1,859</u>	<u>1,843</u>	<u>2,163</u>	<u>2,539</u>	<u>2,981</u>	<u>3,416</u>	<u>4,010</u>	<u>3,980</u>	<u>4,672</u>
<u>1300 - 1319</u>	<u>1,519</u>	<u>1,783</u>	<u>1,628</u>	<u>1,912</u>	<u>1,896</u>	<u>2,226</u>	<u>2,615</u>	<u>3,069</u>	<u>3,519</u>	<u>4,131</u>	<u>4,098</u>	<u>4,810</u>

LOA (Length Overall)	ZONE I		ZONE II		ZONE III		ZONE IV		ZONE V		ZONE VI	
	Intra Harbor		0-30 Miles		31-50 Miles		51-75 Miles		76-100 Miles		101 Miles & Over	
	Proposed		Proposed		Proposed		Proposed		Proposed		Proposed	
	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
1320 - 1339	1.565	1.837	1.678	1.970	1.955	2.295	2.693	3.161	3.624	4.254	4.222	4.956
1340 - 1359	1.609	1.889	1.729	2.029	2.013	2.363	2.773	3.255	3.732	4.382	4.349	5.105
1360 - 1379	1.659	1.947	1.778	2.088	2.073	2.433	2.858	3.354	3.843	4.511	4.477	5.255
1380 - 1399	1.707	2.003	1.832	2.150	2.136	2.508	2.941	3.453	3.959	4.647	4.613	5.415
1400 - 1419	1.759	2.065	1.888	2.216	2.198	2.580	3.029	3.555	4.077	4.785	4.750	5.576
1420 - 1439	1.811	2.125	1.945	2.283	2.264	2.658	3.121	3.663	4.201	4.931	4.893	5.743
1440 - 1459	1.867	2.191	2.003	2.351	2.333	2.739	3.214	3.772	4.326	5.078	5.039	5.915
1460 - 1479	1.919	2.253	2.061	2.419	2.401	2.819	3.309	3.885	4.456	5.230	5.187	6.089
1480 - 1499	1.978	2.322	2.122	2.492	2.472	2.902	3.408	4.000	4.587	5.385	5.343	6.273
1500 - Over	2.038	2.392	2.187	2.567	2.546	2.988	3.512	4.122	4.724	5.546	5.503	6.459

WSR 13-21-118

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed October 22, 2013, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-12-052.

Title of Rule and Other Identifying Information: Amend rules in chapters 192-300 and 192-310 WAC relating to coverage and eligibility of corporate officers and eligibility for unemployment benefits. Several rules are repealed.

Hearing Location(s): Employment Security Department, Maple Leaf Conference Room, 212 Maple Park Avenue S.E., Olympia, WA, on November 26, 2013, at 11:00 a.m.

Date of Intended Adoption: November 27, 2013.

Submit Written Comments to: Pamela Ames, P.O. Box 9046, Olympia, WA 98507-9046, e-mail pames@esd.wa.gov, fax (360) 902-0911, by November 25, 2013.

Assistance for Persons with Disabilities: Contact Kintu Nnambi by November 25, 2013, TTY (800) 833-6384 or (360) 725-9454.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules implement legislation providing that coverage of corporate officers is elective rather than mandatory. In addition, the rules implement legislation modifying the circumstances under which those corporate officers who have elected coverage are considered "unemployed" and thus eligible for benefits.

Reasons Supporting Proposal: The rules implement changes to state law adopted by the 2013 legislature related to corporate officer coverage and eligibility for benefits.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: Chapter 66, Laws of 2013, and chapter 250, Laws of 2013.

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

Name of Proponent: Employment security department, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; and Enforcement: Neil Gorrell, 212 Maple Park, Olympia, (360) 902-9303.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules implement legislation passed in 2013. There is no disproportionate impact on small business.

A cost-benefit analysis is not required under RCW 34.05.328. The rules clarify new coverage and eligibility requirements adopted by the legislature. They do not meet the definition of significant legislative rules under RCW 34.05.328.

October 22, 2013

Nan Thomas

Deputy Commissioner

AMENDATORY SECTION (Amending WSR 10-23-064, filed 11/12/10, effective 12/13/10)

WAC 192-300-090 **When does an employer become inactive (~~or reactivated~~) for purposes of unemployment insurance (~~and how does this affect coverage of corporate officers~~)?** (1) An employer that has no employees or covered corporate officers for eight consecutive quarters (~~shall~~) **is** automatically (~~be~~) considered (~~to be~~) an inactive employer **at the end of the eighth consecutive quarter.**

(2) An active employer may change to inactive status if the employer notifies the department that it is no longer an active employer, has no employees at that time or for the foreseeable future, and has not elected coverage under RCW

50.24.160. The employer ((shall be)) is considered inactive ((as of)) on the ((effective)) date ((of)) the ((notice unless it is a corporation that has not exempted all its paid corporate officers. If the employer is a corporation and has not exempted all its paid corporate officers, it shall continue to be considered an active employer until the end of the calendar year. If it has no employees and has not elected coverage under RCW 50.24.160, the corporation shall no longer be considered an employer as of January 1st of the following calendar year)) employer asks the department to close the account.

((Example A: Employer A (not a corporation) notifies the department that, as of June 30th, it no longer considers itself an active employer, has no employees at that time or for the foreseeable future, and has not elected coverage for otherwise exempt workers. The department will notify Employer A that it is considered inactive and Employer A will not have to file reports for the quarter ending September 30th and beyond.

Example B: Employer Corporation B notifies the department that, as of June 30th, it no longer considers itself an active employer, has no employees at that time or for the foreseeable future, and has not elected coverage for otherwise exempt workers. If the corporation is dissolving or is no longer in business or has exempted all its paid corporate officers from coverage, the department will notify it that the corporation is considered inactive and that it will not have to file reports for the quarter ending September 30th and beyond. If the corporation is continuing as a corporation in which all personal services are performed by bona fide corporate officers and has not exempted all its paid corporate officers, the corporation shall continue to be considered an active employer until December 31st and must report quarterly and pay taxes on nonexempt corporate officers. As of the following January 1st, it will no longer be considered an employer.

(3) A corporation in which all personal services are performed only by bona fide corporate officers, that has no employees throughout a calendar year, and that has not elected coverage for corporate officers under RCW 50.24.160 shall not be covered for corporate officers for that year regardless of whether it has notified the department that it is no longer an active employer.

Example C: Employer Corporation C is an active employer with employees in year 1 and must file quarterly reports. It has not elected coverage for corporate officers, but has not exempted them either, so Employer Corporation C must cover corporate officers in year 1. Throughout year 2, Employer Corporation C no longer has any employees and all personal services are performed by bona fide corporate officers, but fails to notify the department of the change. Employer Corporation C should submit quarterly "no payroll" reports. Because there are no employees in year 2, the corporate officers are no longer considered covered.

(4) An employer that had no employees and was not previously active in the calendar year and reactivates because it has employees or elects coverage under RCW 50.24.160 shall be considered an active employer as of the date it has employees or elects coverage. If the employer is a corporation, once it hires employees, it becomes an employer, so it must register and paid corporate officers become covered unless the corporation exempts them within thirty days. If the

corporation does not exempt all of its paid corporate officers, the corporate officers that have not been exempted shall be reported and covered as of the date the employer became an active employer.

Example D: Employer D (not a corporation) had registered in a previous year with the department, but had no employees and was in inactive status as of January 1st. It hires employees for the first time that year on April 1st, notifies the department, and is restored to active status at that time. Employer D does not need to report to the department for the first quarter of the year because it was not an active employer at that time. Employer D must report and pay taxes beginning with the quarter ending June 30th.

Example E: Employer Corporation E is a corporation that had been an active employer in previous years, but had no employees and was in inactive status as of January 1st. Employer Corporation E did not previously exempt its corporate officers from coverage, nor did it elect coverage for the officers, but because it was inactive and had no employees, it does not need to report or pay taxes on the corporate officers for the first quarter of the year. Employer Corporation E hires employees for the first time that year on April 1st, notifies the department, is restored to active status at that time, and does not exempt its paid corporate officers within thirty days of April 1st. Employer Corporation E must report and pay taxes on both employees and on corporate officers beginning with the quarter ending June 30th.

(5) An employer that had been in active status during the calendar year, became inactive, and then returns to active status during the same calendar year shall be considered in active status for the entire time since it first became active in that calendar year. If the employer is a corporation that has not exempted all of its paid corporate officers, the corporate officers that have not been exempted shall be reported and covered for the entire time since the corporation first became active in that calendar year.

Example F: Employer F changed from active status to inactive status and back to active status within the same calendar year. Employer F will be treated as if it had been in active status for the entire time since it first became active that year.))

AMENDATORY SECTION (Amending WSR 07-23-127, filed 11/21/07, effective 1/1/09)

WAC 192-300-170 Requirements for election of unemployment insurance coverage. The department applies RCW 50.04.165 and 50.24.160 to establish the election of coverage for unemployment insurance by employers where personal services are not considered employment under the law:

(1) RCW 50.24.160 allows any ((business)) employing unit to request unemployment insurance coverage for personal services that are not covered as employment:

- (a) The request must be in writing to the department;
- (b) The department must approve the request for election of coverage in writing; and
- (c) The request must be signed by someone legally authorized to bind the business.

(2) RCW 50.04.165 allows a corporation to elect to cover the personal services of all or none of its corporate officers for unemployment insurance purposes.

(a) A corporation must submit a written request for voluntary election coverage signed by a person authorized to legally bind the corporation.

(i) When establishing voluntary coverage for an existing account, the written request will be considered timely if received within thirty days before the end of the quarter in which the change is made.

(ii) When establishing voluntary coverage for a new account, the written request will be considered timely if received within thirty days from the end of the quarter the employer is requesting coverage to begin.

(b) "Corporate officer" is defined in RCW 23A.08.470;

(c) Personal services provided by corporate officers appointed under RCW 23B.08.400, other than those covered by chapters 50.44 and 50.50 RCW, are not considered services in employment unless the corporation elects coverage of all its corporate officers under RCW 50.24.160.

(d) All services performed by corporate officers are exempt until the date the election of coverage is approved.

(3) All changes in elected coverage remain in effect for at least two calendar years. The business may terminate coverage only at the end of a calendar year. To terminate coverage, the employer must send a written request to the department by January 15th.

~~((3))~~ (4) The department reserves the right to disapprove a request for coverage because:

(a) The applicant is not liable for federal unemployment taxes (FUTA);

(b) The occupation or industry is seasonal; or

(c) Other reasons apply.

~~((4))~~ (5) The department reserves the right to cancel unemployment insurance coverage for a voluntary election employer because:

(a) Of nonpayment of unemployment insurance taxes or failure to file an unemployment insurance tax and wage report;

(b) Of misrepresentation of facts;

(c) Coverage is not used for involuntary unemployment as outlined in RCW 50.01.010; or

(d) Other reasons apply.

AMENDATORY SECTION (Amending WSR 10-23-064, filed 11/12/10, effective 12/13/10)

WAC 192-310-190 When is a corporate officer with at least ten percent ownership considered unemployed?

(1) This section applies ~~((to))~~ if your claim for benefits is based on wages from a corporation that are twenty-five percent or more of your total covered base year wages and you are an officer of that corporation who:

(a) ~~((A corporate officer who))~~ Owns ten percent or more of the outstanding stock or shares of the corporation; or

(b) ~~((A corporate officer who is))~~ Has a family member ~~((of another))~~ who is also a corporate officer who owns ten percent or more of the outstanding stock or shares of the corporation. For purposes of this section, a "family member" is a person related by blood or marriage or domestic partnership

as parent, stepparent, grandparent, spouse or domestic partner, child, brother, sister, stepchild, adopted child, or grandchild.

~~((e) Percentage ownership of the corporation may be measured by the percentage owned of outstanding stock or shares of the corporation.))~~

(2) At any time during the benefit year of your claim, you are a corporate officer ~~((whose claim for benefits is based on any wages with that corporation is not considered unemployed in any week during the individual's term of office.))~~ under subsection (1) of this section even if you are not paid wages ~~((are not being paid at the))~~ during that time. ~~((The corporate officer is))~~

(3) You are considered unemployed and potentially eligible for benefits ~~((if))~~ for weeks after:

(a) The corporation dissolves; or ~~((if the officer))~~

(b) You permanently resign ~~((s))~~ or ~~((is))~~ are permanently removed as a corporate officer under the articles of incorporation or bylaws.

~~((3))~~ For purposes of this section, "permanently" means for a period of indefinite duration, but expected to extend at least through the claimant's benefit year end date. ~~((If at any time during the benefit year the claimant resumes his or her position as an officer with the corporation, all benefits paid during that benefit year will be considered an overpayment and the claimant will be liable for repayment.))~~

(4) You will be ineligible for benefits and liable for repayment of all benefits paid during that benefit year if you take a position as a corporate officer as defined under subsection (1) of this section at any time during your claim.

(5) For purposes of this section, the department will consider a corporation dissolved when the corporation has provided the department with at least two of the following documents:

(a) A business licensing service change form requesting closure of the corporate account;

(b) A department of revenue clearance certificate;

(c) Articles of dissolution of a Washington profit corporation filed with the secretary of state; or

(d) A court order dissolving the corporation.

(6) A corporation must provide notice to the department in a format approved by the department when the ownership percentage of a corporate officer increases to become ten percent or more or decreases to become less than ten percent. The notice is due by the time the next quarterly tax and wage report is due from the corporation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-310-150 Are corporate officers covered for unemployment insurance?

WAC 192-310-160 How may corporations exempt corporate officers from unemployment insurance coverage?

WAC 192-310-170 How is unemployment insurance coverage of corporate officers reinstated?

WAC 192-310-180 Are corporate officers covered for unemployment insurance when the corporation has no other employees?

WSR 13-21-124
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 22, 2013, 2:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-15-108.

Title of Rule and Other Identifying Information: The department is proposing to amend 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?

Hearing Location(s): Office Building 2, Auditorium, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html> or by calling (360) 664-6094), on November 26, 2013, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 27, 2013.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 1115 Washington Street S.E., Olympia, WA 98504, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on November 26, 2013.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by November 5, 2013, TTY (360) 664-6178 or (360) 664-6094 or e-mail jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amendments proposed under this filing are needed to change the benefit level for the state-funded food assistance program under RCW 74.08A.120. Section 207(5) of 3ESSB 5034 states that the legislature establishes the benefit under the state food assistance program at seventy-five percent of the federal Supplemental Nutrition Assistance Program (SNAP) benefit amount. Prior to July 1, 2013, the benefit amount was fifty percent of the SNAP benefit amount.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.120, and 3ESSB 5034 (operating budget).

Statute Being Implemented: RCW 74.04.005, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.120, and 3ESSB 5034 (operating budget).

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Holly St. John, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4895.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

October 14, 2013
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-18-024, filed 8/27/12, effective 9/27/12)

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)) <u>three fourths</u> 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))~~ three fourths the amount calculated in subsection (5)(a), rounded down to the next whole dollar.

WSR 13-21-125

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed October 22, 2013, 2:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-15-114.

Title of Rule and Other Identifying Information: Chapter 388-106 WAC, Roads to community living (RCL).

Hearing Location(s): Office Building 2, Lookout Room, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on November 26, 2013, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 27, 2013.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on November 26, 2013.

Assistance for Persons with Disabilities: Contact Jennisha Johnson, DSHS rules consultant, by November 5, 2013, TTY (360) 664-6178 or (360) 664-6094 or by e-mail jennisha.johnson@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending chapter 388-106 WAC due to changes the Centers for Medicare and Medicaid Services made to eligibility rules for the federal money follows the person (MFP) grant. As part of the Patient Affordable Care Act (PACA), MFP eligibility was reduced from a six month institutional stay to ninety qualified days and medicaid eligibility changed from thirty days to one day immediately prior to discharge. Current

WAC does not reflect these changes. PACA also extended the grant from an expiration of 2013 to 2020. Due to this extension, it was also decided that [an] additional rule needed to be add[ed] to RCL WAC for use in planned action notices and exception to rule requests.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.520.

Rule is necessary because of federal law, [no further information supplied by agency].

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Debbie Blackner, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2557.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The preparation of a small business impact statement is not required, as no new costs will be imposed on small businesses or nonprofits as a result of this rule amendment.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(v), rules the content of which is explicitly and specifically dictated by statute.

October 1, 2013

Katherine I. Vasquez

Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-18-046, filed 8/29/08, effective 9/29/08)

WAC 388-106-0250 What is the roads to community living (RCL) demonstration project and who is eligible?

(1) Roads to community living (RCL) is a demonstration project, funded by a ~~((five-year))~~ "money follows the person" grant originally authorized under section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171) and extended through the Patient Affordable Care Act (P.L. 111-148). It is designed to test services and supports which help customers move from institutional settings into the community if they wish to.

(2) To be eligible, the department must assess your needs in CARE per chapter 388-106 or 388-845 WAC and you must:

(a) Have a continuous ~~((six months or longer))~~ stay of at least 90 days in a qualified institutional setting (hospital, nursing home, residential habilitation center);

(i) Any days you were solely receiving medicare-paid short term rehabilitation services are excluded from the 90 days.

(ii) If you are discharging from a state psychiatric hospital and meet the length of stay criteria, you must be under age 22, or age 65 and older.

(b) ((Be medicaid eligible for at least thirty days)) Have received at least one day of medicaid-paid inpatient services immediately prior to discharge from the institutional setting;

(c) Intend to move to a qualified community setting (home, apartment, licensed residential setting with four or less unrelated individuals); and

(d) ~~((Not be able to move into a qualified community setting using available long-term care resources))~~ On the day of discharge, you must be functionally and financially eligible for, but are not required to receive, medicaid waiver or state plan services.

~~((3) When you are discharged to a qualified community setting, you are eligible for continuous medicaid coverage until your RCL services end.))~~

AMENDATORY SECTION (Amending WSR 08-18-046, filed 8/29/08, effective 9/29/08)

WAC 388-106-0255 ~~((How long are RCL services available to me))~~ What services may I receive under RCL? ~~((Roads to community living (RCL) can be authorized for no longer than three hundred sixty-five days in a qualified community setting. Day one of the demonstration year is the day you move from the institutional setting into the qualified community setting. Day three hundred sixty-five is the last day you can receive demonstration services.))~~ Following eligibility and case management criteria outlined in chapters 388-106 or 388-845 WAC:

(1) The state plan or medicaid waiver services for which you would otherwise be eligible;

(2) You may receive additional RCL demonstration services; and

(3) When you are discharged to a qualified community setting, you are eligible for continuous medicaid coverage until your RCL services end.

NEW SECTION

WAC 388-106-0256 When do RCL services start? (1) RCL services to prepare for your discharge may begin while you are in the institution.

(2) After discharge, roads to community living (RCL) can be authorized for no longer than three hundred sixty-five days in a qualified community setting. Day one of the demonstration year is the day you move from the institutional setting into the qualified community setting. Day three hundred sixty-five is the last day you can receive demonstration services.

NEW SECTION

WAC 388-106-0257 How do I remain eligible for RCL? You remain eligible for RCL until any of the following occur:

- (1) Reach the end of your demonstration year;
- (2) Return to an institution for longer than 30 days (you can re-enroll later);
- (3) Move out of state; or
- (4) No longer want the service.

AMENDATORY SECTION (Amending WSR 08-18-046, filed 8/29/08, effective 9/29/08)

WAC 388-106-0260 How do I pay for RCL services? Depending on your income and resources, you may be required to ~~((pay participation))~~ participate toward the cost of ~~((your))~~ the services you receive under RCL, including per-

sonal care and demonstration services, as outlined in chapters 388-515 or 388-106 WAC.

NEW SECTION

WAC 388-106-0261 How does the department determine the number of hours or the payment rate for my personal care in RCL? (1) The number of personal care hours you receive is determined by the CARE assessment as outlined in chapter 388-106 WAC.

(2) The payment rate structure for residential personal care received in a residential facility is outlined in chapter 388-106 WAC.

NEW SECTION

WAC 388-106-0262 What may change the number of hours or payment rate for my personal care in RCL? The maximum number of in-home personal care hours or payment rate you can receive may change:

(1) When you have a change in any of the criteria listed in WAC 388-106-0125, 388-106-0115, 388-106-0120 and/or 388-106-0130; or

(2) Because you meet the criteria in WAC 388-440-0001, an exception to rule is approved by the department.

AMENDATORY SECTION (Amending WSR 08-18-046, filed 8/29/08, effective 9/29/08)

WAC 388-106-0265 Do I have the right to ~~((a fair))~~ an administrative hearing while receiving RCL services? Yes, you may request ~~((a fair))~~ an administrative hearing based on the rules outlined in WAC 388-106-1305 to contest eligibility decisions made by the department. Once your three hundred sixty-five days of roads to community living (RCL) eligibility end, per WAC ~~((388-106-0255))~~ 388-106-0256, you may not request ~~((a fair))~~ an administrative hearing to contest the conclusion of RCL services or to request an extension.

WSR 13-21-131

PROPOSED RULES

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed October 22, 2013, 2:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 12-14-048.

Title of Rule and Other Identifying Information: WAC 246-933-275 Reactivation of an expired veterinary license, proposing a new rule that sets requirements to reinstate a veterinary license that has been expired for more than three years.

Hearing Location(s): Creekside Two at Center Point, 20425 72nd Avenue South, Room 307, Kent, WA 98032, on December 2, 2013, at 11:00 a.m.

Date of Intended Adoption: December 2, 2013.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47852, Olympia, WA 98502-7852 [98504-7852], e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by November 26, 2013.

Assistance for Persons with Disabilities: Contact Judy Haenke by November 26, 2013, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule sets the requirements to reinstate a veterinary license that has been expired for more than three years. Veterinarians who have been actively practicing in another jurisdiction must submit verification of their active practice. Veterinarians who have not been actively engaged in the practice of veterinary medicine must successfully complete the current North American Veterinary Licensing Examination (NAVLE). The practitioner must also meet the requirements of chapter 246-12 WAC, Part 2.

Reasons Supporting Proposal: Currently, a Washington State veterinarian whose license is expired beyond three years only needs to pay a fee and attest to completion of continuing education to reactivate the license. The board is proposing this rule because it is concerned about patient safety due to the potential lack of current skills and knowledge when a veterinarian has not been actively practicing for an extended period of time.

Statutory Authority for Adoption: RCW 18.92.030.

Statute Being Implemented: RCW 18.92.030.

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

Name of Proponent: Department of health, veterinary board of governors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4947.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Judy Haenke, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4947, fax (360) 236-2901, e-mail judy.haenke@doh.wa.gov.

October 22, 2013

Kirby Putscher
Acting Executive Director

NEW SECTION

WAC 246-933-275 Reactivation of an expired veterinary license. (1) To reactivate a veterinary license that has been expired for three years or less, the veterinarian must meet the requirements of chapter 246-12 WAC, Part 2.

(2) To reactivate a veterinary license that has been expired for more than three years, the practitioner must:

(a) Submit verification of unrestricted licensure in another state or jurisdiction; and

(b) Submit documentation of two hundred hours of active practice within each of the previous three years within that state or jurisdiction.

For purposes of this subsection, documentation of licensure and active practice in a foreign country is acceptable if there is an American Veterinary Medical Association accredited school or college of veterinary medicine in that country.

(3) To reactivate a veterinary license that has been expired for more than three years, when the veterinarian has not held an unrestricted license and has not been in active practice, the veterinarian must:

(a) Successfully complete the current North American Veterinary Licensing Examination as provided in WAC 246-933-250(1); and

(b) Meet the continuing education requirements of WAC 246-12-040 and chapter 246-933 WAC.

WSR 13-21-132

PROPOSED RULES

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed October 22, 2013, 3:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 10-13-095.

Title of Rule and Other Identifying Information: WAC 246-933-460 Courses approved by the veterinary board, amending the rule on approved continuing veterinary medical education.

Hearing Location(s): Creekside Two at Center Point, 20425 72nd Avenue South, Room 307, Kent, WA 98032, on December 2, 2013, at 9:30 a.m.

Date of Intended Adoption: December 2, 2013.

Submit Written Comments to: Judy Haenke, Program Manager, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by November 26, 2013.

Assistance for Persons with Disabilities: Contact Judy Haenke, program manager, by November 27, 2013, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule amends WAC 246-933-460 so that licensed veterinarians can receive approved continuing veterinary medical education (CVME) credits for attending courses offered by: (1) A board-certified veterinarian whose certification is issued by a veterinary specialty board recognized by the American Veterinary Medical Association; (2) a veterinarian who is a member of the faculty of an accredited college or school of veterinary medicine; (3) the United States Animal Health Association; (4) the American Association of Veterinary Laboratory Diagnosticians; or (5) the Washington state department of agriculture. The proposed rule also states the veterinary board of governors (board) may approve CVME credits for courses offered by entities and individuals not listed in WAC 246-933-460.

Reasons Supporting Proposal: The board received a petition to amend WAC 246-933-460 so that board preapproval would not be required for courses sponsored by local chapters of the Washington State Veterinary Medical Association where the speaker is either board certified, or a member of the faculty of a college of veterinary medicine. In response, the board agreed to consider the petition because board certification is the highest certified level of expertise nationally and a member of the faculty of an accredited college of veterinary medicine is typically the individual who creates the content of a course.

Statutory Authority for Adoption: RCW 18.92.030.

Statute Being Implemented: RCW 18.92.030.

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

Name of Proponent: Department of health, veterinary board of governors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4947.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Judy Haenke, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, phone (360) 236-4947, fax (360) 236-2901, e-mail judy.haenke@doh.wa.gov.

October 22, 2013

Kirby Putscher

Acting Executive Director

AMENDATORY SECTION (Amending WSR 07-19-130, filed 9/19/07, effective 10/20/07)

WAC 246-933-460 (~~Courses~~) Organizations, institutions or individuals approved by the veterinary board to provide continuing education courses. (~~Courses offered by~~) (1) The veterinary board designates the following organizations (~~are presumed to qualify~~), institutions or individuals as providing approved continuing veterinary medical education (~~courses without specific prior approval of the board.~~

~~(1)~~ courses:

(a) The American Association of Veterinary State Boards (AAVSB).

~~(2)~~ (b) The American Veterinary Medical Association (AVMA).

~~(3)~~ (c) The Washington State Veterinary Medical Association.

~~(4)~~ (d) Any board approved college or school of veterinary medicine.

~~(5)~~ (e) Any state or regional veterinary association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.

~~(6)~~ (f) The American Animal Hospital Association.

~~(7)~~ (g) Veterinary specialty boards recognized by the American Veterinary Medical Association.

~~(8)~~ (h) Conferences offered by regional (~~veterinary conferences and~~) or allied organizations recognized by AAVSB.

~~(9)~~ (i) The Registry of Approved Continuing Education (RACE).

~~(10) Other courses as approved by the board.~~ (j) The United States Animal Health Association.

(k) The American Association of Veterinary Laboratory Diagnosticians.

(l) The Washington state department of agriculture.

(m) A board certified veterinarian who is certified by a veterinary specialty board recognized by the American Veterinary Medical Association when teaching a course within his or her area of certification.

(n) A veterinarian who is a faculty member of an accredited college or school of veterinary medicine when teaching a course within his or her area of expertise.

(2) Continuing veterinary medical education courses offered by the organizations, institutions, or individuals listed in subsection (1) of this section are presumed to qualify as continuing veterinary medical education courses for purposes of fulfillment of the requirements of WAC 246-933-420 without specific prior approval by the board.

(3) Other organizations, institutions, or individuals may submit course information to the board for determination whether the course qualifies as continuing veterinary medical education under WAC 246-933-401 through 246-933-480 for purposes of fulfillment of the requirements of WAC 246-933-420.

WSR 13-21-135

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed October 22, 2013, 3:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-14-058.

Title of Rule and Other Identifying Information: Disclosure of vehicle owner information, currently titled Disclosure of individual vehicle owner information, WAC 308-56A-090.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA 98507 (check in at counter on first floor), on November 26, 2013, at 4:00 p.m.

Date of Intended Adoption: November 27, 2013.

Submit Written Comments to: Ben Shomshor, P.O. Box 2957, Olympia, WA 98507-2957, e-mail Bshomshor@doh.wa.gov, by November 25, 2013.

Assistance for Persons with Disabilities: Contact Ben Shomshor by November 25, 2013, TTY (360) 664-9492 or (360) 902-3928.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The existing statute governing disclosure of the names of vehicle owners requires that when the owner's name or address is requested

by an attorney or by a private investigator the owner must be notified of the request and provided with the name and address of the requester. Effective January 1, 2014, owners will continue receiving notice of the request, but will no longer receive the name and address of the requester.

The department of licensing also requests recodification of the rule from chapter 308-56A WAC to chapter 308-10 WAC. This CR-102 publicizes the repeal of the current WAC for the sole purpose of recodification.

Reasons Supporting Proposal: Rule changes will adjust language in WAC to fit new language in RCW. We are pursuing recodification to better align agency WAC sections with our organizational structure.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.12.635.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: A typographical error in the preproposal statement of inquiry mistakenly referenced RCW 46.12.365 instead of RCW 46.12.635.

Name of Proponent: Washington state department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Ben Shomshor, 1125 Washington Street S.E., Olympia, WA, (360) 902-3928; Implementation and Enforcement: Jairus Rice, 8005A River Drive S.E., Tumwater, WA, (360) 359-4017.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule changes implement changes to RCW 46.12.635 as modified by chapter 232, Laws of 2013, aka SSB 5182.

A cost-benefit analysis is not required under RCW 34.05.328. Rule changes implement changes to RCW 46.12.635 as modified by chapter 232, Laws of 2013, aka SSB 5182.

October 22, 2013
Damon Monroe
Rules Coordinator

NEW SECTION

WAC 308-10-075 Disclosure of vehicle owner information. (1) What vehicle record owner information is protected from disclosure? Vehicle information protected from disclosure is the same as under chapters 42.56 and 46.12 RCW, and 18 U.S.C. 2721.

(2) Who may receive vehicle owner names and addresses?

- (a) Government agencies;
- (b) Business entities that require the information in their normal course of conducting business;
- (c) Vehicle manufacturers that require vehicle ownership information for recall of their product;
- (d) Individuals who provide proof of personal identification:
 - (i) For vehicles currently registered in their name; or

- (ii) For vehicles for which they can provide a bill of sale or acceptable documents indicating they purchased the vehicle.

(e) Please see subsection (3) of this section for additional restrictions.

Business and government agencies requesting disclosure of individual vehicle owner names and addresses must enter into a disclosure agreement with the department.

(3) When both a mailing and residence address are recorded on the vehicle record, which address will be disclosed? When both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government agencies with enforcement, investigative, or taxing authority and only for use in the normal course of conducting business.

(4) What documentation does the department require to disclose vehicle owner name(s) and address(es)? The department requires:

(a) A signed vehicle/vessel information disclosure request form provided by the department and completed by the requestor indicating the specific purpose for which the information will be used; and

(b) A disclosure agreement with the department as required by RCW 46.12.635.

(c) Acceptable business verification; or

(d) A contract with the department.

(5) What is acceptable business verification? For purposes of this section, acceptable business verification includes:

(a) If the requester is a licensed Washington business, a copy of its current master business license;

(b) If the requester is a business that is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on official letterhead with a signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license.

(6) Does a business need to supply a new form and copy of the business license each time vehicle information is requested? Yes, each time a request is made for vehicle information a new form and copy of the business license is needed, unless an unexpired contract exists between the business and the department.

(7) Are businesses allowed individual owner information on vehicle records? Yes, if a business requires individual owner information to conduct its normal business and qualifies under RCW 46.12.635 and 18 U.S.C. 2721 (commonly known as Driver Privacy Protection Act), it may receive individual vehicle owner information.

(8) Who may release the vehicle owner name and address information?

(a) The public disclosure unit of the driver and vehicle services division of the department of licensing; or

(b) Agents and subagents, but only when disclosing information for purposes described in subsection (2)(d) of this section.

(9) **When may the department disclose the name(s) and address(es) of vehicle owners?** The department may only disclose names and addresses of vehicle owners under the provisions of chapters 42.56 and 46.12 RCW and 18 U.S.C. 2721-2725, and:

(a) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(b) The requesting party enters into a disclosure agreement with the department in which the parties agree that they will use the information only for the purpose stated in the request for the information.

(10) **Is the department required to notify the vehicle owner when ownership information is disclosed?** When the department grants a request from an attorney or private investigator for information under this section, the department will provide notice to the vehicle owner that the request has been granted. Additionally, if a contract holder releases owner information to a private investigator or attorney, they must notify the vehicle owner that a request has been granted, and provide a copy to the department's public disclosure unit.

(11) **Who is responsible for assuring that the information is used appropriately?** Any person, business, agency or association that receives vehicle owner information under this section is responsible for assuring, under penalty of perjury under the laws of the state of Washington, that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department.

WSR 13-21-136

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed October 22, 2013, 3:49 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-14-058.

Title of Rule and Other Identifying Information: WAC 308-56A-090 Disclosure of vehicle owner information.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA 98507 (check in at counter on first floor), on November 26, 2013, at 4:00 p.m.

Date of Intended Adoption: November 27, 2013.

Submit Written Comments to: Ben Shomshor, P.O. Box 2957, Olympia, WA 98507-2957, e-mail Bshomshor@dol.wa.gov, by November 25, 2013.

Assistance for Persons with Disabilities: Contact Ben Shomshor by November 25, 2013, TTY (360) 664-9492 or (360) 902-3928.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The existing statutes governing disclosure of the names of vehicle owners requires that when the owner's name or address is requested by an attorney or by a private investigator the owner must be notified of the request and provided with the name and

address of the requester. Effective January 1, 2014, owners will continue receiving notice of the request, but will no longer receive the name and address of the requester.

The department of licensing also requests recodifications of existing rules from chapter 308-56A WAC, Vehicles, to chapter 308-10 WAC.

Reasons Supporting Proposal: Rule changes will adjust language in WAC to fit new language in RCW. We are pursuing recodification to better align agency WAC sections with our organizational structure.

Statutory Authority for Adoption: RCW 46.01.110, 88.02.320.

Statute Being Implemented: RCW 46.12.635.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: A typographical error in the preproposal statement of inquiry mistakenly referenced RCW 46.12.365 instead of RCW 46.12.635.

Name of Proponent: Washington state department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Ben Shomshor, 1125 Washington Street S.E., Olympia, WA, (360) 902-3928; Implementation and Enforcement: Jairus Rice, 8005A River Drive S.E., Tumwater, WA, (360) 359-4017.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule changes implement changes to RCW 46.12.635 as modified by chapter 232, Laws of 2013, aka SSB 5182.

A cost-benefit analysis is not required under RCW 34.05.328. Rule changes implement changes to RCW 46.12.635 as modified by chapter 232, Laws of 2013, aka SSB 5182.

October 22, 2013

Damon Monroe
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-56A-090 Disclosure of individual vehicle owner information.

WSR 13-21-139

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed October 23, 2013, 8:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-18-057.

Title of Rule and Other Identifying Information: Practice and procedure.

Hearing Location(s): General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504, on November 26, 2013, at 9:00 a.m.

Date of Intended Adoption: November 27, 2013.

Submit Written Comments to: Captain Travis Matheson, Office of Professional Standards, P.O. Box 42600, Olympia, WA 98504-2600, e-mail travis.matheson@wsp.wa.gov, fax (360) 704-2299, by November 25, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by November 25, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Current rules are 35+ years old and need to be updated to better define timeline for requesting a trial board and the scope of information to be considered by a hearing officer or board.

Statutory Authority for Adoption: RCW 34.05.020 and chapter 43.43 RCW.

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

Name of Proponent: Federal Motor Carrier Administration, governmental.

Name of Agency Personnel Responsible for Drafting: Travis Matheson, GA Building, P.O. Box 42600, Olympia, WA 98504, (360) 704-4220; Implementation: Office of Professional Standards, GA Building, P.O. Box 42600, Olympia, WA 98504, (360) 704-4220; and Enforcement: Washington State Patrol, GA Building, P.O. Box 42600, Olympia, WA 98504, (360) 704-4220.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change will not impact a small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not a significant rule as defined in the RCW.

October 22, 2013

John R. Batiste
Chief

AMENDATORY SECTION (Amending Rule .04.010, filed 3/23/60)

WAC 446-08-005 Definitions. (1) "Agency" means the Washington state patrol.

(2) "Board" wherever used in these rules shall mean the trial board constituted as provided in RCW 43.43.070.

~~((2))~~ (3) "Chief" wherever used in these rules shall mean the chief of the Washington state patrol.

~~((3))~~ (4) "Hearing officer" wherever used in these rules shall mean ~~((the chief of the Washington state patrol))~~ an administrative law judge as appointed by the chief administrative law judge under chapter 34.12 RCW, whose duty it is to preside over such hearings as are conducted by the trial board, as in RCW 43.43.090 provided.

NEW SECTION

WAC 446-08-008 Request for a trial board. A request for a trial board shall be made in writing by the commissioned officer complained of, or the officer's attorney, and must be received by the Washington state patrol headquarters

within twenty days of the date the officer was served with the notice of discipline.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-010 Appearance and practice before a hearing officer or board—Who may appear. No person may appear in a representative capacity before a hearing officer or board other than ~~((the following:~~

~~((1))~~ attorneys ~~((at law))~~ duly qualified and entitled to practice ~~((before the supreme court of))~~ in the state of Washington~~((;~~

~~((2))~~ Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law)).

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-040 Standards of ethical conduct. All persons appearing in proceedings before a hearing officer or board in a representative capacity ~~((shall))~~ must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the hearing officer or board may decline to permit such person to appear in a representative capacity in any proceeding before the hearing officer or board.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-060 Former employee as expert witness. No former employee of the agency shall, at any time after severing his or her employment with the state of Washington appear, except with the written permission of the agency, as an expert witness on behalf of other parties in a formal proceeding wherein ~~((he))~~ the former employee previously took an active part in the investigation as a representative of the agency.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-070 Computation of time. In computing any period of time prescribed or allowed by this chapter or any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice of trial board hearing within ~~((the statutory time as required by statute governing the agency or proceeding and in the absence of a statutory requirement, then a reasonable time))~~ ten calendar days before the date set for hearing. The notice shall state the time, place, and issues involved.

NEW SECTION

WAC 446-08-085 Trial board—Recording. All hearings shall be recorded by stenographer or court reporter.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-090 Service ~~((of process—By whom served))~~. ~~((The agency shall cause to be served all orders, notices, and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.))~~ (1) All notices, pleadings, and other papers filed with the hearing officer shall be served upon all counsel and representatives of record and upon unrepresented parties or upon their agents designated by them or by law.

(2) Service shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by commercial parcel delivery company.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed. Service by commercial parcel delivery shall be regarded as completed upon delivery to the parcel delivery company, properly addressed with charges prepaid.

(4) Proof of service. Where proof of service is required by statute or rule, filing the papers with the hearing officer, together with one of the following, shall constitute proof of service:

(a) An acknowledgment of service.

(b) A certificate that the person signing the certificate served the papers upon all parties of record in the proceeding by delivering a copy thereof in person to (names).

(c) A certificate that the person signing the certificate served the papers upon all parties of record in the proceeding by:

(i) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent; or

(ii) Depositing a copy thereof, properly addressed with charges prepaid, with a commercial parcel delivery company.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-140 Filing ~~((with agency))~~. Papers required to be filed with the agency shall be deemed filed upon actual receipt ~~((by the agency))~~ during office hours at

the Washington state patrol headquarters ~~((accompanied by proof of service upon parties required to be served))~~.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-150 Subpoenas~~((—Where provided by law—Form))~~. (1) Every subpoena shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony, or produce designated books, documents or things under his or her control at a ~~((specified time and place))~~ hearing.

(2) Subpoenas may be signed and issued by any member of the board, or the hearing officer, or the attorney of record of the party requiring the appearance of the witness. Parties desiring subpoenas to be signed by a member of the board or hearing officer must prepare subpoenas for issuance and submit the subpoenas for signature at least ten calendar days before a hearing.

(3) Parties requesting subpoenas must make arrangements for and bear the expense of service. All subpoenas must be served at least ten calendar days before a hearing.

(4) Subpoenas must be personally served in one of the following ways:

(a) By any suitable person over eighteen years of age;

(b) By exhibiting and reading it to the witness, or by giving him or her a copy thereof; or

(c) By leaving such copy at the place of his or her abode.

(5) When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Failure to make proof of service does not affect the validity of the service.

(6) A copy of the subpoena must also be provided to the opposing party or the party, if unrepresented.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-180 Fees. Witnesses summoned before the ~~((agency))~~ board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington; EXCEPT, if the witness works for the agency and is on duty at the time he or she appears as a witness on behalf of the agency.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-200 Quashing a subpoena. ~~((Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the board or the authorized agency))~~ (1) A party to the appeal or the person to whom the subpoena, or subpoena duces tecum, is directed may make a motion to quash. The motion must be made promptly and in any event at least five days before the time specified in the subpoena for compliance therewith.

(2) The hearing officer may ~~((H))~~;

(a) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue~~((;))~~; or
~~((2))~~ (b) Condition denial of the motion upon just and reasonable conditions.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-210 Enforcement of a subpoena. Upon application and for good cause shown the agency will seek judicial enforcement of subpoenas issued to parties and which have not been quashed. Enforcement of a subpoena shall be according to RCW 34.05.446 and 34.05.588(1).

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-230 ~~((Depositions and interrogatories in contested cases—Right to take.))~~ No discovery allowed. ~~((Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.))~~ There shall be no discovery allowed in the proceedings under this chapter. The record for hearing shall include:

(1) The entire office of professional standards investigation file for the conduct at issue before the board, the entire personnel record for the accused employee, including any training records and the employee's work history;

(2) Previous office of professional standards' investigations and files for the accused employee, when appropriate; and

(3) Any other information considered by the appointing authority in determining the discipline to be imposed.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-370 Official notice~~((—Matters of law))~~. The hearing officer or board, upon request made before or during a hearing, ~~((will officially notice:~~

(1) **Federal law.** ~~The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;~~

(2) **State law.** ~~The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code revisor.~~

(3) **Governmental organization.** ~~Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, and several states and foreign nations;~~

(4) **Agency organization.** ~~The department, commission or board organization, administration, officers, personnel,~~

~~official publications, and practitioners before its bar))~~ may take official notice of facts pursuant to RCW 34.05.452(5).

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-380 ~~((Material facts.))~~ Evaluation of evidence. ~~((In the absence of controverting evidence, the hearing officer or board, upon request made before or during a hearing may officially notice:~~

(1) **Agency proceedings.** ~~The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the agency;~~

(2) **Business customs.** ~~General customs and practices followed in the transaction of business;~~

(3) **Notorious facts.** ~~Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;~~

(4) **Technical knowledge.** ~~Matters within the technical knowledge of the agency as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;~~

(5) **Request or suggestion.** ~~Any party may request, or the hearing officer or board may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum or brief served upon all parties, at any time prior to a final decision;~~

(6) **Statement.** ~~Where an initial or final decision of the hearing officer or board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer or board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;~~

(7) **Controversion.** ~~Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;~~

(8) **Evaluation of evidence.** ~~Nothing herein shall be construed to preclude the hearing officer or board from utiliz-~~

ing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

NEW SECTION

WAC 446-08-405 Burden of proof. The employer bears the burden of proof in any disciplinary matter. Said proof shall be by a preponderance of the evidence.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-410 Form and content of ~~((agency decisions in contested cases))~~ trial board decision. Every decision ~~((, order, or recommendation))~~ of the trial board shall contain only the following elements:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel ~~((to))~~ participating in the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) ~~((Be accompanied by appropriate numbered findings of fact and conclusions of law;~~

~~(5) Whenever practical, the conclusions of law shall include the reason for the particular action taken;~~

~~(6) Whenever practical, the conclusions, recommendations, and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.))~~ Contain appropriate numbered findings of fact meeting the requirements of RCW 34.05.461;

(5) Contain appropriate numbered conclusions of law including citations of statutes, rules, and regulations relied upon;

(6) In its findings and conclusions, the legal standard for determining whether the charges are sustained shall be the existence or nonexistence of cause as provided in RCW 43.43.070; and

(7) Contain an initial order disposing of all contested issues and complying with the constraints contained in RCW 43.43.090.

NEW SECTION

WAC 446-08-415 Form and content of final decision. Every final decision issued by the chief of the Washington state patrol shall:

(1) Name of the agency and name of proceeding;

(2) List all parties and counsel participating in the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Contain appropriate numbered findings of fact meeting the requirements of RCW 34.05.461 and 43.43.090:

(a) However, where the chief adopts, in whole or in part, the factual findings of the trial board, the chief may so state;

(b) Where the chief changes a finding of fact as allowed in RCW 43.43.090, the chief shall set forth the reasons for the different factual findings, as set forth in RCW 34.05.461.

(5) In the chief's findings and conclusions, the legal standard for determining whether the charges are sustained shall be the existence or nonexistence of cause as provided in RCW 43.43.070;

(6) Contain a statement of the discipline to be imposed and the basis of such discipline:

(a) The chief may review additional information contained in files maintained by the agency and relevant to determining the appropriate level of discipline, whether or not such evidence was before the trial board; and

(b) If the chief reviews additional information that is not contained in the trial board record when determining the appropriate level of discipline, such information shall be stated in the final order and placed in the administrative record.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated ~~((shall))~~ must be made initially as precise as possible, in order that the hearing officer or board may proceed promptly to conduct the hearing on relevant and material matter only.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-430 Prehearing conference rule— Authorized. ~~((In any proceeding the hearing officer or board upon its own motion, or upon the motion of one of the parties or their qualified representatives, may in its discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider))~~ (1) The hearing officer may direct the parties or their counsel to engage in a prehearing conference(s) to consider the following:

~~((1))~~ (a) The simplification of issues;

~~((2))~~ (b) The necessity of amendments to the pleading;

~~((3))~~ (c) The possibility of obtaining stipulations, admissions of facts and ~~((of documents))~~ admissions of the genuineness of documents that will avoid unnecessary proof;

~~((4))~~ (d) The limitation of the number of expert witnesses;

~~((5))~~ (e) Number of witnesses expected to be called and their names when possible;

(f) Approximate time necessary for presentation of the evidence of the respective parties;

(g) Whether or when motions may be brought;

(h) Exhibits;

(i) Such other matters as may aid in the disposition of the proceeding.

(2) Prehearing conferences may be held by telephone conference or at a time and place specified by the hearing examiner.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-440 Record of conference action. (1) The hearing officer ~~((or board))~~ shall make an order or state-

ment which recites the action taken at the conference, ~~((the amendments allowed to the pleadings, and the))~~ including agreements made by the parties ((or their qualified representatives)) as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. If no objection to such order is filed within ten days after the date such order is mailed, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(2) In any proceeding the hearings officer may, in his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this chapter. The hearing officer shall state on the record the results of such conference.

(3) Nothing in this chapter shall be construed to limit the right of an agency to attempt informal settlement of an adjudicative proceeding at any time.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-450 Submission of documentary evidence in advance. Where practicable, the hearing officer or board may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing officer or board and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1) of this section, ~~((be))~~ not be received in evidence in the absence of a clear showing that the offering party had good cause for ~~((his))~~ the failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, will be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection;

(4) When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered to the hearing officer or board and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-470 Expert or opinion testimony ~~((and testimony based on economic and statistical data — Num-~~

~~ber and qualifications of witnesses))~~. ~~((That))~~ The hearing officer ((or board in all classes of cases where practicable make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interest parties cannot agree, require them to)) may require that the parties submit to the hearing officer or board and to the other parties written statements containing: The names, addresses and qualifications of their respective opinion or expert witnesses((:)); Any reports of the experts; and the nature of the testimony expected by the expert, by a date determined by the ~~((board))~~ hearing officer and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-490 Supporting data of experts. ~~((That))~~ The hearing officer or board, in its discretion but consistent with the rights of the parties, shall cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC ~~((446-08-480))~~ 446-08-470, but wherever practicable ~~((that he))~~ must restrict to a minimum the placing of such data in the record.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-500 Effect of noncompliance with WAC 446-08-470 or ~~((446-08-480))~~ 446-08-490. Whenever the manner of introduction of opinion or expert testimony ~~((or testimony based on economic or statistical data))~~ is governed by requirements fixed under the provisions of WAC ~~((3-08-470 or 3-08-480 [WAC 446-08-470 or 446-08-480]))~~ 446-08-470 or 446-08-490, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his or her failure to conform to such requirements.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his or her knowledge, notify the hearing officer ~~((or))~~ and board of said desire, stating in detail the reasons why such continuance is necessary. The hearing officer ~~((or))~~ and board, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the hearing officer ~~((or))~~ and board may grant such a continuance and may at any time order a continuance upon its own or ~~((his own))~~ a party's motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the hearing officer ~~((or))~~ and board may,

in its discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-520 Rules of evidence—Admissibility criteria. (1) Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the hearing officer or board, is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their business, or is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. ~~((In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.))~~

(2) If not inconsistent with subsection (1) of this section, the hearing officer shall refer to the Washington rules of evidence as guidelines for evidentiary rulings.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-08-530 ~~((Tentative admission—))~~Exclusion—Discontinuance—Objections. ~~((When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling.))~~ The hearing officer or board may, in its discretion, either with or without object, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

NEW SECTION

WAC 446-08-550 Testimony under oath or affirmation—Who may administer oath—Refusal to testify. (1) Every person called as a witness in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the truth according to the provisions of RCW 5.28.020 through 5.28.060.

(2) The hearing examiner or court reporter may administer the oath or affirmation to the witness.

(3) Testimony by affidavit is not admitted at a trial board except for good cause shown, or as otherwise permitted in these rules, as provided in a prehearing conference statement or by stipulation of the parties.

(4) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer or board, be grounds for striking all testimony previously given by such witness on a related matter.

NEW SECTION

WAC 446-08-560 Hearing officer authority. The hearing officer shall have the authority to:

(1) Rule on evidentiary matters during the course of the hearing;

(2) Take official notice of facts pursuant to RCW 34.05.452(5);

(3) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;

(4) Permit or require oral argument or briefs and determine the time limits for submission thereof; and

(5) Take any other action necessary and authorized by any applicable statute or rule.

NEW SECTION

WAC 446-08-570 Board's right to call and question witnesses. The board may:

(1) Question witnesses called by the parties to develop any facts deemed necessary to fairly and adequately decide the matter; and

(2) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 446-08-007	Agency defined.
WAC 446-08-030	Solicitation of business unethical.
WAC 446-08-100	Upon whom served.
WAC 446-08-110	Service upon parties.
WAC 446-08-120	Method of service.
WAC 446-08-130	When service complete.
WAC 446-08-160	Issuance to parties.
WAC 446-08-170	Service.
WAC 446-08-190	Proof of service.
WAC 446-08-240	Scope.
WAC 446-08-250	Officer before whom taken.
WAC 446-08-260	Authorization.
WAC 446-08-270	Protection of parties and deponents.
WAC 446-08-280	Oral examination and cross-examination.
WAC 446-08-290	Recordation.
WAC 446-08-300	Signing attestation and return.
WAC 446-08-310	Use and effect.
WAC 446-08-320	Fees of officers and deponents.
WAC 446-08-330	Depositions upon interrogatories— Submission of interrogatories.
WAC 446-08-340	Interrogation.
WAC 446-08-350	Attestation and return.
WAC 446-08-360	Provisions of deposition rule.

WAC 446-08-390	Presumptions.
WAC 446-08-400	Stipulations and admissions of record.
WAC 446-08-460	Excerpts from documentary evidence.
WAC 446-08-480	Written sworn statements.
WAC 446-08-540	When not applicable.

WSR 13-21-140**PROPOSED RULES****WASHINGTON STATE PATROL**

[Filed October 23, 2013, 8:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-18-058.

Title of Rule and Other Identifying Information: Fire sprinkler system contractors.

Hearing Location(s): General Administration Building, Room G-3, 210 11th Avenue S.W., Olympia, WA 98504, on December 5, 2013, at 1:00 p.m.

Date of Intended Adoption: December 7, 2013.

Submit Written Comments to: Chief Deputy State Fire Marshal Dan Johnson, Fire Protection Bureau, P.O. Box 42600, Olympia, WA 98504-2600, e-mail dan.johnson@wsp.wa.gov, fax (360) 596-3936, by November 30, 2013.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by November 25, 2013, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The WAC as currently written is confusing, hard to understand, and lacks defined violations of the rule.

The proposed changes will allow the WAC to be reorganized, cleaning up unnecessary definitions, identify rule violations and penalties, and most importantly putting it into the plain language format. The additions will keep this rule current with industry practices.

Statutory Authority for Adoption: RCW 18.270.900 and 18.160.030.

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

Name of Proponent: Federal Motor Carrier Administration, governmental.

Name of Agency Personnel Responsible for Drafting: Dan Johnson, GA Building, P.O. Box 42600, Olympia, WA 98504, (360) 596-3931; Implementation and Enforcement: Fire Protection Bureau, GA Building, P.O. Box 42600, Olympia, WA 98504, (360) 596-3900.

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

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: The Washington state patrol, fire protection bureau, is proposing amendments to chapter 212-80 WAC, Fire sprinkler system contractors.

The purpose of this chapter is to adopt rules for:

- The licensing of fire protection sprinkler system contractors,
- The issuance of certifications, regulating the fire sprinkler industry to a single statewide standard of performance and compliance, and
- The issuance of civil fines and citations for violating any provision of chapters 18.160 and 18.270 RCW or the rules set forth in this chapter.

The proposed amendments to this chapter include but may not be limited to:

- Reorganization of the entire chapter in a plain talk format.
- Removal of duplicative or redundant language.
- Eliminating unnecessary rules or definitions.
- Identifying rule violations and penalties.

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

These proposed rules impact fire sprinkler contractors. These businesses fall under the North American Industry Classification System (NAICS) code: 238220; which corresponds to the plumbing, heating, and air-conditioning contractors industries/businesses.

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

The licensing section of the fire protection bureau has analyzed the proposed rule amendments and has determined that small businesses will be impacted by these changes, with some costs or loss of revenue due to identified penalties that are considered "more than minor" and may be disproportionate to small businesses.

INDUSTRY ANALYSIS: The licensing section is responsible for licensing of fire sprinkler contractors. As part of their monitoring, the program maintains a current internal database that identifies all affected small businesses (i.e., current and previously licensed fire sprinkler contractors). Using this database gives more accurate information about impacted small businesses for this analysis than the four-digit NAICS codes.

The licensing section has determined that there are no known existing agencies that meet the criteria for small businesses under RCW 19.85.020. These proposed rules impact fire sprinkler contractors.

INVOLVEMENT OF SMALL BUSINESSES: The fire sprinkler technical advisory group, which is represented by fire sprinkler contractors, sprinkler associations, sprinkler fitter unions, and authorities having jurisdiction, have asked for this rule to [be] updated. The identification of violations and penalties [penalties] for noncompliance would apply to a relative [relative] small number of licensed contractors and certificate holders.

COST OF COMPLIANCE: Under chapter 19.85 RCW, the licensing section has considered annual costs to small businesses that are fifty dollars or more per contractor.

GENERAL COSTS: The licensing section analysis revealed that there are costs imposed by the proposed amendments [that] are associated with the identification of rule violations and penalty assessment.

Disproportionate Economic Impact Analysis: Since the impact of any assessed penalty or suspension of a license or certificate would vary by the affected contractor comparing the cost impact between small businesses and ten percent of the largest businesses is not feasible. However, since the potential assessment of penalties is based on violations and not company size or revenue, it is not [not] believed that there will be a disproportionate cost to smaller businesses.

Mitigating Costs: The proposed rules allow for an informal hearing process in which the penalties can be mitigated based upon severity and contractor compliance. This will allow the licensing section to mitigate [mitigate] disproportionate costs for small businesses.

Benefits for Proposed Rules: The benefit of the proposed rule changes is that it clearly articulates the violations associated with specific rules and penalties. The rule has also been reorganized and written using plain language which should aid the contractors in being compliant.

JOBS CREATED OR LOST: The licensing section does not believe any jobs will be lost as a result of small businesses complying with these rules. The requirements outlined in the proposed rules for certificate holders have not changed.

CONCLUSION: The licensing section has given careful consideration to the impact of proposed rules in chapter 212-80 WAC, Fire sprinkler systems contractors, on small businesses. To comply with the Regulatory Fairness Act, chapter 19.85 RCW, the licensing section has analyzed impacts on small businesses and proposed ways to mitigate costs considered more than minor and disproportionate.

Please contact Chief Deputy State Fire Marshal Dan Johnson if you have any questions at (360) 596-3913.

A copy of the statement may be obtained by contacting Melissa Van Gorkom, Washington State Patrol, Government and Media Relations, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Melissa Van Gorkom, Washington State Patrol, Government and Media Relations, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

October 22, 2013
John R. Batiste
Chief

Chapter 212-80 WAC

FIRE PROTECTION SPRINKLER SYSTEM CONTRACTORS

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-001 Purpose. The purpose of this regulation is to adopt rules for the licensing of fire protection sprinkler system contractors, the issuance of certificates (~~(of competency, trainee certificates)~~), regulating the fire sprinkler industry to a single statewide standard of performance and compliance, and for the issuance of civil fines and citations (~~(as defined in)~~) for violating any provision of chapters 18.160 and 18.270 RCW or any provision of this chapter.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-005 Applicability. This (~~(regulation)~~) chapter applies to any and all persons or organizations performing as a fire protection sprinkler contractor (~~(and)~~) or certificate (~~(of competency holder, with or without the required state licensing and/or certification)~~) holders as defined in chapters 18.160 and 18.270 RCW.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-010 Definitions. The following definitions (~~(shall)~~) will apply (~~(to this regulation)~~) throughout this chapter:

(1) "Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for issuing permits, approving layout drawings, (~~(equipment)~~) enforcing the requirements of a code or standard, or approving materials, an installation or a procedure. Usually, the AHJ is the building (~~(and)~~) or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations, and day care facilities, the AHJ is the city or county building (~~(and)~~) or fire official and the (~~(chief of the Washington state patrol, through the)~~) director (~~(of fire protection)~~).

(2) "Certificate" means a certificate of competency granted by the director (~~(of fire protection)~~) under chapter 18.270 or 18.160 RCW, and is valid within the state and all political subdivisions, and meets all of the requirements for license or certification that may be applied by the political subdivision.

(3) "Citation" means written notification issued by the (~~(chief of the Washington state patrol, through the)~~) director (~~(of fire protection)~~) pursuant to RCW 18.160.040 or 18.270.020 of a civil penalty for a violation of any provision of chapter(~~(s)~~) 18.160 or 18.270 RCW or this chapter. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(4) "Contractor" means any person(~~(, corporation, or other entity, licensed under chapter 18.160 RCW, which performs any work covered by the provisions of this chapter)~~) or organization that offers to undertake the execution of con-

tracts for the design, installation, inspection, testing, maintenance, or repair of a fire protection sprinkler system or any part of such system as covered by the provisions of chapter 18.160 RCW.

(5) "Digital signature" means a secure signature in electronic form that can be attached to an electronic record. Common examples of electronic signatures include a digitized image of a "wet" signature, or a graphical representation of a handwritten signature (constructed using graphics software or special fonts), and other icons or representations adopted by the person with the intent to sign the document. The digital signature must have the following properties:

(a) It must be unique to the certificate holder;

(b) It must be capable of independent verification;

(c) It must be under the exclusive control of the certificate holder;

(d) It must transform the electronic record such that a recipient can determine that the record was signed by the certificate holder;

(e) It must transform the electronic record such that a recipient can determine if the initial record was altered since the transformation was made.

(6) "Direct supervision" means providing personal direction, oversight, inspection, and observation of the work being performed on the design, installation, inspection, testing, maintenance, or repair of a fire sprinkler system.

(7) "Director" means the chief of the Washington state patrol through the director of fire protection, or his or her designee.

("Director of fire protection" means the state fire marshal and/or his or her authorized representative.

"Dry pipe sprinkler system" means a system employing automatic sprinklers attached to a piping system containing air or nitrogen under pressure, the release of which (as from the opening of a sprinkler) allows the water pressure to open a valve known as a dry pipe valve. The water then flows into the piping system and out to the open sprinkler(s).

"Fire protection sprinkler fitting" means installing, altering, and repairing sprinkler, standpipe, hose, or other hazard systems for fire protection purposes that are an assembly of piping or conduit beginning at the connection to the primary water supply within a building, sprinkler tank heaters, air lines and all tanks and pumps attached thereto.)

(8) "Electronic" means electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(9) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(10) "Fire protection sprinkler system" means an assembly of underground ((and/or)) or overhead piping beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire or other products of combustion. ((The fire protection sprinkler system (with the exception of residential combination systems) starts at the point where the last nonfire water use is taken from the supply mains. This is the point just down stream of the last tap for domestic or process water,

the last water control valve that is required by a city or other authority, or the point where the water can be considered nonflowing.

"Fire pump" means a listed pump supplying water at the flow and pressure required by water based fire protection systems.

"FOR DESIGN ONLY" means a certificate of competency holder only allowed to perform the design of a fire protection sprinkler system consistent with the level of certification he or she holds. In the case of a "State Level U certification," "FOR DESIGN ONLY" merely allows the individual to maintain their certification.)

(11) "Formal hearing" means a hearing before a hearings officer where laws, rules, and evidence are presented, considered, and a decision is rendered.

(12) "Full-time employ" means employment of twenty hours or more in a week.

(13) "General contractor" means a contractor whose business operations require the use of more than one building trade or craft upon a single job or project or under a single building permit. A general contractor also includes one who superintends, or consults on, in whole or in part, work that falls within the definition of a contractor.

(14) "Hazard" means a condition which could result in injury or death to a person ((and/or)) or damage to property.

(15) "Hearings request" means the written request for a formal hearing to contest a civil penalty.

("Hose connection" means a combination of equipment provided for connection of a hose to the standpipe system that includes a hose valve with a threaded outlet.)

(16) "Inspection" means a visual examination of a fire protection sprinkler system, or portion of the system, to verify that the system appears to be in operating condition, is free from physical damage, and complies with the applicable statutes and regulations adopted by the state.

("Instance" means the number of times a person has been cited for a violation of chapters 18.160, 18.270 RCW, or this chapter. These will be identified as 1st, 2nd, and 3rd instances.

"Journey level sprinkler fitter" means any person who has been issued a certificate by the director of fire protection as provided by chapter 18.270 RCW.)

(17) "Maintenance" means ((work performed on a)) an inspection conducted by either a journey level or residential level sprinkler fitter or an inspection testing technician (ITT) of all the components of an automatic fire ((suppression)) sprinkler system and the work performed to keep the system's equipment operable((, or to make repairs)).

("Network fire protection sprinkler system" means a type of multipurpose system utilizing a common piping system supplying domestic plumbing fixtures and fire sprinklers as defined by NFPA 13D.)

(18) "Mitigation or hearing officer" is the assistant state fire marshal, or his or her designee who will preside over an informal, mitigation conference to discuss a civil penalty that has been assessed against a person for a violation of this chapter.

(19) "NFPA" means the National Fire Protection Association. The following national standards adopted by the NFPA apply to fire sprinkler suppression systems:

(a) "NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies. The following definitions will apply to the common types of sprinkler systems that can be installed in a NFPA 13D:

(i) Multipurpose piping sprinkler system: A piping system intended to serve both domestic needs in excess of a single fixture and fire protection needs from one common piping system throughout the dwelling unit(s).

(ii) Network sprinkler system: A type of multipurpose system utilizing a common piping system supplying domestic fixtures and fire sprinklers where each sprinkler is supplied by a minimum of three separate paths.

(iii) Passive purge system: A type of sprinkler system that serves a single toilet in addition to the fire sprinklers.

(iv) Stand-alone sprinkler system: A sprinkler system where the above ground piping serves only fire sprinklers.

(v) Antifreeze sprinkler system: A wet pipe system using automatic sprinklers that contains a liquid solution to prevent freezing of the system, intended to discharge the solution upon sprinkler operation, followed immediately by water from a water supply.

(vi) Dry pipe sprinkler system: A sprinkler system employing automatic sprinklers that are attached to a piping system containing air or nitrogen under pressure, the release of which (as from the opening of a sprinkler) permits the water pressure to open a valve known as a dry pipe valve, and the water then flows into the piping system and out the opened sprinkler.

(vii) Preaction sprinkler system: A sprinkler system employing automatic sprinklers that are attached to a piping system that contains air that might or might not be under pressure, with a supplemental detection system installed in the same areas as the sprinklers.

(b) "NFPA 13R" (~~((means the standard used by the National Fire Protection Association))~~) for the installation and design of fire suppression sprinkler systems in residential occupancies up to and including four stories in height.

(c) "NFPA 13" (~~((means the standard used by the National Fire Protection Association))~~) for the installation and design of fire suppression sprinkler systems in commercial or high occupancy facilities.

~~("NFPA 14" means the standard used by the National Fire Protection Association for the installation of standpipe and hose systems.)~~

(d) "NFPA 20" (~~((means the standard used by the National Fire Protection Association))~~) for the selection and installation of pumps, both centrifugal and positive displacement, that supply liquid for a private fire protection system.

(e) "NFPA 24" (~~((means the standard used by the National Fire Protection Association))~~) for the installation of the dedicated underground fire service main of a water based fire protection system.

(f) "NFPA 25" (~~((means the standard used by the National Fire Protection Association))~~) for the inspection, testing, and maintenance of water based fire protection systems.

(20) "NICET" means the National Institute for Certification in Engineering Technologies.

~~("NITC" means the National Inspection Testing Certification.)~~

(21) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of individuals and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

~~("Preaction system" means a sprinkler system employing automatic sprinklers attached to a piping system containing air, which may or may not be under pressure, with a supplemental detection system installed in the same areas as the sprinklers.)~~

(22) "Qualified" (~~((shall))~~) means an individual who has demonstrated through education, training, examination, (~~((and/))~~) or national certifications the competency, skill, and ability necessary to perform any work covered (~~((and/))~~) or defined by this chapter and chapters 18.160 and 18.270 RCW to the satisfaction of a relevant jurisdiction. In matters of compliance with the licensing and certification requirements of this chapter and chapters 18.160 and 18.270 RCW, the relevant jurisdiction shall be the (~~((chief of the Washington state patrol, through the))~~) director (~~((of fire protection.~~

~~"Residential level sprinkler fitter" means anyone who has been issued a certificate by the director of fire protection limited to installation, maintenance, and repair of the fire protection sprinkler system of residential occupancies as defined by NFPA 13, NFPA 13D and NFPA 13R).~~

(23) "Repair" means to restore by replacing a part of or putting together what is torn or broken on the sprinkler system.

(24) "Revoke" means the (~~((chief of the Washington state patrol, through the))~~) director (~~((of fire protection, shall))~~) will rescind a company's license or an individual's (~~((certification))~~) certificate. Such action causes said company or individual to cease any and all work in the sprinkler field in Washington state (~~((until such time as the chief of the Washington state patrol, through the director of fire protection, is satisfied with the resolution of the issue which caused the license or certificate to be revoked.~~

~~"Standpipe" means the vertical portion of the system piping that delivers the water supply for hose connections, and fire sprinklers on combined systems, vertically from floor to floor. The term standpipe also refers to the horizontal portion of the system piping that delivers the water supply for two or more hose connections, and fire sprinklers on combined systems, on a single level as defined by NFPA 14.~~

~~"Standpipe system" means an arrangement of piping, valves, hose connections, and allied equipment installed in a building or structure, with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached hose and nozzles, for the purpose of extinguishing a fire, thereby protecting a building or structure and its contents in addition to protecting the occupants as defined by NFPA 14.~~

~~"State certified fire sprinkler system inspection and testing technician" (ITT) means a state certificate of competency holder who is qualified to inspect and/or test NFPA 13D, 13R, or 13, wet and dry pipe fire protection systems per the definition of fire protection sprinkler system in this chapter.~~

However, testing of other fire protection systems such as preaction, deluge, foam, or fire pump and maintenance of any type of system defined under this chapter or chapter 18.160 RCW shall be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump being tested or maintained.

"State fire marshal" means the director of fire protection or his/her authorized representative.

"State Level 1 certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, test, maintain, or service an NFPA 13D fire protection sprinkler system or any part of such a system.

"State Level 1 licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D fire protection sprinkler system or any part of such a system.

"State Level 2 certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, test, maintain, or service an NFPA 13D and/or an NFPA 13R fire protection sprinkler system or any part of such a system.

"State Level 2 licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D and/or a NFPA 13R fire protection sprinkler system or any part of such a system.

"State Level 3 certification" means a certificate of competency holder who is qualified to prepare layout drawings, install, inspect, maintain, or service an NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of fire protection sprinkler system in chapter 18.160 RCW.

"State Level 3 licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the design, installation, service, maintenance, and/or inspection of a NFPA 13D, NFPA 13R, NFPA 13, or all other systems per the definition of a fire protection sprinkler system in chapter 18.160 RCW.

"State level inspection and testing contractor licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol, through the director of fire protection, to contract and/or offer to bid on the inspection or testing of a wet or dry pipe NFPA 13D, NFPA 13R, NFPA 13, or other systems per the definition of a fire protection sprinkler system in chapter 18.160 RCW. However, the testing and maintenance of fire protection systems such as preaction, deluge, foam, or fire pumps, shall be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump being tested or maintained.

"State Level U certification" means a certificate of competency holder who is qualified to certify the installation of the underground portions of fire protection sprinkler systems in conformance with recognized standards adopted by the director of fire protection.

"State Level U licensing" means a sprinkler contracting company licensed by the chief of the Washington state patrol,

through the director of fire protection, to contract and/or offer to bid on the installation of the underground portions of fire protection sprinkler systems in conformance with the recognized standards adopted by the chief of the Washington state patrol, through the director of fire protection).

(25) "Suspend" means the ((chief of the Washington state patrol, through the)) director ((of fire protection;)) holds a company's license or individual's certificate inactive until such time as the ((chief of the Washington state patrol, through the)) director ((of fire protection, feels confident)) determines that the company or individual is in compliance with the requirements of this chapter and chapters 18.160 and 18.270 RCW.

(26) "Testing" means a procedure used to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems such as water flow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction valves. These tests follow up on the original acceptance test at intervals specified in the appropriate chapter of NFPA 25.

(27) "Trainee" means a person who:

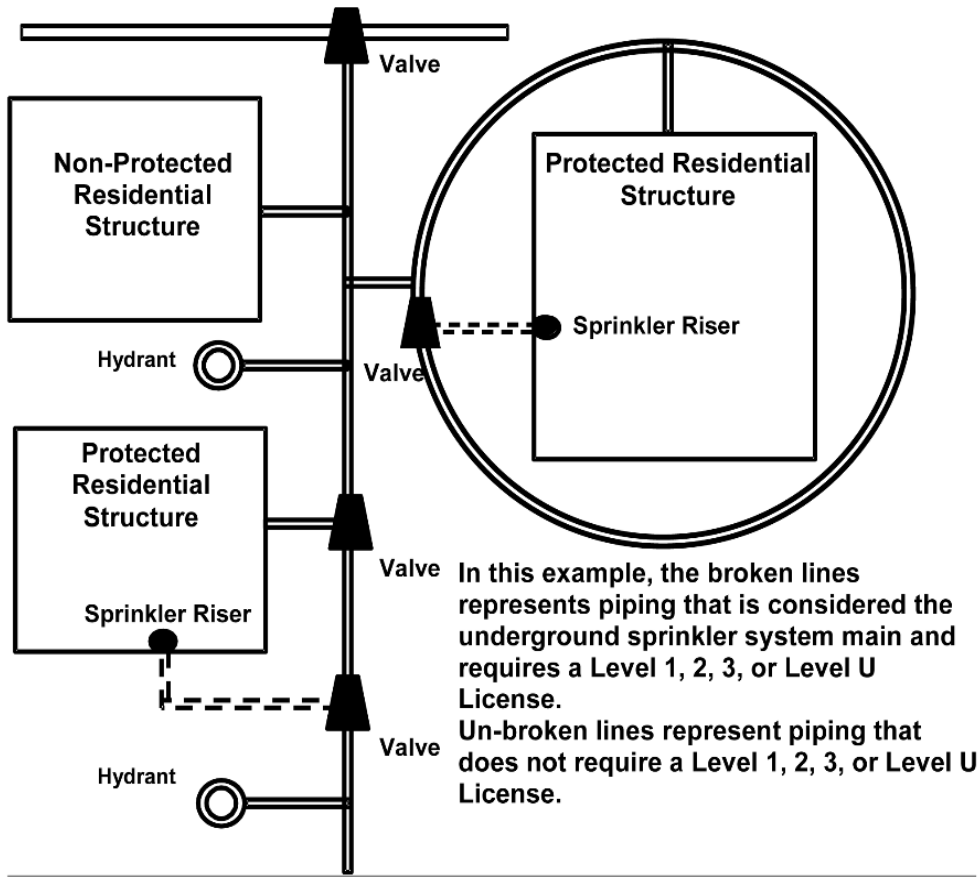
(a) Has been issued a training certificate by the ((chief of the Washington state patrol, through the)) director ((of fire protection, who)); and

(b) Is learning the fire protection sprinkler fitting trade under the supervision of a journey-level sprinkler fitter or residential sprinkler fitter working in his or her specialty.

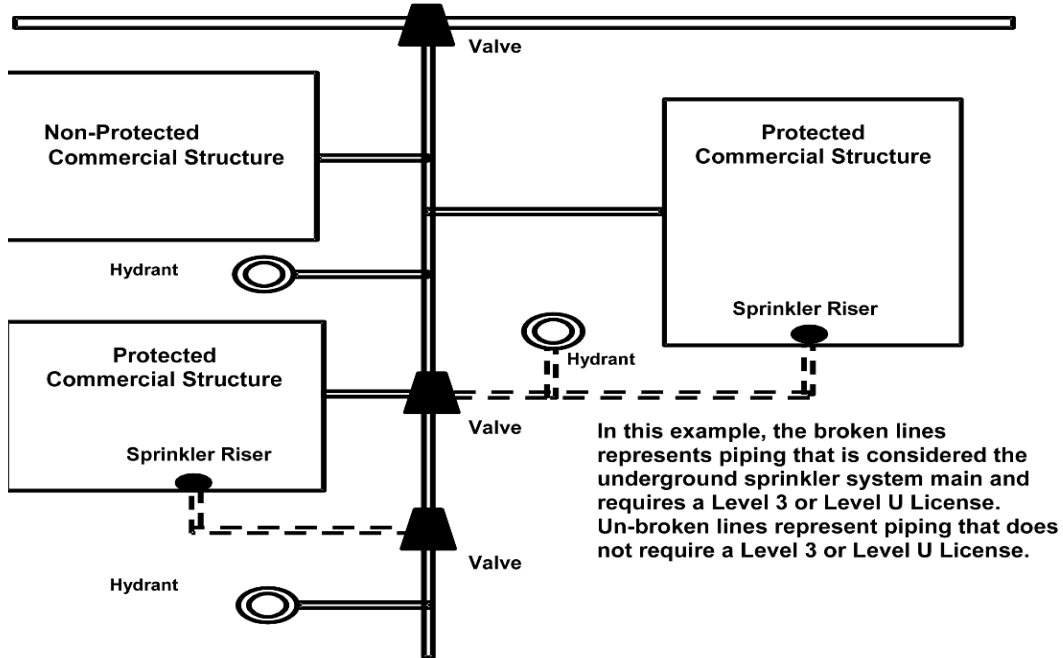
(("Type" means the classification of violation as minimal, moderate, and severe. These are identified as Types I, H, and III respectively.))

(28) "Underground" means the portion of the fire protection sprinkler system that starts at the point where the last nonfire water use is taken from the supply mains. For the purpose of this subsection, "point where the last nonfire water use is taken from the supply mains" means the point just downstream of the last tap for domestic or processed water, the last water control valve that is required by a city or other authority, or the point where the water can be considered nonflowing and that if shut off would shut off only the sprinkler system. This subsection does not apply to residential multipurpose piping fire protection sprinkler systems.

Residential Example Street Water Main



**Commercial Example
Street Water Main**



(29) "Violation" means any action, general or specific, inconsistent with the intent and letter of chapters 18.160 and 18.270 RCW and shall be further defined as:

(a) "~~(Minimal)~~ Level 1 violation" means a ~~((Type I))~~ violation which poses a ~~((minor))~~ minimal hazard or threat to life and property in the event of a fire.

(b) "~~(Moderate)~~ Level 2 violation" means a ~~((Type II))~~ violation which poses a significant hazard or threat to life or property in the event of a fire.

(c) "~~(Severe)~~ Level 3 violation" means a ~~((Type III))~~ violation which poses a substantial hazard or threat to life or property in the event of a fire.

~~("Wet pipe sprinkler system" means a sprinkler system employing automatic sprinklers attached to a piping system containing water and connected to a water supply so that water discharges immediately when any sprinkler is opened by heat from a fire.)~~

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-015 Compliance. (1) Who needs to comply with these rules?

All fire protection sprinkler system contractors, certificate ~~((of competency))~~ holders, or trainees, ~~((designing, installing, inspecting, testing or maintaining))~~ who design, install, inspect, test or repair fire protection sprinkler systems or any part of such a system ~~((shall))~~ will comply with the provisions of this regulation.

~~((EXCEPTIONS:~~

~~((1))~~ **(2) Who is exempt from complying with this chapter?**

~~((a))~~ (a) Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.

~~((2))~~ (b) A person ~~((or organization))~~ acting under court order.

~~((3))~~ (c) A person ~~((or organization))~~ that sells or supplies products or materials to a licensed fire protection sprinkler system contractor.

~~((4))~~ (d) A registered professional engineer in the state of Washington acting solely in a professional capacity.

~~((5))~~ (e) A person issued a certificate of competency by the Washington state department of labor and industries, under chapter 18.106 RCW, as a ~~((journeyman))~~ journey-level plumber installing a residential network fire protection sprinkler system connected to potable water who works for a contractor as defined herein.

~~((6))~~ (f) An owner/occupier of a single-family residence performing his or her own installation in that residence. It is the intent of this subsection that builders or contractors will not install their own sprinkler systems in single-family residences under their ownership which they plan to sell, lease, or rent.

~~((7))~~ (g) A facility owner or full-time employee ~~((or owner))~~ of ~~((a))~~ the facility owner who is qualified to the satisfaction of the local authority having jurisdiction to perform ~~((inspection and testing of))~~ work otherwise regulated by this chapter on fire protection sprinkler systems when not acting as a fire protection sprinkler contractor or considered to be contracted in any way for this labor when working in said facility.

~~((8))~~ (h) An employee of a licensed electrical contractor installing or testing only the electronic signaling devices of a fire sprinkler system.

~~((9))~~ (i) A person ~~(, licensed by the)~~ who when working on backflow assemblies is licensed by either:

(i) Washington state department of health, under chapter 246-292 WAC, as a certified backflow assembly tester, performing testing and maintenance of backflow assemblies.

~~((10) A person licensed by the Washington state department of health, under chapter 246-292 WAC, as a certified backflow assembly tester, and also licensed by the)~~ (ii) Washington state department of labor and industries, under chapter 18.106 RCW, as a backflow specialty plumber performing repairs of backflow assemblies in accordance with chapter 246-290 WAC.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-018 License and certification requirements. (1) **Fire protection sprinkler contractors.** only a company or individual licensed as a fire protection sprinkler systems contractor, who has at least one ~~((designer))~~ certificate holder on staff certified to level of licensure by the ~~((chief of the Washington state patrol, through the director of fire protection,))~~ director can bid, offer to bid, contract, or perform the designing, installation, inspection, testing, maintenance, ~~((and/))~~ ~~((servicing))~~ repair of a NFPA fire protection sprinkler system(~~(-~~

EXCEPTIONS: A company or individual licensed as an inspection and testing contractor, whose staff performing the work of inspection and/or testing of a fire protection sprinkler system have all been certified by the chief of the Washington state patrol, through the director of fire protection, as described in this chapter, can bid, offer to bid, contract, or perform only the testing and inspection of a fire protection sprinkler system—excluding preaction, deluge, or foam systems or systems with fire pumps.)

or any part of such a system based on the level of their contractor license. The following levels will apply to contractor licenses issued by the director:

(a) Level 1 contractor license - NFPA 13D, and underground work (NFPA 24) or inspection, testing and maintenance (NFPA 25) for NFPA 13D.

(b) Level 2 contractor license - NFPA 13D and/or NFPA 13R and underground work (NFPA 24) or inspection, testing and maintenance (NFPA 25) for NFPA 13D and/or NFPA 13R.

(c) Level 3 contractor license - NFPA 13D, NFPA 13R, NFPA 13 systems; and/or underground work (NFPA 24) or inspection, testing and maintenance (NFPA 25).

(d) Level U contractor license – Specialized license for underground work (NFPA 24) only.

(e) Level I&T (inspection and testing) contractor license - Specialized license for inspection and testing work (NFPA 25) only. Allows for inspection and/or testing of a NFPA 13D, NFPA 13R, or NFPA 13, wet and dry pipe fire protection sprinkler system, provided that the:

(i) Inspection and testing technician cannot work beyond the inspection and testing contractors level of licensing; and

(ii) Testing and maintenance of fire protection sprinkler systems such as preaction, deluge, foam or fire pumps, will be performed only by contractors who are also qualified and licensed to design and install that type of system or fire pump being tested or maintained.

Chart 1: Fire Protection Sprinkler Contractors

<u>Level of Contractor License</u>	<u>Standard Defining Work to be Performed</u>				
	<u>NFPA 13D</u>	<u>NFPA 13R</u>	<u>NFPA 13</u>	<u>NFPA 24</u>	<u>NFPA 25</u>
<u>Level 1 Contractor Single Family Residence</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u> <u>(See WAC 212-80-018 (e)(i))</u>
<u>Level 2 Contractor Residential Occupancies Up To and Including Four Stories in Height</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u> <u>(See WAC 212-80-018 (e)(i))</u>
<u>Level 3 Contractor All Types of Structures</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u> <u>(See WAC 212-80-018 (e)(i))</u>
<u>Level U Contractor Underground</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>

<u>Level of Contractor License</u>	<u>Standard Defining Work to be Performed</u>				
	<u>NFPA 13D</u>	<u>NFPA 13R</u>	<u>NFPA 13</u>	<u>NFPA 24</u>	<u>NFPA 25</u>
<u>Level I&T Inspection and Testing Contractor</u>	No	No	No	No	Inspection/Testing Only (See WAC 212-80-018 (e)(ii))

(2) **Fire protection sprinkler system certification** – Only a certificate holder who is qualified under this chapter may prepare layout drawings or install, inspect, test, maintain or repair a fire protection sprinkler system or any part of such a system based on the level of his or her design certification.

(a) **Design certification** - The following levels will apply to design certifications issued by the director:

(i) **Level 1 design certification** - NFPA 13D, and underground work (NFPA 24) or inspection, testing and maintenance (NFPA 25) for NFPA 13D.

(ii) **Level 2 design certification** - NFPA 13D and/or NFPA 13R and underground work (NFPA 24) or inspection, testing and maintenance (NFPA 25) for NFPA 13D and/or NFPA 13R.

(iii) **Level 3 design certification** - NFPA 13, NFPA 13R and/or NFPA 13D, underground work (NFPA 24) and inspection, testing and maintenance (NFPA 25) for NFPA 13D, NFPA 13R, and NFPA 13.

(b) **Specialized certifications** - The following level will apply to specialized certifications issued by the director:

(i) **Level U certification** - NFPA 24; supervise the installation, inspection and testing of the underground fire protection sprinkler underground piping.

(ii) **Level ITT - Inspection testing technician** – NFPA 25 for inspection or testing of a NFPA 13D, NFPA 13R, or NFPA 13, wet and dry pipe fire protection sprinkler, provided that the inspection testing technician cannot work beyond the inspection and testing contractor's level of licensing under subsection (1)(e) of this section.

Chart 2: Fire Protection Sprinkler Certifications

<u>Level of Certificate Holder – See Note (1)</u>	<u>Standard Defining Work That May Be Performed</u>				
	<u>NFPA 13D</u>	<u>NFPA 13R</u>	<u>NFPA 13</u>	<u>NFPA 24</u>	<u>NFPA 25</u>
<u>Level 1 Design Certification</u>	Yes	No	No	Yes (NFPA 13D Systems Only)	No
<u>Level 2 Design Certification</u>	Yes	Yes	No	Yes (NFPA 13D and/or NFPA 13R Systems Only)	No
<u>Level 3 Design Certification</u>	Yes	Yes	Yes	Yes	No
<u>Level U Design Certification</u>	No	No	No	Yes	No
<u>Level ITT Design Certification</u>	No	No	No	No	Yes See subsection (1)(e) of this section for exceptions

(3) A fire protection sprinkler system contractor must employ a certificate of competency holder at the same licensing level as the contractor.

<u>Contractor Level</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>U</u>	<u>I&T</u>
<u>Building Type</u>	One and two-family dwellings	Dwellings up to and including four stories in height	All dwellings and commercial or high occupancy facilities	Dedicated underground fire service main of a water based fire protection system	Inspection, testing, and maintenance of water based fire protection systems
<u>Certificate Holder Level Needed to Qualify for License</u>	1	2	3	U	ITT

(4) Can a person who has two levels of certification as outlined in subsection (2) of this section work for two different fire protection sprinkler system contractors if the person only uses one type of certification for each contractor? No. RCW 18.160.040(10) prohibits a certificate holder from working for more than one fire protection sprinkler system contractor.

(5) Can a contractor obtain a fire protection sprinkler system license if the contractor employs only sprinkler fitters? No. A sprinkler fitter can only install piping from approved plans with a design certification.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-023 Authority having jurisdiction. (1) **Does a fire protection sprinkler system need to obtain approval from the authority having jurisdiction?** Yes. The fire protection sprinkler systems ~~((shall meet the))~~ must obtain approval ~~((of))~~ from the authority having jurisdiction. ~~((This includes))~~ The authority having jurisdiction must approve plans, specifications, calculations, contractor's materials and test certificates, and final approval. The authority having jurisdiction may conduct an approved flow test of heads as part of the approval for 13D fire protection sprinkler systems.

(2) **Are there circumstances when the authority having jurisdiction may be the director?** Yes. In certain types of occupancies the authority having jurisdiction may be the ~~((chief of the Washington state patrol, through the director of fire protection,))~~ director and the building ~~((and))~~ or fire official of the city or county in which the installation is located. Generally, these dual responsibilities occur in health care facilities, transient accommodations, and day care facilities. In matters concerning compliance with and adherence to chapters 18.160 and 18.270 RCW, or chapter 212-80 WAC, the director will be considered the authority having jurisdiction.

(3) **Whose responsibility is it to ascertain which agency is the authority having jurisdiction?** It is the responsibility of the fire protection sprinkler system contractor or certificate ~~((of competency))~~ holder ~~((to ascertain which agency or agencies have jurisdiction))~~. If there is a question, on which agency is the authority having jurisdiction, the certificate ~~((of competency))~~ holder should contact the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection))~~.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-033 Posting requirements—License, certificates, and license number. (1) **What are the posting requirements for the fire protection sprinkler system contractor's license and employees' certificate?** All licenses and certificates must be posted as follows:

(a) Each license and certificate issued under chapter 18.160 RCW must be posted in a conspicuous place in the fire protection sprinkler contractor's place of business.

(b) For certificates issued under chapter 18.270 RCW, the certificate holder must be in possession of his or her wal-

let card and display upon request to the authority having jurisdiction.

(c) All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number evidenced by the certification seal.

(2) Failure to comply with this section constitutes a level 1 violation for each occurrence.

AMENDATORY SECTION (Amending WSR 05-17-099, filed 8/16/05, effective 9/16/05)

WAC 212-80-038 Municipality, county, or state regulations. (1) ~~((Nothing in this regulation limits the power of a))~~ **Does chapter 18.160 RCW or chapter 212-80 WAC limit the power of a municipality, county, or state to require those engaged in the sprinkler trade to obtain a permit?** No. The municipality, county, or state ~~((to))~~ regulates the quality and character of work ~~((performed by contractors))~~ through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) ~~((Nothing in this regulation limits the power of))~~ **Does chapter 18.160 RCW or chapter 212-80 WAC limit the power of a municipality, county, or state, to require those engaged in the sprinkler trade to obtain a permit?** No. The municipality, county, or ~~((the))~~ state ~~((to))~~ can adopt any system of permits requiring submission to and approval by the municipality, county, or the state of layout drawings and specifications for work to be performed by contractors before commencement of the work.

(3) **Does chapter 18.160 RCW or chapter 212-80 WAC limit the power of a municipality, county, or state, to require any licensing or certification above those called out for by chapter 18.160 RCW or chapter 212-80 WAC?** Yes. A municipality, county, or state regulation or requirement cannot be enacted to require any licensing or certification above and beyond compliance with chapter 18.160 RCW and this chapter unless any such program was in place prior to 1991.

(4) **Are permits or permission from the authority having jurisdiction needed before performing any sprinkler work?** Yes. Contractors and certificate holders must comply with the authority having jurisdiction's requirements to obtain permits or permission before installation, repair, alteration, or addition of a fire protection sprinkler system. Failing to comply with this section constitutes a level 2 violation.

The contractor or certificate holder must verify whether a permit or permission is required from the authority having jurisdiction before installing, repairing, altering, adding, or removing any fire protection sprinkler system. Notwithstanding this subsection, when a contractor or certificate holder submits a bid, the contractor or certificate holder does not need to obtain permits or permission from the authority having jurisdiction.

(5) Is an authority having jurisdiction required to verify if the contractor's license and certificate of competency stamp are valid? Yes. The authority having jurisdiction's official authorized to issue building or other related permits (~~(shall)~~) must ascertain that the fire protection sprinkler system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license and a valid certificate of competency stamp consistent with the contractor's license.

~~((4) This regulation applies to any fire protection sprinkler system contractor performing work for any municipality, county, or the state.~~

~~(5))~~ (6) Does this regulation apply to any fire protection sprinkler system contractor performing work for any municipality, county or state? Yes. Officials of any municipality, county, or the state are required to determine compliance with this regulation before awarding any contracts for the installation, inspection, testing, maintenance, repair, service, alteration, fabrication, or addition of a fire protection sprinkler system. If there are questions regarding the status of the contractor's license or a certificate of competency, the authority having jurisdiction is encouraged to contact the director for assistance.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-048 Subcontracting. ~~((Subcontracting of any work under the purview of chapter 18.160 RCW involving unlicensed contractors is strictly prohibited and a violation of chapter 18.160 RCW.))~~ (1) When is it not permissible to subcontract fire protection sprinkler system work?

(a) Subcontracting work is not permitted:

(i) If the subcontractor does not have a current fire protection sprinkler system contractor's license appropriate for the level of work being performed; or

(ii) When the specific function of inspection and testing work is contracted to a contractor licensed by the department of labor and industries, but not a licensed fire protection sprinkler system's contractor.

(b) Failure to comply with this section constitutes a level 3 violation.

(2) When is subcontracting or contracting of fire sprinkler protection system work permitted? Subcontracting of any fire sprinkler protection system may be allowed in specific instances:

(a) Where a licensed general contractor bids on a project where the fire sprinkler system is a component of the job and the business operations require the use of more than one building trade or craft upon a single job or project or under a single building permit. All subcontracting by a licensed general contractor for fire sprinkler work must be performed by a licensed fire sprinkler contractor; or

(b) When the other contractor is a licensed fire sprinkler contractor and licensed at the appropriate level for the work being performed.

FIRE PROTECTION SPRINKLER SYSTEM CONTRACTOR

AMENDATORY SECTION (Amending WSR 05-17-099, filed 8/16/05, effective 9/16/05)

WAC 212-80-053 Application for licensed fire protection sprinkler system contractor. (1) What are the prerequisites to apply for a fire protection sprinkler system contractor license? Those seeking to become a fire protection sprinkler system contractor must:

(a) Register the company structure with the secretary of state (www.sos.wa.gov), RCW 23B.01.200;

(b) Submit a master business application with the department of licensing (www.dol.wa.gov) or through the department of labor and industries (www.lni.wa.gov) and receive a unified business identifier number and twelve digit contractor number;

(c) Obtain a federal tax number from the Internal Revenue Service (www.irs.gov); and

(d) Register as a general or specialty contractor with the department of labor and industries under chapter 18.27 RCW.

(2) Once the prerequisites are met, how do you get licensed as a fire protection sprinkler contractor? To become a licensed fire protection sprinkler system contractor under this regulation, a person (~~(or firm)~~) must comply with the following:

~~((+))~~ (a) The person must be or have in his or her full-time employ a holder of a valid certificate (~~(of competency)~~) whose level is consistent with the license level the contractor is applying for as outlined in WAC 212-80-018. If the certificate holder is not certified when the fire sprinkler system contractor submits an application for licensing, the certificate holder's application must be submitted at the same time, or the license cannot be processed.

~~((2))~~ (b) Submit an application to the director (~~(of fire protection)~~) on forms provided (~~(and)~~) for the level of fire protection sprinkler system contractor license the person is applying for. The forms that must be returned to the director are:

(i) Initial application;

(ii) Contractor license background;

(iii) Affidavit of compliance for licensing; and

(iv) Bond or assignment of deposit.

(c) Pay the fees required under WAC 212-80-073 for the level of license being applied for.

~~((3))~~ (d) Meet the bonding requirements of WAC 212-80-078.

~~((4))~~ (e) Be licensed as a contracting company in the state of Washington by) (e) Provide the business name used to register with the department of labor and industries and (~~(possess)~~) provide the twelve digit alphanumeric business license number assigned by that agency.

(3) All information submitted for a fire sprinkler system contractor license must be true and accurate.

(4) Failure to comply with this section constitutes a level 3 violation.

(5) If the director finds that information or documents submitted by a person is false, misleading or has been altered

in an effort to meet the requirements, the license will be summarily revoked.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-058 Fire protection sprinkler system contractor license not transferable. (1) Is a fire sprinkler system contractor's license transferable between companies? No. A license issued under this regulation is not transferable.

~~((EXCEPTIONS:))~~

~~Should a))~~ **(2) If a currently licensed fire protection sprinkler system contractor merges or forms another company, can the license be reissued to a newly formed or incorporated company?** ~~If a~~ currently licensed fire protection sprinkler contractor merges or forms another company, that license can be reissued to the newly formed ~~((f))~~ or incorporated company provided:

~~((1))~~ (a) The principal officers of the licensed company remain the same;

~~((2))~~ (b) The company continues, takes over, or otherwise reestablishes the bond required by chapter 18.160 RCW for licensing;

~~((3))~~ (c) The company continues to perform fire protection sprinkler contractor work as defined by chapter 18.160 RCW;

~~((4))~~ (d) The company employs certificate of competency holders of the appropriate levels; and

~~((5))~~ (e) The company meets the criteria necessary for licensing as a fire protection sprinkler contracting company as defined by chapter 18.160 RCW.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-063 Contractor responsibilities, ~~((design))~~ certificate ~~((of competency))~~ holder employment. (1) What are the requirements of the fire protection sprinkler system contractor regarding the certificate holder(s) they employ? A fire protection sprinkler system contractor ~~((shall))~~ must have at least one full-time ~~((design))~~ certificate ~~((of competency))~~ holder, consistent with the license level as outlined in WAC 212-80-018, employed to conduct business.

(2) ~~((If a design certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, and the contractor has no other design certificate of competency holder on staff, the))~~ **What happens if a fire protection sprinkler system contractor loses the certificate holder the contractor is required to employ as a condition of licensing?**

(a) From the date of separation of the certificate holder, the contractor ~~((shall))~~ will have six months or until the expiration of the current license, whichever occurs last, to submit a new application. In order to be issued a new license, the contractor ~~((shall identify))~~ must employ a new ~~((design))~~ person (either as owner or full-time employee) with the appropriate certificate ~~((of competency holder who, at the time of application, shall be either an owner or full-time employee of that fire protection sprinkler business.~~

~~(3) If such application is not received by the chief of the Washington state patrol, through the director of fire protection and a new license issued within the allotted time, the chief of the Washington state patrol, through the director of fire protection, shall revoke the license of the fire protection sprinkler system contractor.~~

~~(4) The fire protection sprinkler system contractor may only))~~ level consistent with the license level as outlined in WAC 212-80-018.

~~(b) The contractor must notify the director of the loss of their primary design certificate holder within thirty calendar days. For the purposes of this subsection, the thirty calendar days commence on the certificate holder's last day of work for compensation.~~

~~(i) Failure to notify the director within thirty calendar days is a level 1 violation.~~

~~(ii) Failure to notify the director within sixty calendar days is a level 2 violation.~~

~~(iii) Failure to notify the director after one hundred eighty calendar days is a level 3 violation.~~

~~(c) A fire protection sprinkler system contractor may obtain a new license without an employee with a design certificate if the six-month period crosses into a new license year and all appropriate fees are paid at the time of renewal. During the period in which the contractor does not have a certificate holder, the contractor may only:~~

~~(i) Complete the active phase of existing work in progress which has been approved by the authority having jurisdiction, and may not receive new approvals from the authority having jurisdiction without a design certificate holder's number on the documents((-)); or~~

~~(ii) Continue installation ~~((can continue))~~ on approved design plans, however, the contractor's material and test certificate for the system must be stamped by a certificate ~~((of competency))~~ holder in the full-time employ of the installing contractor.~~

~~(d) If a contractor fails to submit a design certificate holder as required in this chapter and a new license has been issued within the allotted time, the director will suspend the license of the fire protection sprinkler system contractor. The suspension will take place immediately and remain in effect until such time as the contractor has a full-time design certificate holder.~~

~~(e) A contractor cannot bid on the design, installation, or repair of a fire protection sprinkler system, or any part of such system, beyond the work that existed when the design certificate holder left the contractor's employment, and the contractor does not employ a design certificate holder.~~

~~(f) Any contractor that uses a current or former employee's certification stamp on any technical drawings not prepared by the certificate holder is in violation of this chapter.~~

~~(g) Failure to comply with (c) through (f) of this subsection constitutes a level 3 violation.~~

(3) What happens if a fire protection sprinkler system contractor loses the contractor's only Level U or ITT certificate of competency holder?

(a) The contractor is prohibited from continuing the supervision of underground fire sprinkler pipe installation and inspection, testing, and maintenance, of fire protection

sprinkler systems. A violation of this subsection constitutes a level 3 violation and the director may summarily revoke the contractor's license.

(b) The contractor must immediately cease bidding on or starting any sprinkler work without the appropriate specialty certificate holder.

(c) The contractor must notify the director within thirty days after the specialty certificate holder's last day of work for compensation. Failure to comply with this section constitutes a level 2 violation and the director may summarily suspend the contractor's license.

(4) What are the responsibilities of the fire protection sprinkler system contractor regarding the employed certificate holders? The contractor is responsible for the work and actions of its employees regardless of the contractor's knowledge of any wrongdoing. The director may refuse to issue or renew a license to engage in the fire protection sprinkler system business for any of the reasons listed in WAC 212-80-200. The director may suspend or revoke the license or the certificate holder's certificate to engage in the fire protection sprinkler system business for any of the reasons listed in WAC 212-80-200.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-068 License renewals. (1) **When are fire protection sprinkler system contractor licenses required to be renewed?** All licensed fire protection sprinkler system contractors desiring to continue to be licensed (~~(shall secure from the chief of the Washington state patrol, through the director of fire protection,)~~) must renew their license prior to January 1 of each year (~~(a renewal license upon payment of the fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.~~

~~(2)~~ The application for renewal (~~(shall)~~) must be made upon a form prescribed by the (~~chief of the Washington state patrol, through the~~) director (~~(of fire protection, and the license holder shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.~~

~~(3) Failure of any)~~ Any contractor not wishing to renew their license at the beginning of the year should notify the director of the intention not to renew.

(2) What happens if the contractor doesn't renew their license by the expiration date? A license holder that fails to secure (~~(his or her)~~) renewal of the license (~~(within sixty days after)~~) by the expiration date (~~(shall constitute sufficient cause for the chief of the Washington state patrol, through the director of fire protection, to suspend the license.~~

(4) The chief of the Washington state patrol, through) will:

(a) Not execute contracts for the design, installation, inspection, testing, maintenance or repair of fire protection sprinkler systems or any part of such a system in the state of Washington.

(b) Submit a new license application pursuant to WAC 212-80-053 to obtain a fire sprinkler protection system contractor license.

(3) Are there reasons why the director would not renew a fire protection sprinkler system contractor license? Yes. The director (~~(of fire protection, may restore)~~) will not renew a license that has been suspended by the director, or if the general or specialty license issued by the department of labor and industries has been suspended or revoked.

(4) When will the director not restore a fire protection sprinkler system contractor's suspended license? In addition to other provisions of this (~~(regulation)~~) chapter, any of the following will constitute cause for the (~~chief of the Washington state patrol, through the~~) director (~~(of fire protection)~~), not to restore a license that has been suspended:

- (a) Nonreceipt of payment of all delinquent fees;
- (b) Nonreceipt of a late charge and/or application fee;
- (c) Failure to comply with the bonding requirements of chapter 18.160 RCW; (~~and~~) or
- (d) Failure to obtain or show evidence of having a full-time employee certified as a (~~(design)~~) certificate (~~(of competency)~~) holder of the appropriate level as defined by chapter 18.160 RCW.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-073 (~~(Prorated)) Fire protection sprinkler system contractor license fees.~~ (1) **Initial application fee** is one hundred dollars for any fire protection sprinkler system contractor license that is paid one time per contractor license with the initial application submission.

(2) Annual license fee is paid by the contractor when:

- (a) Submitting the application for a license; and
- (b) Renewing the contractors fire sprinkler system license. The annual license fees for each contractor license level are as follows:

<u>Level 1</u>	<u>\$100</u>
<u>Level 2</u>	<u>\$300</u>
<u>Level 3</u>	<u>\$1,500</u>
<u>Level U</u>	<u>\$1,500</u>
<u>Level I&T</u>	<u>\$1,000</u>

(3) The (~~(initial)~~) annual license fee (~~(shall)~~) as provided in subsection (2)(a) of this section will be prorated based upon the portion of the year such license is in effect (~~(-This is)~~), provided that:

(a) The annual license fee is allowed to be prorated only once in the history of the company.

(EXCEPTIONS: Any contracting company who attempts to license as a fire sprinkler contracting company after performing work covered by this chapter and chapter 18.160 RCW shall be required to pay the full annual licensing fees, in addition to any penalties assessed by the chief of the Washington state patrol, through the director of fire protection, for unlicensed operation(s).)

(b) Notwithstanding this section, when the director finds that a contractor performed work covered by this chapter and chapter 18.160 RCW. The contractor will be required to pay the full annual licensing fees, in addition to any penalties assessed by the director for unlicensed operation(s).

(c) The prorated fees are as follows:

Fire Sprinkler System Contractor Initial Prorated License Fees					
Month	1	2	3	U	I&T
January	\$100.00	\$300.00	\$1,500.00	\$1,500.00	\$1,000.00
February	\$92.00	\$275.00	\$1,375.00	\$1,375.00	\$920.00
March	\$83.00	\$250.00	\$1,250.00	\$1,250.00	\$830.00
April	\$75.00	\$225.00	\$1,125.00	\$1,125.00	\$750.00
May	\$67.00	\$200.00	\$1,000.00	\$1,000.00	\$670.00
June	\$58.00	\$175.00	\$875.00	\$875.00	\$580.00
July	\$50.00	\$150.00	\$750.00	\$750.00	\$500.00
August	\$42.00	\$125.00	\$625.00	\$625.00	\$420.00
September	\$33.00	\$100.00	\$500.00	\$500.00	\$330.00
October	\$25.00	\$75.00	\$375.00	\$375.00	\$250.00
November	\$17.00	\$50.00	\$250.00	\$250.00	\$170.00
December	\$8.00	\$25.00	\$125.00	\$125.00	\$80.00

(4) Certificate fees are nonrefundable once the certificate has been issued.

(5) Annual license fees for renewal will be invoiced to the contractor and the certificate holders. Contractors may choose to receive invoices for the certificate holders they employ.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-078 Contractor surety bonds. (1) ~~(The chief of the Washington state patrol, through the director of fire protection, shall not issue a license under this regulation unless:)~~ **Is the surety bond required by the department of labor and industries acceptable to the director for issuing a fire protection sprinkler system contractor license? No. A fire protection sprinkler system contractor must have a separate bond conditioned to compensate third-party losses caused by the acts of the contractor's principal or the principal's servant, officer, agent, or employees, in conducting the business registered or licensed under this chapter as follows:**

~~(a) ((The fire protection sprinkler system contractor, to be licensed as a)) Level 3 or Level "U" fire protection sprinkler system contractor, must file((s)) with the ((chief of the Washington state patrol, through the)) director ((of fire protection,)) a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of ten thousand dollars((, conditioned to compensate third party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation)); or~~

~~(b) ((The fire protection sprinkler system contractor, to be licensed for)) Level 1 and/or Level 2 systems or a contractor to be licensed as an inspection and testing contractor, must file((s)) with the ((chief of the Washington state patrol, through the)) director ((of fire protection,)) a surety bond executed by a surety company authorized to do business in the state of Washington, in the sum of six thousand dollars((, conditioned to compensate third party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this regulation)).~~

SURETY BOND REQUIREMENT CHART

Level	1	2	3	U	I&T
Building Type By NFPA Standard	NFPA 13D	NFPA 13R	NFPA 13	NFPA 24	NFPA 25
Bond Amount	\$6,000	\$6,000	\$10,000	\$10,000	\$6,000
This is a separate bond from the one obtained to license with L&I.					

(2) **Can another type of security bond be used other than the surety bond?** Yes. Upon approval by the ~~((chief of the Washington state patrol, through the)) director ((of fire protection, property or)),~~ cash or other security may substitute for a surety bond provided the value matches the appropriate level of bonding required ~~((for the level of work to be performed.))~~ under subsection (1) of this section and the following conditions are met:

(a) The value of property ~~((shall))~~ must be determined by an appraiser selected by the ~~((chief of the Washington state patrol, through the)) director ((of fire protection.))~~ and all appraisal fees ~~((shall))~~ will be paid by the fire protection sprinkler system contractor.

~~(b) The cash or other security substitute will be released one year after the expiration of the fire protection system contractor license issued by the director provided that there are no claims against the bond.~~

(3) What notice is required for cancellation of a bond? A cancellation of a surety bond or insurance policy is effective thirty days after the director receives the cancellation notice or upon the cancellation date as specified by the surety company. The cancellation notice must be sent to the director by certified or registered mail and contain the following information in the order shown:

(a) The name of the contractor, exactly as it appears on the contractor's license;

(b) The contractor's license number (as issued by the department of labor and industries);

(c) The contractor's business address;

(d) The number of the bond or insurance policy that is to be canceled; and

(e) The effective date of the bond that is to be canceled.

(4) **What happens if the bond is canceled or expires without renewal?** If the surety company cancels or revokes the bond or a withdrawal of the surety company from the bond occurs, the director will suspend both the fire protection sprinkler system contractor license issued to the contractor, and the certifications of employee(s) working for the contractor, until a new bond or reinstatement notice has been filed and approved. The director will provide written notice to both the contractor and certificate holders of the suspension action taken against them. This subsection does not apply to the certificates of commercial or residential installers under chapter 18.270 RCW.

FIRE SPRINKLER CERTIFICATE (~~OF COMPETENCY~~) HOLDER

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-083 Stamps for (~~NFPA 13D, 13R, and 13 systems~~) for certificate holders. ((+)) Certificate holders for Level 1, Level 2, Level 3, and Level U will obtain a stamp each certification year to affix on all sprinkler related documents as provided in this chapter.

(1) **Will the stamp come with my certification?** A Level 1, Level 2, Level 3, and Level U certificate holder will be provided the information necessary to order a stamp when he or she receives the certificate. The cost of the stamp and obtaining a stamp will be the responsibility of the certificate holder.

(2) **What is required on the stamp?** The stamp will conform to the following appearance specifications as set forth by the director and will contain:

(a) The name and certification number of the certificate holder;

(b) The name and license number of the certificate holder's employer;

(c) The expiration date of the current certificate; and

(d) A place for the signature of the design certificate holder and the date of the signature.

(3) **When is the stamp required to be used?** An original stamp and signature must appear in an easily recognizable manner on:

(a) Sprinkler system plans, calculations, and contractors' materials and test certificates submitted to the authority having jurisdiction (~~shall be stamped pursuant to subsection (3) of this section~~).

((2)) (b) At least one set of approved plans and calculations, containing information as specified in subsection ((3)) (1) of this section, (~~shall~~) must be maintained on the job site while the work is being performed.

((3) Stamps shall be issued by the chief of the Washington state patrol, through the director of fire protection, and shall contain the name and certification number of the design

certificate of competency holder, name and license number of the holder's employer, the expiration date of the current certificate, a place for the signature of the design certificate of competency holder and the date of the signature. On all plans the stamp shall be easily recognizable and visible.

(4) An original stamp and signature shall appear on each page of plans, on)

(c) The cover sheet of hydraulic calculations (~~and~~).

(d) On all test certificates for fire protection sprinkler systems submitted to the authority having jurisdiction.

((5)) (4) Plans and calculations for "underground only" portions of fire protection sprinkler systems submitted to the authority having jurisdiction by a ((State)) Level U licensed fire protection sprinkler contractor (~~shall~~) must be stamped by either:

(a) A licensed professional engineer registered in the state of Washington; or

(b) The appropriate level certificate (~~of competency~~) holder and the ((State)) Level U certificate (~~of competency~~) holder employed by the submitting contractor.

(5) **What are the documentation requirements for inspection and testing technicians?** Inspection and testing technicians must affix the certificate number and signature on all bids or documents related to the inspection and testing of a fire protection sprinkler system. This may be done by handwriting or digital signature.

(6) **Can documentation be provided using an electronic record?**

(a) Yes. Electronic records may be submitted provided that:

(i) The electronic record must meet the applicable requirements of chapter 18.160 RCW and this chapter.

(ii) The signature is an original "wet" signature, written by hand and applied by the identified registrant or a digital signature.

(b) The following guidelines will be used when submitting electronic records:

(i) An electronic stamp may be embedded in an electronic document as part of a template, drawing border, or cover sheet.

(ii) The certificate holder is responsible for assuring that the stamp is only applied to documents prepared by or under his or her direct supervision.

(iii) If the stamp is combined with a digital signature into a single graphic entity, then it must:

(A) Be applied by the certificate holder in conjunction with the certificate holder applying his or her digital signature to the document;

(B) Include a scanned image of a "wet" signature; and

(C) Be applied only to the final documents.

(iv) A digital signature must be applied by the certificate holder to final documents that are distributed as an electronic record to meet the requirements of this section. The certificate holder must maintain exclusive control of the passwords, private key, or security device that allows access to his or her digital signature.

(7) **What are the violations of this section?**

(a) A certificate holder altering, forging or falsifying a certification stamp in order to submit bids or documents related to fire protection sprinkler system plans, calculations,

permits or any other documents that show the stamp being valid constitutes a level 3 violation.

(b) A certificate holder using an issued stamp from a previous employing contractor while employed by another contractor will constitute a level 2 violation.

(c) A certificate holder using an issued stamp from a previous employing contractor while not currently employed by a contractor will constitute a level 3 violation.

(d) A certificate holder using an expired stamp will constitute a level 3 violation.

(e) A certificate holder stamping documents that have been forwarded to the authority having jurisdiction for approval that were not prepared by the certificate holder or an individual under their direct supervision constitutes a level 3 violation.

(f) A certificate holder failing to affix the certificate stamp or inspection testing technician's number and signature on inspection forms constitutes a level 1 violation.

(g) A certificate holder obtaining a certification stamp while not being a current and valid certificate holder constitutes a level 3 violation.

(8) **Can a fire protection sprinkler system contractor hired by a person who has obtained a building, structure, or property through a foreclosure process complete the installation using a previous licensed fire protection sprinkler system contractor's design, uncompleted installation, and permit?** No. The fire protection sprinkler system contractor must submit new plans with the certificate holder's stamp affixed and obtain a new permit from the authority having jurisdiction for work done that will be done under the fire protection sprinkler system contractor's supervision. The decision to remove piping must be done in consultation with the authority having jurisdiction. The contractor must obtain approval from the authority having jurisdiction for any portion of the fire protection sprinkler system that was not previously inspected and approved by the authority having jurisdiction.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-088 Contractor's materials and test certificates. (1) The ~~((design))~~ certificate ~~((of competency))~~ holder ~~((shall))~~ must complete the contractor's material and test certificate(s), affix his ~~((/))~~ or her certificate ~~((of competency))~~ stamp, and forward the certificate(s) to the authority having jurisdiction.

(2) Contractor's material and test certificate forms ~~((shall))~~ must be of such form as accepted or approved by the ~~((chief of the Washington state patrol, through the director of fire protection))~~ authority having jurisdiction.

(3) ~~((The authority having jurisdiction shall require an approved flow test of heads as part of the approval of NFPA 13R and NFPA 13D fire protection sprinkler systems.~~

~~((4))~~ The authority having jurisdiction and the building owner ~~((shall))~~ must retain copies of the contractor's materials and test certificate for a minimum of five years.

(4) The certificate holder will not permit his or her stamp to be used to complete the contractor's materials and test certificate(s) that were not prepared personally by the certificate

holder or under his or her direct supervision. Failure to comply with this subsection constitutes a level 2 violation.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-093 Certificate ~~((of competency))~~ holder certification ~~((for Level 1 design, Level U, Level 2, and Level 3)).~~ ~~((To become a certificate of competency holder under this regulation, an applicant must either:))~~ (1) **How do I become a certificate holder? The issuance of a certificate is dependent on employment with a licensed fire sprinkler contractor. All applications for a certificate must be submitted with the fire protection sprinkler system contractor's application. A certificate application will not be processed without the fire protection sprinkler system contractor's application. All applications must be made on the forms provided by the director and include the required fees provided in WAC 212-80-098 and documentation for the required level of certification as outlined in this section.**

(a) For ~~((State))~~ Level 1 design certification, the applicant must either:

(i) Have satisfactorily passed with a final score of eighty percent or better an examination administered by the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection, or show evidence of passing)), or present a copy of a current certificate from the National Institute for Certification in Engineering Technologies ~~((element requirements for))~~ showing that the applicant has achieved Level 2 certification in the field of water-based fire protection system layout ~~((design)); or~~~~

(ii) Be a Washington licensed professional engineer.

(b) For Level 2 design certification, the applicant must:

(i) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved a Level 2 in the field of water-based fire protection systems layout; or

(ii) Be a Washington licensed professional engineer.

(c) For Level 3 design certification, the applicant must either:

(i) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved a Level 3 in the field of water-based fire protection systems layout; or

(ii) Be a Washington licensed professional engineer.

~~((2))~~ (d) For ~~((State))~~ Level U certification, the applicant must have satisfactorily passed with a final score of eighty percent or better an examination administered by the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection)).~~

~~((3))~~ (e) For inspection and testing technician, the applicant must:

(i) Possess a National Institute for Certification and Engineering Technologies Inspection, Testing and Maintenance Level 2 or Level 3 certification; and

(ii) Not work beyond the employing contractor's licensing level regardless of qualification.

(f) For journey-level sprinkler fitter certification, the applicant must:

(i) Provide evidence to the director on the forms provided by the director of at least eight thousand hours of trade related fire protection sprinkler system experience in installation and repair. The applicant may not have more than three thousand hours of experience in residential sprinkler fitting; and

(ii) Satisfactorily pass an examination provided by the director with a final score of eighty percent.

(g) For residential sprinkler fitter certification, the applicant must:

(i) Provide evidence to the director on the forms provided by the director of at least four thousand hours of trade related fire protection sprinkler system experience in installation, repair, and maintenance; and

(ii) Satisfactorily pass an examination provided by the director with a final score of eighty percent.

(h) For journey- or residential-level sprinkler fitter training certification, the applicant must:

(i) Provide evidence to the director, on the forms provided by the director, of trade related employment by a fire protection sprinkler system contractor;

(ii) Remain employed by a contractor to maintain trainee status; and

(iii) Only engage in sprinkler trade when under the supervision of a certified journey or residential installer.

(i) Notwithstanding subsection (1)(h) of this section a professional engineer is exempt from certification when acting solely in a professional capacity. Such engineer ((shall comply with all other requirements of this regulation including payment of fees, completion of the));

(i) Must be licensed by the department of licensing;

(ii) May obtain a Level 1, Level 2, or Level 3 certificate;

(A) Is properly registered with the department of licensing;

(B) Complete the application process(;) for certification by the director;

(C) Pay fees provided by WAC 212-80-073; and ((supplying))

(D) Supply the director ((of fire protection)) with proof that the applicant holds a current, valid state of Washington registration as a professional engineer((- Upon completion of the above requirements, the engineer will be granted an equivalency certificate to that of State Level 3 design certification; or

(4) Present a copy of a current certificate from the National Institute for Certification in Engineering Technologies showing that the applicant has achieved the classification. State Level 2 certification requires a minimum certification from the National Institute for Certification in Engineering Technologies of Level 2 in the field of fire protection automatic sprinkler system layout or better. State Level 3 certification requires either Engineering Technician, Level 3 or Senior Engineering Technician, Level 4 in the field of fire protection automatic sprinkler system layout.

(5) The chief of the Washington state patrol, through the director of fire protection, may accept equivalent proof of qualification in lieu of the examination requirements).

((6)) (2) Proof of competency to the satisfaction of the ((chief of the Washington state patrol, through the)) director ((of fire protection;)) is mandatory.

((7) Every applicant for a certificate of competency shall fulfill the requirements established by the chief of the Washington state patrol, through the director of fire protection, under chapters 18.160 and 18.270 RCW.)) (3) **What exams are offered by the director?**

(a) **Level 1:** Exam offered by the state fire marshal's office based on NFPA 13D, or have a NICET Level 2 Certification in Water-Based Fire Protection Systems Layout (formerly: Automatic sprinkler systems layout).

(b) **Level 2, 3:** NICET Level 2, 3, and 4 Certification in Water-Based Fire Protection Systems Layout (formerly: Automatic sprinkler systems layout).

(c) **Level U:** Exam offered by the state fire marshal's office based on NFPA 24.

(d) **Level ITT:** NICET Level 2 Certificate in Inspection and Testing of Water-Based Systems. Regardless of qualifications, the certificate holder cannot work beyond the contractor's licensing level.

(e) **Journey fitter:** Exam offered by the state fire marshal's office based on NFPA 13, 13D, 13R, 20, 24, and 25. Provide evidence of eight thousand hours of trade related fire protection sprinkler fitting experience (not more than three thousand hours may be in residential sprinkler fitting).

(f) **Residential fitter:** Exam offered by the state fire marshal's office based on NFPA 13, 13D, 13R, 24 and 25. Provide evidence of four thousand hours of trade related commercial or residential sprinkler fitting.

Certificate of Competency Holder Requirements

<u>Certificate of Competency Level</u>	<u>Application Required</u>	<u>Certification or Exam Required</u>	<u>Stamp Issued</u>	<u>Type of work performed by Certificate Holder</u>
<u>Level 1</u>	<u>Yes</u>	<u>NICET Level 2 or Pass an Exam (See (a) of this subsection)</u>	<u>Yes</u>	<u>Designs fire sprinkler systems</u>
<u>Level 2</u>	<u>Yes</u>	<u>NICET Level 2 (See (b) of this subsection)</u>	<u>Yes</u>	<u>Designs fire sprinkler systems</u>
<u>Level 3</u>	<u>Yes</u>	<u>NICET Level 3 or 4 (See (b) of this subsection)</u>	<u>Yes</u>	<u>Designs fire sprinkler systems</u>

<u>Certificate of Competency Holder Requirements</u>				
<u>Certificate of Competency Level</u>	<u>Application Required</u>	<u>Certification or Exam Required</u>	<u>Stamp Issued</u>	<u>Type of work performed by Certificate Holder</u>
<u>Level "U"</u>	<u>Yes</u>	<u>Pass an Exam (See (c) of this subsection)</u>	<u>Yes</u>	<u>Supervises and/or performs the underground installation of fire sprinkler system piping regardless of the level it will be at the above ground connection. (i.e., Level 1, 2, or 3)</u>
<u>Inspection, Testing Technician (ITT) Employed by an Inspection & Testing Contractor</u>	<u>Yes</u>	<u>NICET Level 2 (See (d) of this subsection)</u>	<u>No</u>	<u>Performs inspection and/or testing on NFPA 13D, 13R, or 13, wet and dry pipe fire protection systems only</u>
<u>Inspection, Testing Technician (ITT) Employed by a Level 1 or 2 Contractor</u>	<u>Yes</u>	<u>NICET Level 2 (See (d) of this subsection)</u>	<u>No</u>	<u>Performs inspection, testing and maintenance on NFPA 13D, 13R, or 13, wet and dry pipe fire protection systems only</u>
<u>Inspection, Testing Technician (ITT) Employed by a Level 3 Contractor</u>	<u>Yes</u>	<u>NICET Level 2 (See (d) of this subsection)</u>	<u>No</u>	<u>Same as ITT above and includes the testing of other fire protection systems such as preaction, deluge, foam, or fire pump</u>
<u>Journey Sprinkler Fitter</u>	<u>Yes</u>	<u>Pass an Exam (See (e) of this subsection)</u>	<u>No</u>	<u>Installs and repairs NFPA 13D, 13R, or 13 fire sprinkler systems</u>
<u>Residential Sprinkler Fitter</u>	<u>Yes</u>	<u>Pass an Exam (See (f) of this subsection)</u>	<u>No</u>	<u>Installs, repairs and performs maintenance on NFPA 13D, 13R or 13 fire sprinkler systems</u>
<u>Professional Engineer (P.E.) Licensed in Washington State</u>	<u>No</u>	<u>Licensed with department of licensing</u>	<u>By DOL</u>	<u>Designs fire sprinkler systems</u>

(4) All information submitted to obtain a certificate from the director must be true and accurate. If the director finds that information or documents submitted by an applicant is false, misleading, or has been altered in an effort to meet the requirements, the finding will constitute a level 3 violation.

(5) A violation of this section that involves performing fire protection sprinkler system work:

(a) Without a license or certificate when required, or with a license or certificate that has been expired for one or more years is a level 3 violation.

(b) With a license or certificate that has been expired for more than ninety days and less than one year is a level 2 violation.

(c) With a license or certificate that has been expired less than ninety days is a level 1 violation.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-098 (~~(Applications)~~) Fees for certificate (~~(of competency)~~) holder. ~~((1) Every applicant for a certificate of competency shall apply to the chief of the Washington state patrol, through the director of fire protection, on application forms provided and pay the fees required.~~

~~(2) The chief of the Washington state patrol, through the director of fire protection, shall deny renewal of a certificate if the certificate is in revoked or suspended status.~~

~~(3))~~ There are ~~((two))~~ three separate fees ~~((including the application fee and the certification fee. The))~~ that may apply:

~~(1)~~ Application fee is fifty dollars only charged once when ((an individual)) a person makes the initial application for any of the certificates specified in this section. As long as the certificate holder maintains continuous certification, regardless of employer, the certificate holder is not required to pay a subsequent application fee.

~~((4))~~ (2) Annual certification fee is fifty dollars paid each year the certificate holder applies for certification. The annual renewal fee:

(a) Is in addition to the initial application fee paid for the initial application; and

(b) Does not apply to journey, residential, or trainee sprinkler fitter certifications.

(3) Prorated fee is the initial certification fee prorated based on the portion of the year such certification is in effect before renewal on January 1st.

(a) Prorated fees ((shall)) are allowed only ((be allowed)) for the initial certificate.

(b) Renewals or reinstatements ((shall)) will not be prorated ((The prorated amount shall be calculated using the number of months remaining in the certification cycle.

(5) Renewal timelines:

(a) Levels 1, 2 and 3 design, Level U installer, and Level ITT certificates shall be renewed annually.

(b) Journey-level fire sprinkler fitter, residential fire sprinkler fitter, or temporary fire sprinkler fitter certificates shall be renewed biannually.

(6) Certificate of competency fees for journey-level fire sprinkler fitter, residential fire sprinkler fitter, or temporary fire sprinkler fitter certificates shall be:

(a) Initial application (one time fee) \$100.00;

(b) Certification and renewal of certification \$100.00;

(c) Reinstatement of certificate (no proration permitted) \$100.00).

((7)) The prorated fees are as follows:

Annual Certificate Prorated Fees

<u>January</u>	<u>\$50</u>
<u>February</u>	<u>\$44</u>
<u>March</u>	<u>\$40</u>
<u>April</u>	<u>\$36</u>
<u>May</u>	<u>\$32</u>
<u>June</u>	<u>\$28</u>
<u>July</u>	<u>\$24</u>
<u>August</u>	<u>\$20</u>
<u>September</u>	<u>\$16</u>
<u>October</u>	<u>\$12</u>
<u>November</u>	<u>\$8</u>
<u>December</u>	<u>\$4</u>

(4) Certificate fees are nonrefundable once the certificate has been issued.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-108 Certificate ((of competency)) not transferable. (1) Is a certificate transferable to another person? No. A certificate ((of competency)) issued under this regulation is not transferable to another person.

~~((This certification))~~ **(2) Is a certificate transferable to another employer? Yes.** The certificate can ~~((, however,))~~ follow a ~~((person))~~ certificate holder to another employer provided that employer is currently licensed at the appropriate level.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-113 Certificate ((of competency)) holder employment. (1) What are the employment requirements for a certificate?

(a) In no case ((shall)) will a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time.

~~((2))~~ (b) If the certificate ((of competency)) holder should leave the employment of the fire protection sprinkler system contractor, he or she ((shall)) will notify the ((chief of the Washington state patrol, through the)) director ((of fire protection,)) within thirty days of his or her last day of employment.

~~((3))~~ Should any individual who meets the criteria to be a design certificate of competency holder as defined by this chapter and chapter 18.160 RCW wish to be certified to perform design work only, he or she may request to work as a "FOR DESIGN ONLY" certificate of competency holder. This certification can also be utilized to maintain state certification, as in the case of the State Level U certification.) **(2) Are there any exceptions to the employment requirements for a certificate holder? Yes.** The following exceptions may apply:

(a) Any current certificate holder for the license and certification year who is no longer employed by a licensed fire protection sprinkler system contractor will become "INACTIVE," unless he or she is a journey, residential or trainee sprinkler fitter. An "INACTIVE" certificate will:

(i) Not be issued a physical certificate;

(ii) Not allow the certificate holder to perform any work in the fire protection sprinkler system trade as a certificate holder, until the certificate holder is employed by a licensed fire protection sprinkler system contractor licensed by the director. When an "INACTIVE" certificate holder is employed by a licensed contractor he or she will be issued a new certificate;

(iii) Expire at the end of the current licensing and certification cycle and cannot be renewed as "INACTIVE."

(b) The "QUALIFIED EXEMPT" certification allows persons who are considered exempt from the licensing or certification requirements of chapters 18.160 RCW and 212-80 WAC and not currently working for a fire protection sprinkler system contractor, to obtain evidence of qualification while working for an employer who requires a knowledge and skill base of fire protection sprinkler systems.

(i) A "QUALIFIED EXEMPT" certificate:

(A) Will not be used for work under contract.

(B) May be issued to:

(I) An employee of the United States, state or local government, building officials, fire marshals, fire inspectors, or insurance inspectors when acting in their official capacities.

(II) A person who performs maintenance or other duties for an employer, and performs work on only his or her employer's fire protection sprinkler system.

(III) A person who works for an industry ancillary to the fire protection sprinkler system contracting trade that is regulated by chapter 18.160 RCW.

(ii) A "QUALIFIED EXEMPT" certificate holder will:

(A) Bear "QUALIFIED EXEMPT" on the certificate and list on the internet and the person's level of certification.

(B) Be issued a physical certificate.

(C) Not be issued a stamp.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-118 Certificate ((of competency)) renewals. (1) ((Level 1, 2, 3, U, or I.T.)) **When are certificates required to be renewed?**

(a) A certificate ((of competency holders who desire to maintain a current certificate shall, prior to)) must be renewed by January 1st of each calendar year((, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fee as prescribed by the chief of the Washington state patrol, through the director of fire protection)).

((2) Journeyman fitter)) (b) Certificates for journey and residential fitters ((certificate of competency holders, and trainees who desire to maintain a current certificate shall, prior to)) must be renewed by January 1st of every ((other)) even-numbered year((, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fee as prescribed by the chief of the Washington state patrol, through the director of fire protection. Applications for renewal shall not be made more than ninety days prior to the expiration date of the certificate.

(a) Trainees applying for a journeyman fitter certificate of competency shall provide an affidavit showing a minimum of eight thousand hours in fire protection sprinkler fitting experience on a form prescribed by the director of fire protection.

(b) Trainees applying for a residential fire sprinkler fitter certificate of competency shall provide an affidavit showing four thousand hours in fire protection sprinkler fitting experience in residential fitting on a form prescribed by the director of fire protection.

(3) Application for renewal forms shall be provided by the chief of the Washington state patrol, through the director of fire protection, upon request, and the certificate holder or trainee shall furnish the information required by the chief of the Washington state patrol, through the director of fire protection.

(4) The chief of the Washington state patrol, through the director of fire protection, may suspend the Level 1, 2, 3, or

I.T. certificate of competency for failure to apply for a renewal certificate of competency within sixty days after the expiration date.

(5) The chief of the Washington state patrol, through the director of fire protection, may upon the receipt of payment of all delinquent fees and a late charge, restore a Level 1, 2, 3, U, or I.T. certificate of competency that had been suspended.

(6) Journeyman sprinkler fitter and residential sprinkler fitter certificate of competency holders, and trainees who desire to maintain a current certificate shall, prior to January 1 of every other year, apply for renewal to the chief of the Washington state patrol, through the director of fire protection, on the appropriate form along with the required fee as prescribed by the chief of the Washington state patrol, through the director of fire protection.

(7)). A sprinkler fitter certificate holder will be sent a renewal form by the director to renew the certificate.

(c) Certificates for sprinkler fitter trainees must be renewed by January 1st of every even-numbered year.

(i) Trainees who have a current certification will be sent a renewal form by the director to renew their certificate.

(ii) The certificate will not be renewed if the trainee is not currently employed by a licensed fire protection sprinkler system contractor.

(d) Failure of a trainee, ((journeyman sprinkler fitter)) journey, or residential sprinkler fitter ((certificate of competency holder,)) to renew ((their)) his or her certificate ((before its expiration date of December 31 of every other year, shall)) will result in ((the applicant)) him or her having to:

((a)) (i) File a new application with the ((chief of the Washington state patrol, through the)) director ((of fire protection,)) on a form provided by the director((-

(b) Pay an examination fee to the chief of the Washington state patrol, through the director of fire protection.

(e)); and

(ii) Successfully pass the written examination required by this chapter.

(2) What happens if the certificate holder does not renew his or her application by the expiration date? Failure of a certificate holder to renew their certificate by the expiration date will constitute a break in certification. For certificates that are expired for:

(a) Less than two consecutive calendar years, renewal can be accomplished by submitting a renewal application provided by the director and applicable fees.

(b) Two or more calendar years, a new application with evidence of qualification and applicable fees will be required for a new certification.

(3) Are there reasons why the director would not renew a certificate? Yes. The director will not renew a certificate if:

(a) The certificate holder is employed by a fire protection sprinkler system contractor who has not submitted for a renewal of their license; or

(b) The certificate is in a revoked or suspended status.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-123 Voluntary relinquishment of certificates ~~((of competency)).~~ (1) A certificate ~~((of competency))~~ holder ~~((or trainee,))~~ may voluntarily relinquish his or her certificate ~~((of competency))~~ to the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection. This includes temporary design certificate of competencies that have not been in effect for more than three consecutive and/or accumulative years)).~~

(2) The relinquishment is effective when the certificate is received by the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection)).~~

(3) After relinquishing the certificate ~~((of competency))~~, he or she ~~((shall))~~ will not be known as a certificate ~~((of competency))~~ holder or trainee and ~~((shall))~~ will desist from the practice thereof.

(4) Within two years from the time of relinquishment of the certificate ~~((of competency))~~, he or she may again qualify for a certificate ~~((of competency))~~, with the approval of the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ by submission of a renewal application and the payment of the required fee.

(5) If two or more years have elapsed, he or she ~~((shall))~~ will return to the status of a new applicant.

~~((FIRE PROTECTION SYSTEMS INSPECTION AND TESTING CONTRACTOR))~~

~~((INSPECTION AND TESTING TECHNICIAN))~~

AMENDATORY SECTION (Amending WSR 05-17-099, filed 8/16/05, effective 9/16/05)

WAC 212-80-165 ~~((Inspection and testing of water based fire protection systems.))~~ Certificate holder requirements and limitations. ~~((1) All inspection and testing certificates, documentation, and/or other such records of work shall have affixed to them the inspection and testing technician number as provided by the chief of the Washington state patrol, through the director of fire protection, and shall possess the signature of the inspection and testing technician and the date of signature.~~

~~((2) Under no condition shall any employee working for a sprinkler system inspection and testing contractor perform any inspection and testing work on a water based fire protection system unless they possess certification as a competent inspection and testing technician by the chief of the Washington state patrol, through the director of fire protection.~~

~~((3) Wallet cards shall be issued by the chief of the Washington state patrol, through the director of fire protection, and shall contain the name and technician number of the inspection and testing technician, the expiration date of the current certification, a place for the signature of the inspection and testing technician, and the date of the signature.~~

~~((4) An original signature shall appear on each page of documentation for all inspection and testing certificates for water based fire protection sprinkler systems conducted by the inspection and testing technician.))~~ (1) **Who is issued a wallet card?** The director issues a wallet card to a person

issued a certificate. The card will be kept by the certificate holder. The certificate holder must make the card available for review at any time.

(2) **Can the authority having jurisdiction or the director inspect the wallet cards?** Yes. The local authority having jurisdiction or director may request the wallet card of any certificate holder. Failure to display a wallet card upon request constitutes a level 1 violation.

~~((REVOCATION OF LICENSE/CERTIFICATE))~~
ENFORCEMENT AND COMPLIANCE

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-205 Suspension or revocation of licenses or certificates. (1) **Who can suspend or revoke a license or certificate?** The ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ may refuse to issue or renew or may suspend or revoke the privilege of a certificate ~~((of competency))~~ holder ~~((as defined in RCW 18.160.101(1) or chapter 18.270 RCW)),~~ or a licensed or unlicensed fire protection sprinkler system contractor to engage in the fire protection sprinkler system business ~~((or)).~~ The director may establish penalties ((as prescribed by Washington state law for any of the following reasons:)) against a person who violates any provisions of chapter 18.160 or 18.270 RCW or the provision of this chapter while they are engaged in the design, installation, inspection, testing, maintenance, or repair, of a fire sprinkler system or any part of such system.

(2) **What business practices can result in suspension, revocation or civil penalties against a fire protection sprinkler system contractor licensee or certificate holder?**

(a) Gross incompetence ~~((or))~~ – The licensed fire protection sprinkler system contractor and/or certificate holder demonstrated he or she does not have the qualifications or ability to perform at the level of license or certificate required to contract or offer to bid on the design, installation, inspection, testing, maintenance, or repair, of a fire protection sprinkler system or any part of such system. For the purpose of this subsection, qualifications means that the person did not possess or has not possessed a valid certificate to the level required for the work performed.

(b) Gross negligence – The licensed fire protection sprinkler system contractor or certificate holder has demonstrated a habitual failure in the preparation of layout drawings, installation, repair, alteration, testing, maintenance, inspection, or addition to fire protection sprinkler systems~~((or~~

~~((conviction of a felony.))~~ in accordance with plans, specifications, building codes or the publications of the National Fire Protection Association. For the purpose of this subsection, "habitual failure" means that the person has over a period of time committed five violations of chapters 18.160, 18.270 RCW, or this chapter in separate offenses, or has failed to design or install sprinkler systems in accordance with plans, specifications, building codes, or the publications of the National Fire Protection Association.

(i) Violations for gross negligence will be identified and enforced by the authority having jurisdiction that must:

(A) Show a pattern of performance issues or repetitive violations of chapters 18.160, 18.270 RCW, or this chapter to the director;

(B) Demonstrate that the pattern of performance issues or repetitive violations have occurred in any jurisdiction within the state of Washington beginning no more than five years from the date the authority having jurisdiction's investigation commences; and

(C) Provide documentation to show the licensed fire protection sprinkler system contractor or certificate holder's gross negligence including, but not limited to:

(I) Correspondence between the licensed fire protection sprinkler system contractor or certificate holder and the local authority having jurisdiction that identifies violations of work are not complying with the applicable standards;

(II) Failed permit or work inspections;

(III) Issued stop work order;

(IV) Investigations resulting from a complaint;

(V) Violation notices; or

(VI) Issued citations or infractions.

(c) ~~(Fraudulent or)~~ Dishonest practices ~~(while engaging in the)~~ - The licensed fire protection sprinkler system contractor or the certificate holder will not engage in dishonest fire protection sprinkler systems business practices that include, but are not limited to:

(i) Charging customers for work not performed. When a licensee is suspended, revoked, or denied as part of a complaint investigation where the licensed contractor or certificate holder received payment for supplies or work not performed and did not return the funds to the person contracting for the service, the director may upon receipt of a renewal application require that restitution be made as a condition to renew the license.

(ii) Receiving down payments on work that the licensed fire protection sprinkler system contractor or the certificate holder is not licensed or certified to perform.

(iii) Implying either verbally or in writing that either the licensed fire protection sprinkler system contractor or the certificate holder possesses the appropriate license or certificate to bid on or complete fire sprinkler work when he or she does not have that fire protection sprinkler system contractor license or certification level.

(iv) Performing certification, installation, inspection, testing or maintenance for a water based fire protection sprinkler system or equipment contrary to the National Fire Protection Association codes, National Fire Protection Association standards, or manufacturer's specifications.

(v) Performing certification, installation, inspection, testing, or maintenance for a water based fire protection sprinkler system or equipment beyond that which the contractor is licensed or certificate holder is certified, regardless of whether or not the work done was in compliance with the National Fire Protection Association codes, National Fire Protection Association standards, or manufacturer's specifications.

(d) ~~(Use of false evidence or misrepresentation in an application for a certificate of competency.~~

(e)) ~~Actions showing an indifference to compliance with the fire protection sprinkler system business practices that include, but are not limited to:~~

(i) Offering to contract for fire protection sprinkler system work without currently employing a certificate holder.

(ii) Requiring or allowing employees to falsify any sprinkler tags, labels, or inspection reports.

(iii) Permitting ~~(his or her)~~ or requiring a certificate holder to ~~(be used)~~ use his or her certificate in connection with the preparation of any ~~(layout)~~ technical drawings ~~(; installation, testing, maintenance, inspection, or certification of any system when such activity is not)~~ that have not been prepared by him or her personally or under his or her direct supervision, or in violation of this ~~(regulation)~~ chapter.

~~((f) Knowingly violating any provisions of this regulation or chapters 18.160 or 18.270 RCW.~~

(2) The chief of the Washington state patrol, through the director of fire protection, shall revoke the certificate of a certificate of competency holder, trainee, or a state certified fire sprinkler inspection and testing technician who engages in the fire protection sprinkler system business while the certificate of competency or trainee certificate is suspended.) (e) Any violation of this section constitutes a level 3 violation.

(3) Will a contractor or certificate holder be notified if action is taken against their license or certification? Yes. The contractor or certificate holder will be notified in writing of the suspension or revocation.

(4) If I receive a notification that action has been taken against my license or certification, how is this resolved? Any person who is aggrieved by the director having denied, suspended, or revoked the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate holder to engage in fire protection sprinkler system business, may request a formal hearing as outlined under WAC 212-80-240 to contest the action of the director against his or her license or certification within thirty days of receipt of the written notification of suspension or revocation.

(5) What are the penalties associated with a violation of this section?

(a) Any person engaged in the trade of designing, installing, inspecting, testing, performing maintenance, or repair of a fire protection sprinkler systems or any part of such system while his or her license or certificate is denied, suspended, or revoked will be issued a level 3 violation.

(b) Any licensed or unlicensed fire protection sprinkler system contractor that allows an employee or trainee to engage in the trade designing, installing, inspecting, testing, performing maintenance, or repair on a fire protection sprinkler system or any part of such a system while his or her license or certificate has been denied, suspended, or revoked will be issued a level three violation.

((CIVIL PENALTIES AND FINES))

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-210 Imposing citations and civil penalties. (1) Who can issue civil penalties or citations? The ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ may impose civil penalties ~~((and/))~~ or fines to any licensed company or ~~((certified individual))~~ certificate holder who violates any provision of chapters 18.160,

18.270 RCW, or this chapter. Moreover, the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ may impose the civil penalties ~~((and/))~~ or fines listed herein to any unlicensed company or uncertified ~~((individual))~~ person who operates in the state of Washington as a licensed fire protection sprinkler system company ~~((and/or certified individual))~~ or certificate holder. All violations will be recorded on forms provided by the director.

(2) When can civil penalties or citations be issued? A citation will only be issued as a result of an investigation that verifies the fire protection sprinkler system contractor or certificate holder was not in compliance with or otherwise in violation of chapters 18.160, 18.270 RCW, or this chapter.

(3) What is a violation? A violation is an action by a person who, regardless of their licensing and/or certification status with the director, engages in the design, installation, inspection, testing, maintenance, or repair of a fire protection sprinkler system or any part of such a system, and fails to fol-

low the provisions provided in chapters 18.160 and 18.270 RCW, or this chapter.

(4) Is there a statute of limitations on a violation? Violations may be assessed within a five-year period.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-215 Citations and penalties. (1) ~~((These rules establish the basis and process by which the citations and penalties will be determined and issued for violations of chapters 18.160, 18.270 RCW, and/or chapter 212-80 WAC-~~

~~((2)))~~ **What citation or penalties may be issued by the director for violations?** The director may at his or her discretion issue either a monetary penalty or take an action against a license or certificate depending on the severity of the violation(s) evidenced in the investigation. Each violation is classified and penalties assessed according to the violation type ~~((and instance as defined by this chapter.))~~ as provided in the chart below:

<u>Violation Level</u>	<u>Monetary Penalty Issued</u>	<u>Action Taken Against License and/or Certificate</u>
1	Warning to \$200	<u>License:</u> No action
		<u>Certificate:</u> No action
2	\$100 to \$500	<u>License:</u> Suspended immediately for remainder of the license year or thirty calendar days, whichever is longer.
		<u>Certificate:</u> Suspended immediately for remainder of the license year or thirty calendar days, whichever is longer.
		<u>Certificate:</u> If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.
3	\$500 to \$5,000	<u>License:</u> Suspended immediately for remainder of the license year or ninety calendar days, whichever is longer.
		<u>Certificate:</u> Suspended immediately for remainder of the license year or ninety calendar days, whichever is longer.
		<u>Certificate:</u> If individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.

(2) What action can be taken against a licensed fire protection sprinkler system contractor or certificate holder for repeat violations? If a licensed contractor or certificate holder has incurred multiple findings of the same violation over a period of time, the director may classify the licensed fire protection sprinkler system contractor or certificate holder as a habitual offender and issue either an increased monetary penalty or action against a license or certificate depending on the severity of the violation(s) evidenced in multiple investigations as provided in the chart below:

<u>Violation Level</u>	<u>Monetary Penalty Issued</u>	<u>Violation Level and Action Taken Against License and/or Certificate</u>
1	\$100 to \$500	Evidence of three or more level 1 violations without compliance over a period of two calendar years constitutes an increase to a level 2 violation.
2	\$500 per violation	Evidence of three or more level 2 violations without compliance over a period of two calendar years constitutes an increase to a level 3 violation. License: Suspended immediately for remainder of the license year or sixty calendar days, whichever is longer. Certificate: Suspended immediately for remainder of the license year or sixty calendar days, whichever is longer. Certificate: If individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.
3	\$2,500 per violation	Evidence of two to five violations without compliance over a period of three calendar years constitutes an increase to a level 3 violation. License: Suspended immediately for remainder of the license year or one hundred eighty calendar days, whichever is longer. Certificate: Suspended immediately for remainder of the license year or one hundred eighty calendar days, whichever is longer. Certificate: If individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.
	\$5,000 per violation	Evidence of six violations without compliance over a period of three calendar years constitutes an increase to a level 3 violation. License: Suspended immediately for the remainder of the license year and subsequent license year. Certificate: Suspended immediately for the remainder of the certificate year and subsequent certificate year. Certificate: If individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.

(3) If I receive a violation notice imposing a civil penalty, how do I resolve the civil penalty?

(a) Pay the penalty by returning the notice and payment to the director at State Fire Marshal's Office, P.O. Box 42600, Olympia, WA 98504-2600 within thirty days from the date the penalty was issued. Payments must be made by check or money order payable to the Washington state patrol.

(b) Request an informal conference as outlined in WAC 212-80-235.

(c) Request a formal hearing as outlined in WAC 212-80-240.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-235 Informal conference. (1) The ((chief of the Washington state patrol, through the)) director ((of fire protection,)) will provide an opportunity for ((a)) any person to informally discuss a civil penalty that has been assessed against them.

(2) An informal conference may be requested prior to a request for a formal hearing. However, it ((shall)) will not exceed nor extend ((their)) the thirty-day timeline allotted for the request of a formal hearing - Regardless of the outcome.

(3) The request for an informal hearing may be in any form and:

(a) ~~((Shall))~~ Must be addressed to the ~~((chief of the Washington state patrol, through the director of fire protection))~~ mitigation officer;

(b) Be received no more than thirty days from the issue date of the civil penalty; and

~~((b))~~ (c) Clearly state the subject to be discussed.

(4) ~~((As a result of an informal conference, the chief of the Washington state patrol, through))~~ Depending on the availability and time constraints of the person making the request and the hearings officer, the informal conference may be done though a personal meeting or conference call depending on the availability of the parties and the available technology.

(5) The director ~~((of fire protection,))~~ may for good cause choose to amend, withdraw, or reduce the civil penalty as a result of an informal conference.

AMENDATORY SECTION (Amending WSR 05-05-006, filed 2/4/05, effective 3/7/05)

WAC 212-80-240 Formal hearing. (1) ~~((A))~~ Any person may request a formal hearing to appeal the suspension or revocation of a license or certificate, or a civil penalty issued under this chapter at any time before or after the request of an informal conference, as long as the thirty day period ~~((alotted))~~ from the date of issue listed on the citation has not elapsed. If requesting a formal hearing by mail, the request must be post marked by midnight on the day the response is due.

(2) The ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ will arrange for a hearings officer to conduct the formal hearing((-

(3) The chief of the Washington state patrol, through the director of fire protection, will set a date, time, and location for the formal hearing.

(4) The chief of the Washington state patrol, through the director of fire protection,)) and will notify by letter the person requesting the hearing (or their designated representative) of the date, time, location, and hearings officer conducting the formal hearing.

~~((5))~~ (3) The hearings officer will hear the case and, within ninety days of the hearing, render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapters 34.05 RCW and 10.08 WAC.

~~((6))~~ (4) The formal hearing ~~((shall))~~ will be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person who requested the hearing to be represented by legal ~~((council))~~ counsel.

(c) An official record ~~((shall))~~ will be made through a scribe.

(d) Testimony ~~((shall))~~ will be taken under oath.

(e) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(f) Hearsay evidence is admissible if it meets the statutory standards for being reliable and trustworthy.

(g) A proposed opinion and order will be provided.

~~((7))~~ (5) The proposed opinion and order shall be reviewed by the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ and if accepted be finalized and issued as a final order.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-245 Penalty adjustments. (1) Can a penalty be adjusted without an informal or formal hearing? The assessment of adjustment of penalties for amounts other than those set by chapter~~((s))~~ 18.160 or 18.270 RCW ~~((shall))~~ will be done only by the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ through a hearings process either formally or informally.

(2) What factors are considered for assessing penalties? The assessment of penalties for not being in conformance with chapters 18.160 ~~((or))~~ 18.270 RCW ~~((and/or chapter 212-80 WAC))~~, or this chapter may be made only after considering:

(a) The gravity and magnitude of the violation.

(b) The person's previous record.

(c) Such other considerations as the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ may consider appropriate.

~~((3))~~ During a formal hearing or informal conference, the chief of the Washington state patrol, through the director of fire protection, may modify or adjust the citation, cited violations, and/or penalties assessed in order to meet the requirements of these rules and to ensure) (d) The uniformity and consistency in ~~((their))~~ the application of violations or penalties statewide.

AMENDATORY SECTION (Amending WSR 09-01-114, filed 12/19/08, effective 1/19/09)

WAC 212-80-250 Payment of civil penalty. (1) How can payments be made? The penalty ~~((shall))~~ must be paid to the ~~((chief of the Washington state patrol, through the))~~ director ~~((of fire protection,))~~ within ~~((twenty eight))~~ thirty days after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) Can payments in installments be made to resolve civil penalties? A request can be made through an informal or formal conference to make installment payments on a civil penalty. If the mitigation officer authorizes installment payments during an informal or formal hearing, the payment plan will be developed and agreed upon at that time. Failure to follow through with the payment plan will void the agreement and the remaining balance must be paid by the next business day.

(3) What happens if I fail to pay the civil penalty? If the licensed fire protection sprinkler system contractor or certificate holder fails to pay the full penalty or comply with the payment plan as provided in subsection (2) of this section:

(a) The license or certificate of competency will be revoked for the remainder of the current license or certificate year and will not be reinstated or renewed until the penalty is paid in full.

(b) The attorney general may bring an action in the name of the ~~((chief of the Washington state patrol, through the))~~

director ((of fire protection)) in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 18.160 or 18.270 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 212-80-020	Right of appeal.
WAC 212-80-028	License and certificate posting.
WAC 212-80-043	Qualifications for preparation of layout drawings, installations, inspections, testing, or maintenance.
WAC 212-80-096	Certificate of competency certification for journey-level sprinkler fitter, residential sprinkler fitter, and trainees.
WAC 212-80-103	Temporary design certificate of competency.
WAC 212-80-128	Certificate of competency prorated fees.
WAC 212-80-133	Sprinkler system inspection and testing contractor.
WAC 212-80-138	Sprinkler system inspection and testing contractor—Work allowed by this license.
WAC 212-80-140	Inspection and testing license not transferable.
WAC 212-80-145	Sprinkler system inspection and testing contractor responsibilities.
WAC 212-80-150	Inspection and testing contractor license renewals.
WAC 212-80-155	Sprinkler system inspection and testing contractor—Prorated fees.
WAC 212-80-160	Sprinkler system inspection and testing contractor—Surety bonds.
WAC 212-80-170	Inspection and testing technicians—Work allowed by this certification.
WAC 212-80-175	Inspection and testing technician—Certification.
WAC 212-80-180	Application/fees for inspection and testing technician certification.
WAC 212-80-185	Inspection and testing technician certification not transferable.
WAC 212-80-188	Inspection and testing technician employment.
WAC 212-80-190	Inspection and testing technician renewal certificates.
WAC 212-80-195	Inspection and testing technician—Prorated fees.

WAC 212-80-200	Suspension or revocation of licenses.
WAC 212-80-220	General rules of citations and penalties.
WAC 212-80-225	Violation types, instances, and penalty assessments.
WAC 212-80-230	Hearings.
WAC 212-80-255	Type I (minimal) violations.
WAC 212-80-260	Type II (moderate) violations.
WAC 212-80-265	Type III (serious) violations.

WSR 13-21-143

PROPOSED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-17—Filed October 23, 2013, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-15-166.

Title of Rule and Other Identifying Information: Annuity mortality table.

Hearing Location(s): Office of the Insurance Commissioner, Training Room (TR 120), 5000 Capitol Way South, Tumwater, WA 98504, on November 26, 2013, at 9:30 a.m.

Date of Intended Adoption: December 2013.

Submit Written Comments to: Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109, by November 25, 2013.

Assistance for Persons with Disabilities: Contact Lori [Lorie] Villaflores by November 25, 2013, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The National Association of Insurance Commissioners adopted a new annuity mortality table for use in stating annuity reserves. These proposed rules incorporate those changes into WAC 284-74-020.

Reasons Supporting Proposal: This new table gives a better statement of annuity reserves by improving annuity reserve accuracy.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: Chapter 48.74 RCW.

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

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

Name of Agency Personnel Responsible for Drafting: Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7041; Implementation: Jim Odiorne, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7106; and Enforcement: AnnaLisa Gellerman, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None of the affected

domestic companies are small businesses as defined in RCW 19.85.020(3).

A cost-benefit analysis is not required under RCW 34.05.328. The proposed amendment to WAC 284-74-020 would add a new mortality table that has already been adopted by the National Association of Insurance Commissioners to the mortality tables to be used under the provisions of RCW 48.74.030 (2)(c). Because this proposed amendment to WAC 284-74-020 meets the conditions of RCW 34.05.328 (5)(b)(iii) "rules adopting or incorporating by reference without material change ... as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule," this proposed rule does not require a cost-benefit analysis.

October 23, 2013
 Mike Kreidler
 Insurance Commissioner

AMENDATORY SECTION (Amending WSR 98-05-069, filed 2/17/98, effective 3/20/98)

WAC 284-74-020 Annuity 2000 and 1994 GAR tables. The purpose of this section is to recognize the following mortality tables for use in determining the minimum standard of valuation for annuity and pure endowment contracts: The annuity 2000 mortality table, the 2012 individual annuity reserving (2012 IAR) table, and the 1994 group annuity reserving (1994 GAR) table.

(1) The following definitions apply to this section:

(a) "Period table" means a table of mortality rates applicable to a given year (the period).

(b) "Generational mortality table" means a mortality table containing a set of mortality rates that decreases for a given age from one year to the next based on a combination of a period table and a projection scale containing rates of mortality improvement.

(2) This section does not apply to an individual annuity or pure endowment contract, if the contract is based on life contingencies and is issued to fund periodic benefits arising from:

- (a) Settlements of various forms of claims pertaining to court settlements or out of court settlements from tort actions;
- (b) Settlements involving similar actions such as worker's compensation claims; or
- (c) Settlements of long term disability claims where a temporary or life annuity has been used in lieu of continuing disability payments.

~~((2))~~ (3) The annuity 2000 mortality table, which was developed by the society of actuaries committee on life insurance research and adopted as a recognized mortality table for annuities in December 1996 by the National Association of Insurance Commissioners (NAIC), and which is set forth in *Transactions, Society of Actuaries*, Vol. XLVII (1995), p. 240, is recognized and approved as an individual annuity mortality table for valuation and shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after April 1, 1998. At the option of the company, the annuity 2000 mortality table may be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1998.

~~((3))~~ (4) The 2012 IAR table, which was developed by the society of actuaries committee on life insurance research and containing rates, q_x^{2012+n} , is the generational mortality table derived from a combination of the 2012 IAM period table and projection scale G2 and must be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 2015.

(5) In using the 2012 IAR table, the mortality rate for a person age x in year (2012 + n) is calculated as follows:

$$q_x^{2012+n} = q_x^{2012} (1 - G2_x)^n$$

The resulting q_x^{2012+n} shall be rounded to three decimal places per 1,000 e.g., 0.741 deaths per 1,000. Also, the rounding shall occur according to the formula above, starting at the 2012 period table rate.

(6) The 2012 individual annuity mortality period life (2012 IAM period) table, developed by the society of actuaries committee on life insurance research, shown below, contains loaded mortality rates for calendar year 2012. The table contains rates $q_x \cdot 2012$.

2012 IAM Period Table
Female, Age Nearest Birthday

<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>
0	<u>1.621</u>	30	<u>0.300</u>	60	<u>3.460</u>	90	<u>88.377</u>
1	<u>0.405</u>	31	<u>0.321</u>	61	<u>3.916</u>	91	<u>97.491</u>
2	<u>0.259</u>	32	<u>0.338</u>	62	<u>4.409</u>	92	<u>107.269</u>
3	<u>0.179</u>	33	<u>0.351</u>	63	<u>4.933</u>	93	<u>118.201</u>
4	<u>0.137</u>	34	<u>0.365</u>	64	<u>5.507</u>	94	<u>130.969</u>
5	<u>0.125</u>	35	<u>0.381</u>	65	<u>6.146</u>	95	<u>146.449</u>
6	<u>0.117</u>	36	<u>0.402</u>	66	<u>6.551</u>	96	<u>163.908</u>
7	<u>0.110</u>	37	<u>0.429</u>	67	<u>7.039</u>	97	<u>179.695</u>
8	<u>0.095</u>	38	<u>0.463</u>	68	<u>7.628</u>	98	<u>196.151</u>

<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>
<u>9</u>	<u>0.088</u>	<u>39</u>	<u>0.504</u>	<u>69</u>	<u>8.311</u>	<u>99</u>	<u>213.150</u>
<u>10</u>	<u>0.085</u>	<u>40</u>	<u>0.552</u>	<u>70</u>	<u>9.074</u>	<u>100</u>	<u>230.722</u>
<u>11</u>	<u>0.086</u>	<u>41</u>	<u>0.600</u>	<u>71</u>	<u>9.910</u>	<u>101</u>	<u>251.505</u>
<u>12</u>	<u>0.094</u>	<u>42</u>	<u>0.650</u>	<u>72</u>	<u>10.827</u>	<u>102</u>	<u>273.007</u>
<u>13</u>	<u>0.108</u>	<u>43</u>	<u>0.697</u>	<u>73</u>	<u>11.839</u>	<u>103</u>	<u>295.086</u>
<u>14</u>	<u>0.131</u>	<u>44</u>	<u>0.740</u>	<u>74</u>	<u>12.974</u>	<u>104</u>	<u>317.591</u>
<u>15</u>	<u>0.156</u>	<u>45</u>	<u>0.780</u>	<u>75</u>	<u>14.282</u>	<u>105</u>	<u>340.362</u>
<u>16</u>	<u>0.179</u>	<u>46</u>	<u>0.825</u>	<u>76</u>	<u>15.799</u>	<u>106</u>	<u>362.371</u>
<u>17</u>	<u>0.198</u>	<u>47</u>	<u>0.885</u>	<u>77</u>	<u>17.550</u>	<u>107</u>	<u>384.113</u>
<u>18</u>	<u>0.211</u>	<u>48</u>	<u>0.964</u>	<u>78</u>	<u>19.582</u>	<u>108</u>	<u>400.000</u>
<u>19</u>	<u>0.221</u>	<u>49</u>	<u>1.051</u>	<u>79</u>	<u>21.970</u>	<u>109</u>	<u>400.000</u>
<u>20</u>	<u>0.228</u>	<u>50</u>	<u>1.161</u>	<u>80</u>	<u>24.821</u>	<u>110</u>	<u>400.000</u>
<u>21</u>	<u>0.234</u>	<u>51</u>	<u>1.308</u>	<u>81</u>	<u>28.351</u>	<u>111</u>	<u>400.000</u>
<u>22</u>	<u>0.240</u>	<u>52</u>	<u>1.460</u>	<u>82</u>	<u>32.509</u>	<u>112</u>	<u>400.000</u>
<u>23</u>	<u>0.245</u>	<u>53</u>	<u>1.613</u>	<u>83</u>	<u>37.329</u>	<u>113</u>	<u>400.000</u>
<u>24</u>	<u>0.247</u>	<u>54</u>	<u>1.774</u>	<u>84</u>	<u>42.830</u>	<u>114</u>	<u>400.000</u>
<u>25</u>	<u>0.250</u>	<u>55</u>	<u>1.950</u>	<u>85</u>	<u>48.997</u>	<u>115</u>	<u>400.000</u>
<u>26</u>	<u>0.256</u>	<u>56</u>	<u>2.154</u>	<u>86</u>	<u>55.774</u>	<u>116</u>	<u>400.000</u>
<u>27</u>	<u>0.261</u>	<u>57</u>	<u>2.399</u>	<u>87</u>	<u>63.140</u>	<u>117</u>	<u>400.000</u>
<u>28</u>	<u>0.270</u>	<u>58</u>	<u>2.700</u>	<u>88</u>	<u>71.066</u>	<u>118</u>	<u>400.000</u>
<u>29</u>	<u>0.281</u>	<u>59</u>	<u>3.054</u>	<u>89</u>	<u>79.502</u>	<u>119</u>	<u>400.000</u>
						<u>120</u>	<u>1000.000</u>

APPENDIX II
2012 IAM Period Table
Male, Age Nearest Birthday

<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>	<u>AGE</u>	<u>1000 · q_x^{2012}</u>
<u>0</u>	<u>1.605</u>	<u>30</u>	<u>0.741</u>	<u>60</u>	<u>5.096</u>	<u>90</u>	<u>109.993</u>
<u>1</u>	<u>0.401</u>	<u>31</u>	<u>0.751</u>	<u>61</u>	<u>5.614</u>	<u>91</u>	<u>123.119</u>
<u>2</u>	<u>0.275</u>	<u>32</u>	<u>0.754</u>	<u>62</u>	<u>6.169</u>	<u>92</u>	<u>137.168</u>
<u>3</u>	<u>0.229</u>	<u>33</u>	<u>0.756</u>	<u>63</u>	<u>6.759</u>	<u>93</u>	<u>152.171</u>
<u>4</u>	<u>0.174</u>	<u>34</u>	<u>0.756</u>	<u>64</u>	<u>7.398</u>	<u>94</u>	<u>168.194</u>
<u>5</u>	<u>0.168</u>	<u>35</u>	<u>0.756</u>	<u>65</u>	<u>8.106</u>	<u>95</u>	<u>185.260</u>
<u>6</u>	<u>0.165</u>	<u>36</u>	<u>0.756</u>	<u>66</u>	<u>8.548</u>	<u>96</u>	<u>197.322</u>
<u>7</u>	<u>0.159</u>	<u>37</u>	<u>0.756</u>	<u>67</u>	<u>9.076</u>	<u>97</u>	<u>214.751</u>
<u>8</u>	<u>0.143</u>	<u>38</u>	<u>0.756</u>	<u>68</u>	<u>9.708</u>	<u>98</u>	<u>232.507</u>
<u>9</u>	<u>0.129</u>	<u>39</u>	<u>0.800</u>	<u>69</u>	<u>10.463</u>	<u>99</u>	<u>250.397</u>
<u>10</u>	<u>0.113</u>	<u>40</u>	<u>0.859</u>	<u>70</u>	<u>11.357</u>	<u>100</u>	<u>268.607</u>
<u>11</u>	<u>0.111</u>	<u>41</u>	<u>0.926</u>	<u>71</u>	<u>12.418</u>	<u>101</u>	<u>290.016</u>
<u>12</u>	<u>0.132</u>	<u>42</u>	<u>0.999</u>	<u>72</u>	<u>13.675</u>	<u>102</u>	<u>311.849</u>
<u>13</u>	<u>0.169</u>	<u>43</u>	<u>1.069</u>	<u>73</u>	<u>15.150</u>	<u>103</u>	<u>333.962</u>
<u>14</u>	<u>0.213</u>	<u>44</u>	<u>1.142</u>	<u>74</u>	<u>16.860</u>	<u>104</u>	<u>356.207</u>
<u>15</u>	<u>0.254</u>	<u>45</u>	<u>1.219</u>	<u>75</u>	<u>18.815</u>	<u>105</u>	<u>380.000</u>
<u>16</u>	<u>0.293</u>	<u>46</u>	<u>1.318</u>	<u>76</u>	<u>21.031</u>	<u>106</u>	<u>400.000</u>

AGE	$1000 \cdot q_x^{2012}$	AGE	$1000 \cdot q_x^{2012}$	AGE	$1000 \cdot q_x^{2012}$	AGE	$1000 \cdot q_x^{2012}$
17	<u>0.328</u>	47	<u>1.454</u>	77	<u>23.540</u>	107	<u>400.000</u>
18	<u>0.359</u>	48	<u>1.627</u>	78	<u>26.375</u>	108	<u>400.000</u>
19	<u>0.387</u>	49	<u>1.829</u>	79	<u>29.572</u>	109	<u>400.000</u>
20	<u>0.414</u>	50	<u>2.057</u>	80	<u>33.234</u>	110	<u>400.000</u>
21	<u>0.443</u>	51	<u>2.302</u>	81	<u>37.533</u>	111	<u>400.000</u>
22	<u>0.473</u>	52	<u>2.545</u>	82	<u>42.261</u>	112	<u>400.000</u>
23	<u>0.513</u>	53	<u>2.779</u>	83	<u>47.441</u>	113	<u>400.000</u>
24	<u>0.554</u>	54	<u>3.011</u>	84	<u>53.233</u>	114	<u>400.000</u>
25	<u>0.602</u>	55	<u>3.254</u>	85	<u>59.855</u>	115	<u>400.000</u>
26	<u>0.655</u>	56	<u>3.529</u>	86	<u>67.514</u>	116	<u>400.000</u>
27	<u>0.688</u>	57	<u>3.845</u>	87	<u>76.340</u>	117	<u>400.000</u>
28	<u>0.710</u>	58	<u>4.213</u>	88	<u>86.388</u>	118	<u>400.000</u>
29	<u>0.727</u>	59	<u>4.631</u>	89	<u>97.634</u>	119	<u>400.000</u>
						120	<u>1000.000</u>

(7) Projection scale G2 (scale G2), which was developed by the society of actuaries committee on life insurance research, is a table of annual rates, $G2_x$, shown below, of mortality improvement by age for projecting future mortality rates beyond calendar year 2012.

Projection Scale G2
Female, Age Nearest Birthday

AGE	$G2_x$	AGE	$G2_x$	AGE	$G2_x$	AGE	$G2_x$
0	<u>0.010</u>	30	<u>0.010</u>	60	<u>0.013</u>	90	<u>0.006</u>
1	<u>0.010</u>	31	<u>0.010</u>	61	<u>0.013</u>	91	<u>0.006</u>
2	<u>0.010</u>	32	<u>0.010</u>	62	<u>0.013</u>	92	<u>0.005</u>
3	<u>0.010</u>	33	<u>0.010</u>	63	<u>0.013</u>	93	<u>0.005</u>
4	<u>0.010</u>	34	<u>0.010</u>	64	<u>0.013</u>	94	<u>0.004</u>
5	<u>0.010</u>	35	<u>0.010</u>	65	<u>0.013</u>	95	<u>0.004</u>
6	<u>0.010</u>	36	<u>0.010</u>	66	<u>0.013</u>	96	<u>0.004</u>
7	<u>0.010</u>	37	<u>0.010</u>	67	<u>0.013</u>	97	<u>0.003</u>
8	<u>0.010</u>	38	<u>0.010</u>	68	<u>0.013</u>	98	<u>0.003</u>
9	<u>0.010</u>	39	<u>0.010</u>	69	<u>0.013</u>	99	<u>0.002</u>
10	<u>0.010</u>	40	<u>0.010</u>	70	<u>0.013</u>	100	<u>0.002</u>
11	<u>0.010</u>	41	<u>0.010</u>	71	<u>0.013</u>	101	<u>0.002</u>
12	<u>0.010</u>	42	<u>0.010</u>	72	<u>0.013</u>	102	<u>0.001</u>
13	<u>0.010</u>	43	<u>0.010</u>	73	<u>0.013</u>	103	<u>0.001</u>
14	<u>0.010</u>	44	<u>0.010</u>	74	<u>0.013</u>	104	<u>0.000</u>
15	<u>0.010</u>	45	<u>0.010</u>	75	<u>0.013</u>	105	<u>0.000</u>
16	<u>0.010</u>	46	<u>0.010</u>	76	<u>0.013</u>	106	<u>0.000</u>
17	<u>0.010</u>	47	<u>0.010</u>	77	<u>0.013</u>	107	<u>0.000</u>
18	<u>0.010</u>	48	<u>0.010</u>	78	<u>0.013</u>	108	<u>0.000</u>
19	<u>0.010</u>	49	<u>0.010</u>	79	<u>0.013</u>	109	<u>0.000</u>
20	<u>0.010</u>	50	<u>0.010</u>	80	<u>0.013</u>	110	<u>0.000</u>
21	<u>0.010</u>	51	<u>0.010</u>	81	<u>0.012</u>	111	<u>0.000</u>
22	<u>0.010</u>	52	<u>0.011</u>	82	<u>0.012</u>	112	<u>0.000</u>

<u>AGE</u>	<u>G2_x</u>	<u>AGE</u>	<u>G2_x</u>	<u>AGE</u>	<u>G2_x</u>	<u>AGE</u>	<u>G2_x</u>
<u>23</u>	<u>0.010</u>	<u>53</u>	<u>0.011</u>	<u>83</u>	<u>0.011</u>	<u>113</u>	<u>0.000</u>
<u>24</u>	<u>0.010</u>	<u>54</u>	<u>0.011</u>	<u>84</u>	<u>0.010</u>	<u>114</u>	<u>0.000</u>
<u>25</u>	<u>0.010</u>	<u>55</u>	<u>0.012</u>	<u>85</u>	<u>0.010</u>	<u>115</u>	<u>0.000</u>
<u>26</u>	<u>0.010</u>	<u>56</u>	<u>0.012</u>	<u>86</u>	<u>0.009</u>	<u>116</u>	<u>0.000</u>
<u>27</u>	<u>0.010</u>	<u>57</u>	<u>0.012</u>	<u>87</u>	<u>0.008</u>	<u>117</u>	<u>0.000</u>
<u>28</u>	<u>0.010</u>	<u>58</u>	<u>0.012</u>	<u>88</u>	<u>0.007</u>	<u>118</u>	<u>0.000</u>
<u>29</u>	<u>0.010</u>	<u>59</u>	<u>0.013</u>	<u>89</u>	<u>0.007</u>	<u>119</u>	<u>0.000</u>
						<u>120</u>	<u>0.000</u>

APPENDIX IV
 Projection Scale G2
 Male, Age Nearest Birthday

<u>AGE</u>	<u>G2_x</u>	<u>AGE</u>	<u>G2_x</u>	<u>AGE</u>	<u>G2_x</u>	<u>AGE</u>	<u>G2_x</u>
<u>0</u>	<u>0.010</u>	<u>30</u>	<u>0.010</u>	<u>60</u>	<u>0.015</u>	<u>90</u>	<u>0.007</u>
<u>1</u>	<u>0.010</u>	<u>31</u>	<u>0.010</u>	<u>61</u>	<u>0.015</u>	<u>91</u>	<u>0.007</u>
<u>2</u>	<u>0.010</u>	<u>32</u>	<u>0.010</u>	<u>62</u>	<u>0.015</u>	<u>92</u>	<u>0.006</u>
<u>3</u>	<u>0.010</u>	<u>33</u>	<u>0.010</u>	<u>63</u>	<u>0.015</u>	<u>93</u>	<u>0.005</u>
<u>4</u>	<u>0.010</u>	<u>34</u>	<u>0.010</u>	<u>64</u>	<u>0.015</u>	<u>94</u>	<u>0.005</u>
<u>5</u>	<u>0.010</u>	<u>35</u>	<u>0.010</u>	<u>65</u>	<u>0.015</u>	<u>95</u>	<u>0.004</u>
<u>6</u>	<u>0.010</u>	<u>36</u>	<u>0.010</u>	<u>66</u>	<u>0.015</u>	<u>96</u>	<u>0.004</u>
<u>7</u>	<u>0.010</u>	<u>37</u>	<u>0.010</u>	<u>67</u>	<u>0.015</u>	<u>97</u>	<u>0.003</u>
<u>8</u>	<u>0.010</u>	<u>38</u>	<u>0.010</u>	<u>68</u>	<u>0.015</u>	<u>98</u>	<u>0.003</u>
<u>9</u>	<u>0.010</u>	<u>39</u>	<u>0.010</u>	<u>69</u>	<u>0.015</u>	<u>99</u>	<u>0.002</u>
<u>10</u>	<u>0.010</u>	<u>40</u>	<u>0.010</u>	<u>70</u>	<u>0.015</u>	<u>100</u>	<u>0.002</u>
<u>11</u>	<u>0.010</u>	<u>41</u>	<u>0.010</u>	<u>71</u>	<u>0.015</u>	<u>101</u>	<u>0.002</u>
<u>12</u>	<u>0.010</u>	<u>42</u>	<u>0.010</u>	<u>72</u>	<u>0.015</u>	<u>102</u>	<u>0.001</u>
<u>13</u>	<u>0.010</u>	<u>43</u>	<u>0.010</u>	<u>73</u>	<u>0.015</u>	<u>103</u>	<u>0.001</u>
<u>14</u>	<u>0.010</u>	<u>44</u>	<u>0.010</u>	<u>74</u>	<u>0.015</u>	<u>104</u>	<u>0.000</u>
<u>15</u>	<u>0.010</u>	<u>45</u>	<u>0.010</u>	<u>75</u>	<u>0.015</u>	<u>105</u>	<u>0.000</u>
<u>16</u>	<u>0.010</u>	<u>46</u>	<u>0.010</u>	<u>76</u>	<u>0.015</u>	<u>106</u>	<u>0.000</u>
<u>17</u>	<u>0.010</u>	<u>47</u>	<u>0.010</u>	<u>77</u>	<u>0.015</u>	<u>107</u>	<u>0.000</u>
<u>18</u>	<u>0.010</u>	<u>48</u>	<u>0.010</u>	<u>78</u>	<u>0.015</u>	<u>108</u>	<u>0.000</u>
<u>19</u>	<u>0.010</u>	<u>49</u>	<u>0.010</u>	<u>79</u>	<u>0.015</u>	<u>109</u>	<u>0.000</u>
<u>20</u>	<u>0.010</u>	<u>50</u>	<u>0.010</u>	<u>80</u>	<u>0.015</u>	<u>110</u>	<u>0.000</u>
<u>21</u>	<u>0.010</u>	<u>51</u>	<u>0.011</u>	<u>81</u>	<u>0.014</u>	<u>111</u>	<u>0.000</u>
<u>22</u>	<u>0.010</u>	<u>52</u>	<u>0.011</u>	<u>82</u>	<u>0.013</u>	<u>112</u>	<u>0.000</u>
<u>23</u>	<u>0.010</u>	<u>53</u>	<u>0.012</u>	<u>83</u>	<u>0.013</u>	<u>113</u>	<u>0.000</u>
<u>24</u>	<u>0.010</u>	<u>54</u>	<u>0.012</u>	<u>84</u>	<u>0.012</u>	<u>114</u>	<u>0.000</u>
<u>25</u>	<u>0.010</u>	<u>55</u>	<u>0.013</u>	<u>85</u>	<u>0.011</u>	<u>115</u>	<u>0.000</u>
<u>26</u>	<u>0.010</u>	<u>56</u>	<u>0.013</u>	<u>86</u>	<u>0.010</u>	<u>116</u>	<u>0.000</u>
<u>27</u>	<u>0.010</u>	<u>57</u>	<u>0.014</u>	<u>87</u>	<u>0.009</u>	<u>117</u>	<u>0.000</u>
<u>28</u>	<u>0.010</u>	<u>58</u>	<u>0.014</u>	<u>88</u>	<u>0.009</u>	<u>118</u>	<u>0.000</u>
<u>29</u>	<u>0.010</u>	<u>59</u>	<u>0.015</u>	<u>89</u>	<u>0.008</u>	<u>119</u>	<u>0.000</u>
						<u>120</u>	<u>0.000</u>

(8) The 1994 GAR table, which was developed by the society of actuaries group annuity valuation table task force and adopted as a recognized mortality table for annuities in December 1996 by the NAIC, and which is set forth in *Transactions, Society of Actuaries*, Vol. XLVII (1995), pp. 866 and 867, is recognized and approved as a group annuity mortality table for valuation and shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after April 1, 1998, under a group annuity or pure endowment contract. At the option of the company, the 1994 GAR table may be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1998, under a group annuity or pure endowment contract.

((4)) (9) In using the 1994 GAR table, the mortality rate for a person age x in year $(1994 + n)$ is calculated as follows:

$$q_x^{1994+n} = q_x^{1994} (1 - AA_x)^n,$$

where the q_x^{1994} and AA_x s are as specified in the 1994 GAR table.

WSR 13-21-145
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed October 23, 2013, 9:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-18-071.

Title of Rule and Other Identifying Information: Chapter 16-497 WAC, Hop disease quarantine, the agency is proposing to amend the hop disease quarantine by:

- (1) Lifting the quarantine against Oregon and Idaho;
- (2) Adding language to allow the director to issue special permits specifying the terms and conditions for the transportation, distribution, disposal, or planting of hop plants from the quarantine area;
- (3) Adding language regarding prohibited acts; and
- (4) Making the language more clear and readable.

Hearing Location(s): Moxee City Hall, Community Room, 255 West Seattle Avenue, Moxee, WA 98936 (please use street parking), on December 5, 2013, at 11:30 a.m.

Date of Intended Adoption: December 19, 2013.

Submit Written Comments to: Henri Gonzales, P.O. Box 42560, Olympia, WA 98504-2560, e-mail hgonzales@agr.wa.gov, fax (360) 902-2094, by December 5, 2013.

Assistance for Persons with Disabilities: Contact Henri Gonzales by November 21, 2013, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The hop industry, through the Washington hop commission, submitted a petition to revise chapter 16-497 WAC to reflect the interconnectivity of the hop industries in Washington, Oregon, and Idaho and the need for a regional quarantine. The current quarantine defines the quarantine area as all areas outside of Washington

making it extremely difficult to move hop plants from Oregon and Idaho into Washington. This revision along with parallel quarantines in Oregon and Idaho will give the northwest states a regional quarantine that would allow the movement of hop plants within the three states while maintaining the current level of protection from hop diseases.

Reasons Supporting Proposal: Quarantines are established that prohibit or regulate the movement of plants or plant products from designated areas within or outside the state in order to prevent the spread of diseases, plant pathogens, or pests. The hop disease quarantine was established in 1980 in order to prevent the introduction of dangerous diseases of hops in the state of Washington and potential subsequent economic impact to the hop industry. Although the quarantine has been in place for decades, the pressure from diseases is constantly changing. The affected industry has requested changes to the existing quarantine in order to adequately protect growers and bring the quarantine more into harmony with adjoining states.

Statutory Authority for Adoption: RCW 17.24.011, 17.24.041, and chapter 34.05 RCW.

Statute Being Implemented: RCW 17.24.011 and 17.24.041.

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

Name of Proponent: Washington hop commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Wessels, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1984.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal imposes no additional regulations or costs on Washington businesses. In addition, the proposal will benefit hop growers and nurseries by lessening the restrictions on bringing hop plants from out-of-state while maintaining the current level of protection from hop diseases.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

October 23, 2013
Brad White, Ph.D.
Acting Assistant Director

AMENDATORY SECTION (Amending WSR 09-18-116, filed 9/2/09, effective 10/3/09)

WAC 16-497-005 Hop disease quarantine—Definitions. (1) "Dangerous diseases" means:

(a) "Arabis mosaic viruses" means a grouping of viruses that are polyhedral, have a bipartite genome and induce diseases such as bare-bine, spidery hop, split leaf blotch and hop chlorotic disease. In combination with satellite RNA, arabis mosaic virus induces hop nettlehead disease.

(b) "Hop stunt viroid" means a group of viroids consisting of hop stunt viroid and its genetic variants.

(c) "Ilar viruses" means a grouping of viruses, including apple mosaic virus and Prunus necrotic ringspot, which share common characteristics including spherical in shape, with

genetic material in three different particles and commonly inducing ring spots in hosts.

(d) "Powdery mildew" means the disease caused by Podosphaera macularis (WALLR.: FR) Lind = Podosphaera humuli (DC) Burrill.

(e) "Verticillium wilt" means the disease caused by Verticillium albo-atrum Reinke & Berth. or hop strains of this organism.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(~~"Hop stunt viroid" means a group of viroids consisting of hop stunt viroid and its genetic variants.~~

~~"Har viruses" means a grouping of viruses, including apple mosaic virus and Prunus necrotic ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.~~

~~"Powdery mildew" means the disease caused by Podosphaera macularis (WALLR.: FR) Lind = Podosphaera humuli (DC) Burrill.~~

~~"Verticillium wilt" means the disease caused by Verticillium albo-atrum Reinke & Berth. or hop strains of this organism.)~~ (4) "Hops" means Humulus lupulus L.

(5) "Regulated articles" means plants and all parts (except the cones) of hops.

AMENDATORY SECTION (Amending WSR 80-01-093, filed 12/31/79, effective 6/1/80)

WAC 16-497-010 Quarantine area. The quarantine area is all ((areas outside of the territorial borders of the state of Washington)) states and districts of the United States outside of the states of Washington, Idaho, and Oregon.

NEW SECTION

WAC 16-497-035 Prohibited acts. The sale, offering to sell, transporting, disposing of, distributing and/or planting of regulated articles from or originating in the quarantine area are prohibited.

AMENDATORY SECTION (Amending WSR 09-18-116, filed 9/2/09, effective 10/3/09)

WAC 16-497-050 Exemption. The restrictions on the movement of regulated articles set forth in this chapter shall not apply to hop plants or parts of plants imported for research purposes by the United States Department of Agriculture or the ~~((state experiment stations in the state of))~~ Clean Plant Center at Washington State University, Prosser, Washington.

NEW SECTION

WAC 16-497-055 Permits. The director may allow by special permit the transportation, distribution, disposal, or planting of regulated articles from the quarantine area. Such permit shall specify terms and conditions pursuant to RCW

17.24.041 and 17.24.091. Permits may be requested by contacting the Washington State Department of Agriculture, Plant Protection Division, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560; fax 360-902-2094; or e-mail: PlantServices@agr.wa.gov.

NEW SECTION

WAC 16-497-065 Penalties and violations. All violations of this chapter shall be dealt with according to the provisions in RCW 17.24.141.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-497-020 Regulated articles.

WAC 16-497-030 Regulations—Conditions governing the movement of regulated articles.

WSR 13-21-147
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 23, 2013, 9:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-07-060.

Title of Rule and Other Identifying Information: Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations, governs employers who are permitted to self-insure their workers' compensation obligations pursuant to Title 51 RCW.

This filing modifies WAC 296-15-360 Qualifications of personnel, which governs how an individual becomes a certified claims administrator, as well as how they maintain that status. The rule currently requires that a certified claims administrator who chooses to recertify via continuing education earn seventy-five continuing education credits, with a minimum number of credits in three different categories. Those categories are named, but not currently defined in rule. The modified rule will rename one category from "elective" to "general claims education," provide a definition for each category, and clarify how course credits are assigned.

In addition, this filing modifies WAC 296-15-350 Handling of claims, to change the term "department-approved claims administrator" to "certified claims administrator," consistent with the terminology used in WAC 296-15-360.

Hearing Location(s): Department of Labor and Industries, Room S118, 7273 Linderson Way S.W., Tumwater, WA 98501-5414, on December 3, 2013, at 11:00 a.m.

Date of Intended Adoption: January 2, 2014.

Submit Written Comments to: Ginny Klapstein, P.O. Box 44890, Olympia, WA 98504-4890, e-mail Ginny.Klapstein@lni.wa.gov, fax (360) 902-6977, by 5:00 p.m. on December 3, 2013.

Assistance for Persons with Disabilities: Contact Ginny Klapstein by November 19, 2013, TTY (800) 833-6388 or (360) 902-6748.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule currently requires that a certified claims administrator who chooses to recertify via continuing education earn seventy-five continuing education credits, with a minimum number of credits in three different categories. This rule making defines those categories, renames one category, and clarifies how course credits are assigned. The requirement to earn a total of seventy-five credits remains unchanged.

Reasons Supporting Proposal: This rule making was requested and is supported by the Washington Self-Insurers Association whose members' claims administrators must comply with these rules.

Statutory Authority for Adoption: RCW 51.04.020, 51.14.030.

Statute Being Implemented: RCW 51.14.030.

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

Name of Proponent: Washington Self-Insurers Association, private.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Natalee Fillinger, 243 Israel Road S.E., Tumwater, WA 98501, (360) 902-6907.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was determined to be unnecessary based on RCW 19.85.025(3), as this change will simply clarify the language of the rule without changing its effect.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis was determined to be unnecessary based on RCW 34.05.328 (5)(b)(iv). As stated above, this change clarifies the language of the rule without changing its effect.

October 23, 2013
Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 06-06-066, filed 2/28/06, effective 4/1/06)

WAC 296-15-350 Handling of claims. What elements must a self-insurer have in place to ensure appropriate handling of claims? Every self-insurer must:

- (1) Establish procedures for securing the confidentiality of claim information.
- (2) Have sufficient numbers of ~~((department approved))~~ certified claims administrators to ensure uninterrupted administration of claims.
 - (a) There must be at least one ~~((department approved))~~ certified claims administrator involved in the daily management of the employer's claims.
 - (b) If claims are administered in more than one location, there must be at least one ~~((department approved))~~ certified claims administrator in each location where claims are managed.

(3) Designate one ~~((department approved))~~ certified claims administrator as the department's primary contact person for claim issues.

(4) Designate one address for the mailing of all claims-related correspondence. The self-insurer is responsible for forwarding documents to the appropriate location if an employer's claims are managed by more than one organization.

(5) Establish procedures to answer questions and address concerns raised by workers, providers, or the department.

(6) Ensure claims management personnel are informed of new developments in workers' compensation due to changes in statute, case law, rule, or department policy.

(7) Include the department's claim number in all claim-related communications with workers, providers, and the department.

(8) Legibly date stamp incoming correspondence, identifying both the date received and the location or entity that received it.

(9) Ensure a means of communicating with all injured workers.

AMENDATORY SECTION (Amending WSR 12-03-088, filed 1/17/12, effective 2/17/12)

WAC 296-15-360 Qualifications of personnel—~~Certified~~ claims administrators. (1) **What is a certified claims administrator?** An experienced adjudicator who has been certified by the department to meet the requirements of WAC 296-15-350(2).

(2) **How do I ~~((initially))~~ become a certified claims administrator for self-insured claims?**

~~((In order to become a certified claims administrator, you must first))~~ (a) Have a minimum of three years of experience, at least twenty hours per week, in the administration or oversight of time loss claims under Title 51 RCW. The experience must have occurred within the five years immediately prior to your filing of the application to take the "self-insurance claims administrator" test~~((-~~

~~You must then))~~;

and

(b) Take and pass the department's "self-insurance claims administrator" test.

After passing the test, you are designated a certified claims administrator. The initial ~~((designation of certified claims administrator))~~ certification is valid for five years.

~~((2))~~ (3) **How do I receive approval to take the test?** To be approved to take the "self-insurance claims administrator" test, you must apply ~~((to))~~ using the ~~((department))~~ department's online data base no less than forty-five days prior to the next scheduled test date.

The department will review your application and determine if you meet the minimum requirements to take the test. We will respond to your application no less than fourteen days prior to the next scheduled test date.

~~((3))~~ (4) **What happens if I fail the test?** ~~((If you are not currently a certified claims administrator and you fail the test, you must reapply to take the test again. You will not be permitted to retake the test until))~~ You may retest six months ~~((have passed))~~ after the failed ~~((result))~~ test.

If you are a certified claims administrator and you fail the test, your ~~((approval))~~ certification will be ~~((revoked. You must then reapply to take the test again. You will not be permitted to retake the test until six months have passed after the failed result.~~

~~(4))~~ terminated until you retest and pass.

(5) How does a certified claims administrator maintain their certified status beyond the initial five-year designation? A certified claims administrator may maintain certified status by:

(a) Retaking and passing the "self-insurance claims administrator" test as outlined in subsections ~~((4))~~ (2) and ~~((2))~~ (3) of this section;

or

(b) Remaining employed for a minimum of three of the last five years in the administration ~~((of;))~~ or ~~((the))~~ oversight of ~~((;))~~ claims under Title 51 RCW~~((;))~~;

and

Earning the required continuing education credits as outlined in subsection ~~((5))~~ (6) of this section;

and

Applying to the department for renewal.

~~((5))~~ **(6) What is required if I choose to maintain my certified status using continuing education credits?**

(a) You must earn a minimum of seventy-five credits and submit your renewal application prior to lapse of the certified status. Extensions will not be granted.

Credits must be earned in the following categories:

(i) Forty claims management credits~~((;))~~, defined as:

Instruction on any complex claim adjudication activity that is geared to an experienced adjudicator, containing information that goes beyond known, common everyday practices, including instruction on complex medical issues related to the adjudication of claims under Title 51 RCW;

and

That is not specific to the legal category.

(ii) Twenty legal credits~~((;))~~, defined as:

Instruction on any recent changes to: Title 51 RCW, the Washington Administrative Code, significant board decisions, and case law. "Recent" will generally be considered decisions and changes that occurred within the eighteen-month period prior to course submittal.

(iii) Fifteen ~~((elective credits (e.g., industry-specific training)))~~ general claims education credits, defined as:

Instruction on common everyday claims and related practices such as refresher classes, industry specific training, safety, and injury prevention courses. For this category only, credit will be awarded one credit for every hour of instruction.

Excess claims management or legal credits may be applied toward the ~~((elective))~~ general claims education credit requirement.

The seventy-five credits must include any training designated as mandatory by the department. If you fail to earn sufficient continuing education credits, you will be required to retake the written test to maintain your certified status.

(b) Assignment of course credit will be determined by the ~~((department))~~ curriculum review committee as follows: A maximum of one credit per hour of training will be awarded if all of the material submitted meets the definition

of that category. Credit will be assigned based on 0.5 increments; no credit will be awarded for increments less than 0.5. The curriculum review committee's decision will be final.

(c) Courses approved for elective credits prior to the effective date of this rule change ~~((that were assigned different credit categories))~~ will be applied as ~~((follows:~~

(i) ~~Claims process/procedure credits will apply toward claims management credits.~~

(ii) ~~Medical credits will apply toward claims management credits.~~

(iii) ~~Ethics credits will apply toward elective credits.~~

(d) ~~Individuals whose certified status expires between October 1, 2011, and September 30, 2012, and who exercise the continuing education option in lieu of retaking the test, must meet the following modified requirements. If the individual's certification expiration date falls between:~~

(i) ~~10/1/2011 – 3/31/2012: Earn a minimum of sixty credits (thirty-two claims management credits, sixteen legal credits, and twelve elective credits);~~

(ii) ~~4/1/2012 – 9/30/2012: Earn a minimum of sixty-five credits (thirty-six claims management credits, eighteen legal credits, and eleven elective credits)))~~ general claims education credits.

~~((e))~~ (d) You must track and report earned credits at the department's online data base. You must obtain and retain signed verification of courses attended. Verification of earned credits must be received by the department by the date the certified claims administrator's certification expires. Extensions will not be granted.

~~((f))~~ (e) The department may audit the reported credits of any certified claims administrator at random, or "for cause." Falsification of reported credits will result in revocation of the individual's certified claims administrator status, and may result in the department's refusal of future applications to take the self-insurance claims administrator test.

~~((6))~~ **(7) How often must certified claims administrators notify the department of changes to their contact information?** Certified claims administrators must notify the department within thirty calendar days of the effective date of a change in mailing address, work location, or name. Changes must be reported using the department's online data base.